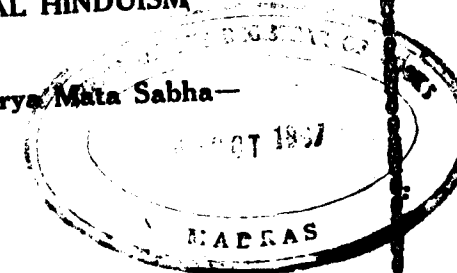


THE Bharata Dharma

A MAGAZINE OF LIBERAL HINDUISM

—The Official Organ of the Arya Mata Sabha—



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EDITORIAL NOTES

Dr. Annie Besant Centenary.

The Centenary of Dr. Annie Besant, we are glad to hear will be fittingly celebrated all over the country in the first week of October 1947. It is difficult to estimate adequately the great contributions she had made to every department of our national life. Of her contribution to the understanding of the Hindu religion in India and abroad, of her educational activities at Benares, Adyar and Madanapalle, of her pioneering work in the cause of Indian womenhood and greatest of all, of her political work for the liberation of India too much can never be said. It is a truism to say, that no Indian, barring of course Gandhiji, Tagore and Pandit Malaviya, has done so much in different fields of activities for India's good as Dr. Besant. In every one of these fields she touched the highest plane of activity rarely excelled by any other. Though born an Englishwoman she was Indian in mind, spirit, outlook and action. Her complete identification with India, her tradition and culture have made her a household word in India during her life-time. She has been an ever enthusiastic exponent of the Bharat Dharma. Indians everywhere we are sure will honour her memory and celebrate her centenary in a fitting manner as she was both in spirit and soul, an Indian first, Indian second and Indian always.

The Adyar Library.

As a part of the centenary celebrations of Dr. Besant it is a very happy idea of the authorities to celebrate the Diamond Jubilee (that is the completion of 60 years) of the famous Adyar Library. It is one of

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THE BHARATHA DHARMA

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the oldest cultural institutions in India, designed to help to revive oriental research, study and literature. The library contains one of the best collections of oriental manuscripts mainly in Sanskrit. The library of printed books on history, religion, philosophy and art contains valuable collections some of them dating as far back 1488. It may interest readers of Bharat Dharma to know that the library contains books in almost all the languages of the world. It contains in all about 75,000 books and manuscripts and art curios.

The Adyar library has also been responsible for many publications in Sanskrit, Prakrit, Pali, Tibetan, Chinese and English. It has been affording facilities for all research students and academic bodies interested in oriental learning.

The general public have reason to be grateful for the silent work done by the Adyar library. We earnestly trust and hope that the Diamond Jubilee celebrations will enable the library not only to enlarge its scope of work but to augment its material resources.

We wish the Adyar Library an ever expanding sphere of usefulness.

Freedom at Last.

The 15th of August 1947 was a day of universal rejoicings all over the country and in countries where Indians are settled. Let us in this hour of jubilation pay our reverent homage to the great patriots like Raja Ram Mohan Roy, Ranade, Dadabhai Nowroji, Gokhale, Tilak, Lajpat Rai, Das, Subash and Sastri, to name only a few who toiled and moiled in their own days and in their own glorious manner way for this dawn of India's freedom. Let us not forget also the countless patriotic young men who died fighting for the liberation of our Motherland. Nor can we on this occasion afford to forget "that broken honest dreamer

Who dreamed a life-time of his country's freedom,
Naked himself, he dreamed to clothe his people,
Fasting for months he sought to feed his people,
A solitary voice in the wilderness,
a lonely wanderer across the country.

Footsore-flesh, weary—a spirit as yet unbroken "

We have no doubt won our freedom, but we have to make that freedom safe for all. The measure of freedom is the intense and ceaseless effort to right the wrongs of two hundred years of slavery. The common man, the peasant, the worker and the people struggling

1947 JURISDICTION AND POWERS OF THE UNION CENTRE 119

against the oppression of an old out moded order of society must enjoy the fruits of this freedom—

Our "factories shall hum

To clothe the toiling millions,

The erst-while naked people.

And "not one stomach-shall starve of sense despair.

And not one body go unclothed and bare."

Further more it is up to us to strain every nerve to make

Pakistan one with India—a united India.

"The dissevered body shall be whole again

And we shall know once more that we are brothers

And naught ought, but staunchest friends shall remain.

And we shall forge together side by side,

An India where one banner shall be unfurled,

Proud banner of a country unified

To stagger the intriguers of the world,"

(From H. Chattopadhyaya's new poem Freedom come.)

JAI HIND.

Our Apology

Owing to reasons beyond our control in these days of paper control and difficulty we have been forced to issue this as a double number for September and October 1947.

JURISDICTION AND POWERS OF THE UNION CENTRE.*

By

SHRI GOVIND BALLABH PANT,

Prime Minister of United Provinces.

After centuries of foreign domination this ancient land of ours is going to breathe the refreshing and invigorating air of genuine freedom. You must have heard of the historic event that stirred the imagination and produced a wave of enthusiasm all over the country only this week when the National Flag for the Union of India was adopted unanimously by the Constituent Assembly.

The acceptance of this flag as the recognized emblem of the State is a concrete demonstration of the consummation of the objective for which several generations have laboured and many had sacrificed their

*By Courtesy—Director of Publicity, Consambly.

all. On the 15th of August this Tricolour flag will be hoisted all over the country. It will take the place of the existing flags in all official and state and public buildings. It will be the visible symbol of the new Union of India which is steadily taking shape.

The constitutional structure of this Union.

According to this scheme the Union of India will embrace almost the whole of India including the Indian States except the territories that may be included in Pakistan. We all wish that the unity of our country had been maintained intact. It is a matter of deep distress and sorrow to all of us that some of the areas in the North-West and the East are not joining the Federation of India. Let us hope that this breach will be healed and those who are keeping out will voluntarily come back to the Union and restore its integrity. But let us not forget that the seceding areas form but a fraction of the entire whole and even if these are left out, the Union of India will be almost the biggest State in the world. Out of about four hundred millions living in India the citizens of the Indian Federation will not be less than three hundred millions in any case and are likely to be greatly in excess of this figure. No other state can claim such a huge population anywhere else. This Federation will include the Provinces of Madras, Bombay, West Bengal, United Provinces, Bihar, East Punjab, Central Provinces and Berar, Assam, Orissa, Delhi, Ajmer-Merwara, Coorg and Andaman Nicobar islands and most of the Indian States. The representatives of the Indian States having a population of more than 60 millions have already joined the Constituent Assembly. This Union of India has vast possibilities. It has a mighty future before it and we can be sure that very soon it will come to occupy a very conspicuous place in the comity of nations and in the international world.

