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CONTENTS.

	PAGE
TOPICS OF THE WEEK	289
ARTICLE :—	
A Declaration of Rights	291
SPECIAL ARTICLES —	
The Khilafat and the Turkish Treaty.—II. By C. F. Andrews.	291
The Responsibility for the Punjab Tragedy By V. N. Tivary M. A.	293
A LETTER FROM LONDON	295
CORRESPONDENCE:—	
Indian Overseas Association By Hy. S. L. Polak.	297
The Conscience Clause By Rev. Dr. N. Macnicol M. A.	298

TOPICS OF THE WEEK.

THERE can be no doubt that bitter memories of the Punjab will take away from the enthusiasm with which the people of India would otherwise welcome His Royal Highness the Prince of Wales. But we do not approve the threat actually held out at certain meetings and conferences that people would not participate in loyal reception due to the illustrious visitor so long as official atrocities under martial law remain unavenged. The visit is arranged presumably with the knowledge and consent of responsible Ministers of the Crown, and it is an act open to the public to criticise. Nevertheless it is unwise as well against the best usage of British subjects to refuse or threaten to refuse welcome to Royalty. We would urge utmost firmness on the part of the Government of India in punishing their officials. They gave them a free hand during the trouble. This circumstance ought to make them the more determined in punishing the abuse of that freedom. It is a fact that the Indian Penal Code looks upon Government officials, who abuse their power, as worse than private persons in similar circumstances. The Government of India will have a rude awakening if they imagine—we can hardly believe they do imagine—undue leniency on their part towards their officials in deference to Anglo-Indian opinion will escape severe condemnation of the public in consideration of the forthcoming visit of His Royal Highness. It is quite within the power of Government by doing the right thing at the right time to secure to the Prince utmost cordiality in his reception by the public. We yet trust they will prove equal to their responsibilities

* * *

If the statements of about a thousand returned Indians from Fiji are to be relied upon—and there seems to be no reason to doubt them—our countrymen seem to have had a very bad time of it during the recent Martial Law days there. The number of casualties, both killed and wounded, though not very large, is surely large enough for the Indian community there. But what is to be deplored most is the humiliating treatment to which some of them, both men and women, were subjected. In the art of inventing 'fancy punishments' designed to kill the self-respect of a whole