You would naturally like to know what this Federation is going to be like. I should first of all refer you to the Objectives Resolution which was passed by the Constituent Assembly in December last. The Constituent Assembly then declared its firm and solemn resolve to proclaim India as an independent sovereign republic wherein all power and authority shall vest in the people, wherein justice social, economic and political, equality of status, of opportunity, and freedom of thought, expression, belief, faith worship, vocation, association and action shall be guaranteed to all the people and wherein adequate safeguards shall be provided for minori-

ties and depressed and other backward classes so that this ancient land may attain rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

As you are doubtless aware, to begin with the powers of the Centre were strictly limited. According to the scheme of the Cabinet Mission of May 1946, besides Defence, External Affairs and Communications no other subject was to be included within the ambit of the Federal Centre, the residuary powers were to vest in the Provinces and no major communal issue was to be decided except with the consent of the majority of each of the two major communities. Momentous changes have occurred since, with the result that the Constituent Assembly has in law as well as in fact become a sovereign body. It is no longer subject to any limitations or restrictions. Its jurisdiction as well as its powers are supreme and unlimited, being no longer fettered by the conditions of the 16th May plan. The Union Constitution Committee, had decided that the Federation will have a strong centre. All subjects necessary for maintaining the might, authority and efficiency of the Federation have been included in the Federal list. Accordingly as many as 87 items have been already entered in it. Besides, there will be a concurrent list and residuary powers shall also remain with the Centre. In order, however, to facilitate the entry of the States into the Union and to remove any possibility of any misapprehension on their part the residuary powers in the case of the States will vest in them and they will not be required except with their own free will to cede wider powers to the Centre than those contemplated in the May 1946 statement. The Federation will have full executive authority to give effect to its decisions with regard to all matters coming within its scope and included in the list of Federal subjects. It will have, besides the ultimate authority and responsibility for the defence and maintenance of the State and of peace and tranquility in all the territories of the Union.

The authority of the Federation shall be vested in the President and the National Assembly comprising two Houses, namely, the Council of State and the House of the people. The term of office of the President shall normally last for 5 years and no President shall be eligible for re-election more than once. The President shall be elected by the members of the National Assembly of the Federation and the members of the Legislatures of all the units, and where the Legis-

lature is bicameral, by members of the Lower House thereof. The value of the vote of each member will be roughly in proportion to the number of voters in the constituency which he represents. The President shall not be less than 35 years in age. The Council of State shall consist of about 116 representatives of the Provinces and of about 70 from the States if all of them accede to the Federation. The representatives of the Council of State shall be elected by the members of the popular House of each unit. The House of people shall consist of the representatives of the people of the territories of the Federation in the proportion roughly of one representative for every million of the population. The elections to the House of the people shall be on the basis of adult suffrage. The elections for the said House will ordinarily be held once in every four years, and the maximum strength of the House of the people shall be between 300 to 400. The Council of State shall be a permanent body, not subject to dissolution and there shall be an election for filling one-third of the vacancies in the House every second year.

It must inevitably take some time even after the passage of the Constitution Act to set up the machinery prescribed therein. The preparation of the electoral rolls must precede the election of the members. But the process of transfer of power is proceeding very speedily. All British authority is going to be withdrawn from the 15th of August and from that date the Constituent Assembly will be the supreme Legislature with full power not only with regard to the framing of the Constitution but also about all matters of legislation and administration. The President will, however, be only a constitutional head and the real administration of the country will be conducted by the Council of Ministers under the leadership of the Prime Minister. The army, the navy, the air-force and all other Departments will be maintained and controlled by the people through their Ministers and until both the Houses of the National Assembly have been duly constituted, the Constituent Assembly shall itself exercise all the powers of both the Houses and until the President of the Federation has been elected in the manner prescribed, the Constituent Assembly shall be competent to elect a provisional President of the Federation. In order to meet any unforeseen difficulties the Federal Parliament shall have power to make necessary adaptations and modifications in the Constitution for three years from its commencement".

OUR NATIONAL FLAG: ITS HISTORY AND SIGNIFICANCE

By

S. R. VENKATARAMAN.

The history of our National flag is both romantic and interesting. For over forty years ever since the days of the Swadeshi movement of 1905, the need for a national flag was felt by our leaders. In 1909, one writer in the *Modern Review* for the month of November suggested Indra's Vajra as the symbol of our national flag. Sister Nivedita's books published by Longman's and Company carry an illustration of this Vajra. The *Modern Review* also published two flags with the Vajra symbol in two colours separately one with a red background with the Vajra in the centre in yellow colour and the other in blue with the Vajra in the centre in red colour. The Tamil poet Bharati has also sung in his song of the Mother's flag as containing the Indra's Vajra on one side and the Crescent of the Muslims on the other. But these were merely suggestions and were never seriously taken up and given effect to, mostly due to the hostile policy of the then Government which did not permit the use of a national flag.

In the year 1906, Indian Nationalists who were in exile in France and England prepared a national flag in Saffron, white and green—There were light stars in the Saffron band, the words *Vandemataram* were printed in Devanagari script in the white band, and in the green band were the emblems of the sun and the moon.

The credit for having successfully devised a national flag first should go to Dr. Annie Besant who during her Home Rule days in 1917, popularised the Home Rule League Flag consisting of red and green colours. This was very popular among the students section in those days. While she was interned in Coimbatore in 1917, she had the flag flown in her compound for a few hours, though the Government officials coming to know of this immediately had the flag pulled down.

In the year 1921, Mahatma Gandhi writing in his *Young India* (13-4-21) suggested that the National flag should be made of red, green and white. In the centre was to be the Charka in blue, representing the masses of the country who live by the spinning wheel.

This idea was taken up by all the Congress organisations in the country and the flag was used at all public functions. Congress volunteers, used it in their Prabhat Pheris and went in processions. On

the first of May 1923, Congressmen in Nagpur decided to take out a flag procession to the Civil lines in the city. The authorities banned the meeting, arrested the leaders and sentenced them. But the Congressmen were not perturbed by the Government ban. They continued their fight for some months. The Congress Working Committee which met in Nagpur on the 10th July gave their whole hearted support to the movement and appointed Sardar Patel to conduct the Satyagraha. The Congress also appealed to the country to send volunteers to participate in the Nagpur Flag Satyagraha. Hundreds of volunteers flocked to Nagpur to uphold the honour and dignity of the flag. Among those who participated in the Satyagraha was the late Seth Jamnalal Bajaj, who was arrested and sentenced to a fine of Rs. 3,000. He refused to pay the fine and the Government attached his car and tried to auction it to realise the fine. In Nagpur no one would come forward to bid the car of Jamnalalji to bid in the auction. So the Government had to take the car to Kathiawar to be auctioned. Meanwhile the Sardar fixed the 18th of July as the All India flag Satyagraha day and the entire town of Nagpur stood solidly behind the Sardar and was determined to celebrate the day in a fitting manner, come what may. The flag Satyagraha assumed an All India importance and volunteers flocked to Nagpur in their hundreds and thousands from all parts of India. The Government then realised their folly and decided to allow the Flag celebration day to pass off peacefully. They did not interfere. It was a victory for the Congress, the flag and the Sardar. Thus the 18th of July is a landmark in the history of the National flag. In this flag Satyagraha many heroes had suffered and died.

Till 1931 this flag was by convention used as the Congress flag though there was no official resolution of the Congress recognising it as such. It was in the year 1931, August 8th, that the congress passed a resolution recognising the flag as the Congress flag. The resolution runs thus:

"The National flag shall be three coloured, horizontal arranged as before, but the colours shall be saffron, white and green in the order stated here from top to bottom, with the spinning wheel in blue in the centre of the white stripe, the colours standing for qualities not communities. The saffron shall represent courage and sacrifice, white peace and truth, green faith and chivalry, and the spinning wheel the hope of the masses.

So in the year 1931 the red colour in the flag was changed to saf-

fron. Since 1931 the flag was used at all Congress functions as the Official Congress flag.

On the 22nd July 1947, the Constituent Assembly adopted the Congress flag with slight modification as the National flag of India. Pandit Nehru in a moving speech proposed the following resolution which was carried by the Constituent Assembly unanimously.

Resolved that the National Flag of India shall be a horizontal tricolour of deep Saffron (Kesari) White and Dark Green in equal proportion. In the centre of the white band shall be a wheel in navy blue to represent the Charka. The design of the wheel shall be that of the wheel (Chakra) which appears on the abacus of Sarnath Lion Capital of Asoka.

The diameter of the wheel shall approximate to the width of the white band.

The ratio of the width to the length of the flag shall ordinarily be 2 : 3."

The above resolution clearly defines the colours of the flag and it is necessary that they should be strictly adhered to. Again it must be understood that the colours stand for qualities and not for communities as defined in the Congress resolution of 1931. The Chakra (wheel) in the centre of the flag continues the traditions of the Charka. Pandit Nehru has explained the reasons for the change from the spinning wheel in the old Congress flag to the Asokan Wheel in this National flag. He says, "If you see the other side of the flag the spindle comes the other way and the wheel comes this way, or if it does not do so, it is not proportionate, because the wheel must be towards the pole, not towards the end of the flag. There was this practical difficulty". After considerable thought and study he decided on the wheel of Asoka as being the most suitable substitute for the Charka. Here the part, namely the wheel of the Asoka stands for the whole of the Charka. Besides in any work of Art some thing is to be left for the imagination of the people to fill in the details. Hence from the artistic point also the flag with the Asoka wheel is an improvement. Besides the Wheel of Asoka is also the symbol of India's ancient culture and tradition. Asoka was one of the most magnificent and magnanimous of the Indian Emperors. Under his rule, peace and religious toleration reigned supreme in the land. Cultural and religious Missions were organised to different parts of the world by this monarch so that peace and piety, toleration and fellowship may be established all

over the world. Thus this flag as Pandit Nehru pointed out is not a flag of Empire, a flag of Imperialism, a flag of domination, over anybody, but a flag of freedom not only for ourselves, but a symbol of freedom to all people who see it." "Wherever it may go, it will bring message of freedom to those people, a message of comradeship, a message that India wants to be friends with every country of the world and India wants to help any people to seek freedom."

Such is the history and meaning of the romantic and magnificent flag.

The National Flag and the Respect due to it

The celebration of the Independence day on the 15th of August demonstrated beyond a shadow of doubt the jubilation of the people of every community caste and creed on the attainment of freedom for India. It also demonstrated in what great veneration, love and affection the people held the newly devised National Flag. In some cases the enthusiasm of the people in showing their love and respect for the flag was so great that many out of pure ignorance and lack of knowledge of the respect due to the flag and the well known etiquette to be observed in respect of the flag have done acts which knowledgeable people will consider as disrespect shown to the flag. I was an eye witness to one such act of the flag hoisting ceremony in an important centre in the city of Madras. There were present Ministers, high ranking officers and the elite of the town. I found the national flag trailing on the ground and people unknowingly treading on the flag with their booted leg. Fortunately one Hindustan scout who is employed in the office where this thing took place saw it and in a trice rushed to the place, gathered the flag with reverent hands and saved it from further unintentional defilement.

It is therefore necessary that the ordinary public should first know all about the respect due to the flag. I shall here deal with some of the most important.

The rules relating to the hoisting and saluting the flag are very elaborate and every function connected with the flag is something of a ceremonial, for the flag represents the honour, tradition and ideals of the nation and as such is held in high respect and veneration by the people of the country which the flag represents.

The following rules may be mentioned as the irreducible minimum for the average citizen.

1. No flag should be flown before sun rise and after sunset. It should be flown every morning and lowered down every evening at sun down.

2. Every one should salute the flag wherever seen either by bowing to it or pausing in front of it for a second or turning the face towards it.

3. The flag under no circumstances should be allowed to touch the earth, water or trail on the ground.

4. No flag in the same premises shall be flown on a higher level than the National flag.

5. The flag should not be flown upside down or half mast which is a sign of distress. When flown at half mast the flag must be taken to the top of the mast and then lowered to the middle.

6. No letters or emblems or pictures should be printed on the National flag.

7. Only one flag should be flown on cars right or in front of the bonnet on a staff or pole.

8. The flag should not be used for covering any object or ceiling.

9. When carried along with other flags the National flag should be carried on the right.

10. The flag should be saluted when it is hoisted and lowered.

These few simple rules will be helpful to the average citizen.

THE STATES IN THE NEW SET UP*

Importance of Recent Decisions.

By

SARDAR K. M. PANIKAR.

The position of the States in the circumstances created by the withdrawal of British power in India is something which it is not quite easy for everyone to understand. The States of India which number over 560 were at no time during the period of British rule constitutionally intergrated with India. Technically they were foreign areas, governed by their rulers who had received guarantees of protection, and were in treaty relations with the Crown.

The actual unity of India, which was effective enough in practice, was achieved through the operation of paramountcy: in effect it was

* Text of Broadcast on 31st July 1947 from A.I.R. Delhi—Courtesy—Director of publicity consambly.

like a garland of stones of varying size and value which was held together by the authority of the Crown compendiously known as paramountcy. With the lapse of paramountcy the States will technically fall apart. This was what is meant by the oft repeated phrase that the States resume their independence on the date when the Crown withdraws its authority from India.

The implications of this doctrine of independence are many and extensive. If one looks at the map of India, it will be seen that apart from the Gangetic Valley, the area of what is known as British India is interspersed with the territories of Indian Rulers. In fact after the accession of the Pakistan Provinces, the area under the Indian States is practically equal in area to that of British India. They lie athwart the main lines of communications. If one travels from Muttra to Ahmedabad, there is hardly any territory of British India between these two great cities. If the States were to become independent, and the administrative unity which was so sedulously built up during the last 100 years were to break up, neither the Dominion nor the States would be in a position to function properly. Clearly some action had to be taken in order to preserve the unity and integrity of the Indian Union. The Cabinet Mission plan of the 16th May foresaw this danger and provided two alternatives for the States, the first to join in a constitutional relationship with the Union by surrendering Defence, Foreign Affairs and Communications, or alternatively to continue as they are in political relationship with the centre. Neither alternative, it will be seen, contemplated the complete independence of any State. The question was, however, to be decided only with the inauguration of the new constitution. The plan of 3rd June imported a new sense of immediacy into the question as the transfer of power on the 15th August without arrangements with the States would have led to disastrous consequences.

It was not possible therefore to delay the settlement of this problem till the new constitution was framed and accepted by the States. A method had therefore to be improvised and in consultation with representatives of States, it was decided that the best method of dealing with this problem was to have standstill arrangements regarding existing economic and administrative agreements, and also a limited accession to the Dominion on the basis of the 1935 Act for the three subjects of Defence, Foreign Affairs and Communications. What the standstill agreement means is that where there are existing arrange-

ments between the Central or Provincial Governments and the States, these are continued undisturbed till new agreements are negotiated to take their place. What the accession of the States means is that the Dominion of British India which comes into existence on the 15th August is in respect of the subjects included in the category of Defence, Foreign Affairs and Communications becomes a Union of both British India and the States. A constitutional relationship which never existed before is established between the States and the Dominion in a limited but important sphere. It is intended that these two arrangements should be given effect to at the same time as the Dominion comes into existence so that there is no hiatus between the establishment of a Dominion and the creation of a Union. Satisfactory negotiation have been going on between the parties on this matter, and some States have already declared publicly their intention of acceding to the Dominion as soon as constitutional formalities permit them to do so.

The importance of this decision may not be apparent at first sight. Only a few weeks ago many States were thinking and talking in terms of independence. Many were toying with the idea that it will be possible for the States, whatever their geographical position to join either of the Dominions, Pakistan or India or have relations with both. A moment's consideration would show the dangers which were inherent in these propositions. If it were open to a State surrounded on all sides by India to join Pakistan or have political relations with it and vice versa, then the independence of both Pakistan and India would have been seriously affected. As H. E. the Viceroy very rightly emphasised at his meeting with the Princes "the compelling facts of geography" limit the discretion of most States in the matters of accession. Now, both the dangers have been overcome. States, it is fair to conclude, will accede to the Dominion. The patriotism and vision of the leading Princes of India at this juncture are matters which have earned them our gratitude. We shall now start on the great voyage of independence with our country integrated, and with the Prince and people united in their desire to work for the common good of their great motherland.

INDIAN FREEDOM*

It was the 9th December, 1946. Inside the Constitution Hall 205 of the country's chosen and trusted representatives gathered to frame the Constitution of Free India.

One nationalist daily described it as "the first of the last steps to Freedom". Another said, "Solemn without being sepulchral, well-staged without being theatrical the proceedings did justice to the moment". It was in this setting that Dr. Sachchidananda Sinha's words rang out "Where there is no vision the people perish". The people of India have had a glorious vision of freedom and the dedicated life and that is why through these dismal centuries of oppression and degradation they have survived, survived to see the dawn of liberty. These men and women had been charged to incarnate India's glorious vision in a Constitution, "a Constitution reared for immortality," as Dr. Sinha said in his Inaugural Address.

After the routine business of setting up Committees to frame rules of procedure and for other preliminary work the house took up the matter of electing its permanent President. Dr. Rajendra Prasad, the beloved leader of Bihar, Scholar, Statesman and writer and a man of action withal was unanimously elected the President of the Constituent Assembly.

On December 13, Pandit Jawaharlal moved his Resolution of the Aims and Objects of the Constitution of the free Indian Union. He said "It is a Resolution and yet, it is something much more than a resolution, It is a Declaration, It is a firm resolve. It is a pledge and an undertaking and it is for all of us, I hope, a didication". The great Objective Resolution has since become India's Charter of Freedom. Pandit Nehru's speech was characterized by the Press as "magnificent in its range of vision, and in its high idealism, at once catholic and unbending". This resolution was eloquently supported by Sri Purushottamdas Tandon, the grand old man of the United Provinces.

For four days the discussions were continued until the Hon'ble President decided that further discussion of the Objectives Resolution be postponed to the January Session. Thereafter various important Committees were set up, the most important one being the Negotiat-

* With acknowledgment to the Director of Publicity, Constituent Assembly, New Delhi.—Ed.

ing Committee which was to confer with the States' Negotiating Committee for the purpose of fixing the distribution of seats, not exceeding 93 in number, reserved for Indian States, one for every million of population; and also of determining the method by which these representatives of the States should be returned to the Constituent Assembly.

On January 20 the Constituent Assembly re-assembled. After the necessary preliminary work the debate on the Objectives Resolution was resumed. Dr. Radhakrishnan, Mrs. Vijaylaxmi Pandit, Dr. H. C. Mukerjee and others participated in the debate. Pandit Jawaharlal Nehru was as eloquent in his reply to the debate as he had been six weeks before in moving his Objectives Resolution. He aptly emphasised the significance of freedom for the common, neglected man when he said, "I hope that this Resolution will lead us to a Constitution on the lines suggested by this Resolution. I trust that the Constitution itself will lead us to the real freedom that we have clamoured for and that real freedom in turn will bring food to our starving peoples, clothing for them, housing for them and all manner of opportunities of progress". Amid applause from the House and amid rejoicing in all parts of the country India's Charter of Freedom was adopted by the Constituent Assembly on January 21, 1947.

Initially an Advisory Committee of 50 members was set up and the President of the Constituent Assembly was empowered to nominate up to 22 further members. The Advisory Committee has the widest terms of reference of all the committees, set up and is meant to advise the constituent Assembly on the Fundamental Rights of citizens of the Union of free India, the protection of minorities and the administration of backward and tribal areas.

The various Committees have faithfully carried on the work entrusted to them and have thus enabled the Constituent Assembly to function rapidly and effectively.

After two and a half months of storm and stress, India's Constitution-makers reassembled on April 28, 1947, in Constitution Hall, New Delhi. The routine of presenting credentials and signing the register was enlivened this time by the presence of the Prime Ministers and elected representatives of Baroda, Jaipur, Jodhpur, Udaipur, Patiala, Bikaner, Cochin and Rewa. The then Diwan of Udaipur eloquently expressed what every one present felt. "Anyone," said he, "who is not moved by this historic occasion of the meeting of India's Constitution-

makers must have a heart as cold as the cold winds that blow in Simla in winter and as hard as the parched rocks one sees in flying over arid Baluchistan".

In his opening speech, the Hon'ble Dr. Rajendra Prasad, said, "Let us not, be daunted by the immensity of the task or diverted from our purpose by developments which may take place, but go ahead, with faith in ourselves and in the country which has sent us here." Verily, he had but expressed the unbending resolve of the whole House to push on with the work instead of waiting without end.

In replying to the President's cordial welcome the Diwans and representatives spoke with enthusiasm of the integral unity of India and of the fact that an isolated existence would be untenable for any State. Sardar Panikkar said, "We are here by voluntary association. There has been no coercion. No pressure has been brought to bear on us. Anyone who say that we were coerced insults our intelligence."

Pandit Nehru moved the resolution to record the Report of the Negotiating Committee set up by the Constituent Assembly and the States' Negotiating Committee. He too reiterated that there had been no coercion in bringing the States in except the compulsion of events. As Rajkumari Amrit Kaur said in her broadcast review of this session, "It was interesting to hear from his lips how the Negotiating Committees came to an agreed conclusion within two hours. This just shows that no problem is insoluble if the will to solve it is there."

The most important achievement of this brief 5-day session was the adoption of the Fundamental Rights as proposed by Sardar Patel on behalf of the Advisory Committee. There were interesting sallies during the debate on various clauses of the Report. Some one suggested that the Fundamental Rights had been framed from the Police Constable's point of view. Some one retorted that they had been formulated so as to obviate the police constable and save India for democracy! We must try and understand the significance of Fundamental Rights before we can appreciate how creditable it was for the committee that framed these justiciable rights which could not be substantially amended although many vehement attempts to do so were made.

Every free State is known by the rights that it maintains and every citizen of a free State has a natural and lawful claim on Society to have the conditions necessary for the good life. Prof. Laski, an acknowledged modern authority on the subject, says, "Rights are the groundwork of the State. They are quality which gives to the exercise of its

power a moral character. And they are natural rights in the sense that they are essential for the good life."

There was no conception of fundamental rights in ancient Greece where there were the free citizens or "haves" and the slaves or the 'have-nots'. The legal mind of the Romans conceived the idea of Roman Citizenship. The English *Magna Carta* and *Bill of Rights* gave the world a fuller formulation of the civic rights of the people. The French Revolution and the American Declaration of Independence were further milestones on the march of man to secure for himself those conditions without which life has no grand moral content. No great nation since then has framed its Constitution without incorporating these fundamental rights in one form or another.

From the point of view of the States' responsibility with regard to them, these rights can be called justiciable and non-justiciable or those which can be enforced by law and those which cannot. Unlike the fundamental rights incorporated in the Constitution of the U. S. S. R. and the German Reich which are not enforceable by law, and more like the Fundamental Rights of the Irish Constitution ours too shall be justiciable. Indeed, the Fundamental Rights adopted during the April-May Session of the Constituent Assembly reveal a vision of free India at once magnificent and modern. It is a great vision as nobly conceived as the Charter of India's freedom. When these justiciable fundamental rights become the law of the land the people will have the first taste of freedom and will find that far-reaching and staggering changes become necessary in their old outlook, scale of values and mode of behaviour.

With reference to territorial constituencies Mrs. Renuka Ray made an impressive speech congratulating the House on having abolished Special Constituencies which had kept Indian women in bondage. Reservation of seats for women, she held, was an insult to their intelligence and she was glad it was being abolished. She was sure that in a free India women would have a chance to prove their worth and fight elections from the general constituencies and win.

Pandit Jawaharlal Nehru presented the Report of the Union Constitution Committee. It is proposed to set up a sovereign Republic known as India, consisting of nine Governors' Provinces, five Chief Commissioners' Provinces, and such of the Indian States as decide to join the Union. Provision has been made to include new territories in the Federation by an Act of the Union Parliament. The

Parliament is empowered to create new Units, increase or diminish the area of any Unit or to alter its boundaries.

The Union Parliament will consist of two Houses, the *Raja Sabha* or Council of States, corresponding to the House of Lords, and the *Lok Sabha* or the House of People, corresponding to the House of Commons. The Council of States will consist of ten members nominated by the President in consultation with universities and scientific bodies, plus representatives of the Units on the scale of one representative for every million of population of that Unit upto five, million, plus one representative for every additional two million of the population subject to a total maximum of 20.

The House of the People will consist of representatives of the people of the territories of the Federation in the proportion of not less than one representative for every million of population and not more than one representative for every 750,000 of the population. Election to the House of the People shall be on the basis of adult suffrage. Ordinarily the life of the *Lok Sabha* will be limited to four years.

The head of the Indian Union will be known as *Rashtrapati* or President, who will be elected every five years by an electoral college. The President will be Supreme Commander of the defence forces of the Union. He will have the power to exercise the right of pardon, or commute or remit punishment imposed by any court exercising criminal jurisdiction. He will have the power to promulgate ordinances under exceptional circumstances when the Parliament is not in session. He can send a Bill back to the Legislature for reconsideration within six weeks.

Every citizen of the Union who has completed the age of thirty-five years and is qualified for election as a member of the House of the people shall be eligible for election as President.

A Vice-President shall be elected by both Houses of the Union Parliament in joint session by secret ballot on the system of proportional representation by means of the single transferable vote and will be *ex-officio* President of the Council of States. Also if at any time the office of the President is vacant the Vice-President will step in.

According to the Nehru Report and as accepted by the House, the Union Cabinet will be on the British model. The Leader of the majority party will be appointed Prime Minister by the President and the Council of Ministers will be appointed by the President on the advice of the Prime Minister. The Council of Ministers will be collectively responsible to the House of the People.

There shall be a Supreme Court of the Indian Union which will enjoy exclusive jurisdiction in disputes between the Union and a Unit, and between Units *inter se*; and jurisdiction with regard to matters arising out of treaties made by the Union; and in respect of other matters within the competence of the Union as the Union Legislature may prescribe; and jurisdiction for the purpose of enforcing the Fundamental Rights guaranteed by the Constitution. So far as the "British" Indian provinces are concerned the jurisdiction of the Supreme Court will be co-extensive with the present jurisdiction of the Privy Council. The Supreme Court shall have jurisdiction to decide upon the Constitutional validity of acts and laws of the Union or any Unit thereof. This is the main structure of the Union Constitution.

July 22nd, was a special day, the Flag Day, when the Constituent Assembly stood up in solemn silence as one man adopted the Tricolour with the Asokan *Chakra* in place of the *Charkha* as the flag of free India. The House had assembled in full and united strength. The galleries were overflowing. The atmosphere was tense with excitement. All through the proceedings, there was not one discordant note. Unanimity had blossomed like a flower in the desert. Congressmen, Leaguers, Harijans, Christians, Anglo-Indians, Sikhs, Adibasis, Parsis and all vied with one another in paying homage to the Flag of Independent India.

Amidst resounding applause Pandit Jawaharlal Nehru rose to move the resolution on the Flag. The idealist and poet moulded by destiny into a realist and statesman could not help reflecting in his speech an exalting idealism robed in arresting beauty and that high, animating courage that grapples with grim facts unbent, unvanquished, unafraid. "We tried," said he, "to find out a flag which was beautiful, because the symbol of a nation must be beautiful to look at. We thought of a flag which would in its combination and in its separate parts, somehow represent the spirit of the nation, the tradition of the nation, that mixed spirit and tradition which have grown up in these thousands of years in India. So we devised this flag."

Referring to the fact that the victorious close of the struggle for freedom had not been what all of us desired, but was marred by many things, he went on to say, "So in spite of everything that surrounds us, it is in no spirit of downheartedness that I stand before you but in pride and thankfulness for what this nation and the people of this nation have achieved."

Chaudhari Khalik-uz-Zaman, leader of the Muslim League Party, extending his whole-hearted support to the resolution said that it was the duty of all loyal citizens to enhance the prestige and honour of the flag. "I am confident," said he, "that every Muslim and Christian who is a citizen of India will take a pride in hoisting and honouring the flag."

After some twenty-two speakers representing all sections of India had pledged their allegiance to the National Flag of the Indian Union, Mrs. Sarojini Naidu wound up the proceedings of the day in an impassioned speech. "Under this flag there is no difference between a prince and a peasant." She said, "or between rich and poor, or between man and woman. Therefore, men and women of new-born India, Hindus, Muslims, Christians, Jains, Sikhs, or Zoroastrians, you are one indivisible whole and one indivisible spirit." Raising her right hand she urged "I bid you rise and salute the flag." And the house rose and saluted the Indian flag.

When the Constituent Assembly reassembles at Midnight on August 14, it will be for the purpose of taking over the affairs of an Independent India from British hands. A new chapter will open in India's history, a chapter of freedom, justice and equality, a chapter that can be glorious if every Indian citizen puts the country before self and does his utmost to make it glorious. As the proud Tricolour flaps victoriously in every village and city of liberated India, may it proclaim "Freedom for all and all for Freedom." For that is India's wish-has been her wish for centuries. Jai Hind!

Kuppuswami Sastri Research Institute, Mylapore, Madras.

The triennial report of the Institute for the years 1944 to 1947 is a record of the sustained and purposeful work done by the institute amidst difficulties inherent to all infant institutions. Nevertheless the institute has shown signs of a vigorous life and gives promise of a healthy and sturdy growth in the years to come.

It has been able to build up a modest library of about 3000 good and valuable books on Oriental languages, culture, art and civilization and has put on the market about ten publications dealing with Sanskrit language its rhetoric Tamil grammar religion and philosophy in general.

The Governing body of the Institute consists of such well known scholars philosophers and writers as Dr. S. Radhakrishnan, Dr. A. L. Mudaliar, Principal D. S. Sarma, Prof. P. N. Srinivasacharya Prof. M.

Hiriyanna Pro. K. A. Nilakanta Sastri, Pro. A. Shanmuga Mudaliar, Dr. Kunhan Raja Sri K. Balasubramania Iyer Sri S. Vaiyapuri Pillai, and Dr. V. Raghavan.

The first President of the Institute was the late Rt. Hon. V. S. Srinivasa Sastri, who during his life time spared no pains to place the Institute on secure foundations. The present President of the Institute is Sri T. R. Venkatarama Sastri, himself a deep and close student of oriental culture and civilisation.

The Institute is in need of funds to carry out the aims and objects of the Institute, and judged by its record of work during the last three years, it deserves the support of all lovers of culture of our land in an ever increasing and generous measure.

RESOLUTIONS PASSED AT THE HINDU DHARMA PARIPALANA CONFERENCE.

Held in Madras on the 5th and 6th July, 1947.

1. That Agama, Veda, Tevara and Prabhandas be started and that only those who have successfully undergone training in them be appointed for performing pujas in temples.

That the H. R. E. Board do appoint a committee to draw up suitable syllabuses and conduct examinations.

3. That it be made a rule that the executive officials of temples and mutts should have religious education besides the general one, and that the aforesaid committee itself be authorised to prepare syllabuses and conduct examinations for this purpose.

4. That only those who have faith in the principles and practices of temples and mutts be taken for service in them.

5. That students in the existing colleges be helped to acquire higher knowledge in Hindu religious literature, and that a separate theological college be also established besides to impart that higher knowledge.

6. That properly trained persons be appointed as religious pracharakas on a large scale.

7. That until such fully qualified pracharakas become available, suitable persons be selected from Vidwans and Siromanis or from those who have already attained some distinction as able speakers, given a special course of training in religious knowledge and methods of preaching, for a period not exceeding one year, and employed as pracharakas as an interim arrangement.

8. That Agamas and other religious works and works on sculpture and other fine arts which are not available in print be published.

9. That the H. R. E. Board be directed to arrange for the publication under its auspices of a religious monthly, by properly qualified persons.

10. That the Government be requested to appoint an Advisory Committee representative of all branches of Hinduism to offer suggestions to Government for the improvement of religious institutions and to tender advice on matter referred to it.

11. That the Government be requested to amend the H. R. E. Act in such a way as to ensure that constructive religious work is done under its provisions.

12. That Advisory Committee be attached to Mutts and Temples consisting of representatives of the disciples of the mutts and of worshippers respectively to advise the heads of Mutts and trustees.

13. A. That the income from temples and mutts be spent in the following order :

- i. Daily pujas and festivals according to *Dittam* ;
- ii. Repair to temple and mutt buildings, temple tanks etc., ;
- iii. Religious propaganda ;
- iv. Affording necessary facilities for pilgrims ;
- v. Giving financial assistance to temples in the neighbourhood, with very low incomes, and keeping them in good repairs.

B. That a special Committee be appointed to examine and redetermine the *Dittams* with reference to the nature and needs of the times.

14. That it be requested that Inam lands belonging to temples and mutts be exempted from the operation of the proposed Zamindari legislation.

15. That correct inventories of all properties belonging to temples and mutts be taken, that steps be taken to recover lost properties, that a survey be taken of lands remaining unsurveyed and that a Commission be appointed to find out and report whether all the legitimate income from them is collected for those institutions.

16. That the Government be requested to increase their *Mohini* (money) grants with reference to the present times.

17. That persons with proper education, religious knowledge, sampradaya achara, and character be appointed as Thanbirans, that they be adequately paid, given proper facilities, shown becoming respect,

and appointed as in olden times to posts of Kattalai, Karbar Junior Head according to their deserts, so that they may be effective advisers to their Heads in executive and religious spheres and render religious and social service to the public.

18. That this Conference do convey to the Government its emphatic opinion that the proposal to start and maintain a university from the funds of the Tirupathi Devasthanam is improper and unnecessary, and that further it is impracticable to do so from the present income, and request the Government to drop their proposals.

19. That the above resolutions be communicated to the Hon'ble Prime Minister to the Government of Madras and that he be requested to appoint a suitable officer from the H. R. E. Board to collect necessary data, so that suitable steps may be taken to implement the resolutions.

20. That the organising Committee of this Conference be accepted as a Working Committee with powers to Co-opt having the president of the conference as its President, in order to carry out the objects of the Conference.

REVIEWS OF BOOKS

Nehru, thy Neighbour by P. D. Tandon, The Signet Press, Calcutta. Rs. 7-8-0.

Next to Gandhiji, Nehru is the most important and outstanding leader in Indian politics noted alike for his great intellectual gifts and international outlook. He has played a noble and heroic part in our country's battle for freedom during the last thirty years and more. In recent times as the Premier of the Interim Government and of the Dominion Government of India he has shown great leadership and vision, courage and statesmanship of no mean order.

This book about one of India's great leaders contains appreciations from many leaders and writers of note, Indian and foreign, and deals with Nehru as a writer, soldier, Karma yogi, an artist, a winged messenger of freedom, as a world citizen and a dedicated soul. These titles sufficiently indicate the wide range of the book. We get a kaleidoscopic account of Nehru in this book.

Gandhiji in his foreword remarks : " His nationalism is equal to his internationalism ; Gurudev describes him thus, "Jawaharlal is the *Rituraj* representing the renewal of youth and victorious joy and an

invincible fight against wrong and uncompromising loyalty to the cause of freedom." Nehru's great friend, Madame Chiang Kai Shek, speaks of Nehru as a writer and says that "Long after the noise and confusion of political battle have died away and become a memory of the past literary fame will continue and it is not foolhardy to prophesy that Nehru will continue to shine as a star in the firmament of English literature so long as the English language lasts." H. N. Brailsford that well-known friend of India and first rate journalist pays high tribute to Nehru when he says "If at last most Englishmen are ready and some Englishmen are eager to end their Empire over India it is this steadfastness in suffering and above all Nehru's steadiness that wrought our conversion." Humayun Kabir calls Nehru, an artist. He says, "Mountains attract him, sunsets haunt his memory, beautiful words and acts enrich his life. Against the consciousness of such experiences stand the suffering pain and injustice of the world. It is against their ugliness that he has raised his standard of revolt."

The book contains appreciations by thirty writers including the one entitled self-portraiture by Nehru about himself which he contributed to the Modern Review several years ago under the pen name of "Chanakya". The article reveals that he has an introspective mind and Pandit Nehru portrays himself with rare detachment in this article.

The book, in point of its content, printing, get-up and binding is in a class by itself. The printing and the paper are high class and the art plates at the end of book add to the beauty and value of this book. The Signet Press of Calcutta deserves credit for setting up new standards in printing books. In future there will be no need for our well-known authors to resort to foreign publishers to get their works published. The book is a very valuable contribution to the understanding of Pandit Nehru.

ENGLISH.

How Jayprakash Escaped from Hazaribagh Prison? (Sind Congress Socialist Party, Karachi, As. 6) deals with the successful attempt of Jayprakash in escaping from prison. Some his comrades have described the attempt in this book.

Freedom come: H. Chattopadhyaya, Nalanda Publications, As. 12.

The renowned poet and singer, Harindranath has sung with full throated ease at the dawn of freedom, the glory and prospect of that freedom. There are many purple patches in the poem and his poetic fancy imagery reaches empyrean heights now and then His exhortation.

"The Mother is divided on the map."

"She shall not be divided in her hearts"

is heartening and deserves to be followed.

What becomes to the Soul After death? Swami Sivananda. Rishikesh, Rs. 2-8-0.—The Swami has been bringing out many useful publications on Hindu religion and philosophy for the last several years. The book under review emphasises in very clear and simple language and in a convincing manner that the soul is eternal and immortal. Birth and death are just like doffing old clothes and donning new ones and people of understanding need not feel sorry at the loss of their nearest and dearest. The Swamiji explains the value of performing Shraddhas and Tarpanas for the departed souls so that their onward march may be facilitated, and their blessings may be vouchsafed to us. It tells us that we need not fear death. A book every Hindu should read.

Ethical teachings of Swami Sivananda Rishikesh. Rs. 3-8-0 is an authoritative Code of morals written in simple and understandable language for the average reader. The need for leading an ethical life in these days of rank materialism, cannot be over emphasised. The book under review covers all aspects of our life and contains many practical suggestions for the common man. The Freedom we have won will be useless without a well regulated ordered ethical life by the largest number of our people. There is great urgency to recapture the old spiritual Gospel of our Ancients which made for concord and peace in this world. This book aims at bringing about that result.

My saviour: S. Subramanya Sastri M. A., Karamanai, Trivandrum. This is a biography of Swami Subbier a lineal descendant, in the spiritual line, of Sri Ramalingaswamikal of Chidambaram. Swami Subbier was not only a great religious teacher but had marvellous powers of spiritual healing. The author's eye sight which was failing was restored to the author through the grace of the Swamiji. Mr. Sastri has done a service to the English reading public by bringing out this book which is both interesting and enlightening.

(1) **My search for Truth**—Dr. S. Radhakrishnan (2) **A pilgrim's Progress** By C. F. Andrews—Published by Shiva Lal Agarwala & Co., Ltd., Hospital Road, Agra. Price Rs. 1-8 each.

In the above two brochures, the distinguished authors, one a Hindu and another a Christian have traced the growth of their spiritual lives and the formative influences that contributed to the eminence of their spiritual and religious life. Two inspiring books.

Bibliography—of writings of P. K. Gode M.A., Curator, Bhandarkar Oriental Research Institute Poona—Rs. 3.

The bibliography contains a list of published articles of Mr. P. K. Gode who in the midst of his onerous duties as curator of the Bhandarkar Oriental Research Institute has been able to carry on independent research into Sanskrit language and literature with a steadfastness of purpose and sustained enthusiasm that is hardly to be met with any other person placed in a similar position. The reviewer had the pleasure of meeting Mr. Gode in his own home, at Poona recently which is a library, academy and Gurukula all rolled into one. A mere reading of the title of the papers will reveal the variety and scope of the subjects dealt with by the author. The bibliography lists about 336 papers of Mr. Gode. As most of the articles of Mr. Gode are in the nature of contributions to learned Journals the ordinary reader may not have easy access to them. It is desirable that his writings are published separately in book form at an early date so that a wider public may share the benefit of these valuable researches.

The New Gita. By S.M. Micheal South India Printing Works Nagercoil Rs. 1—4.

In this book, the author, has made an attempt at reconciling the Ancient with the modern, the Occident with the Orient, Krishna with Christ Buddha with Mohamad, Marx with Manu. It is a thought provoking book in English Verse, which students of comparative religion may find interesting. But we feel convinced that it can never take the place of the Bhagavat Gita.

Tamil.

Ki Pi 2000—Pro. M. Varadarajan. Tamilar Padippagam 81 Lingi Chetti St. G. T., Madras Rs. 1—12—0. The author tries to visualise the life of the people in 2000 A.D. The life of the people will be organized on a co-operative basis with freedom for every one so long as that freedom does not injure the freedom of others. Communal kitchens, and a new system of craft centred education for children, will come into vogue. Women will be freed of the drudgery of the kitchen and child rearing, but not of child bearing. The book does not deal with the economic structure of the Society, which is a serious omission.

Manoratham K. Sri Pesum Padam office, Madras 14 Rs. 1—4—0.

The author—a well known writer of short stories in Tamil—has published this collection of short stories which had appeared in various Tamil journals. The stories are well written and depict some of the poignant situations in ordinary life.

THE BHARATHA DHARMA

The Bharatha Dharma, a high class cultural journal, is the official organ of the Arya Mata Sabha devoted to the discussion of all topics of interest calculated to promote brotherhood and unity among the various sections of the people of Hindustan, such as religion, art, culture, politics, economics, sociology etc., from the point of the liberal Hindu thought.

The Bharat Dharma circulates widely in India, and abroad.

Besides individual subscribers the Bharatha Dharma is read by a wide circle of scholars and publicists, as copies of this journal are placed on the tables of many public reading rooms libraries, research institutions and other Academic bodies and colleges in India and abroad.

CONTRIBUTIONS. Articles intended for publication in the Bharatha Dharma should reach the Editor by the 15th of the preceding month to be included in the succeeding months' issue. The Manuscripts should be typed on one side of the paper in double space.

REVIEWS. Reviews of books are a regular feature of the journal. Two copies of the book intended for review should be sent.

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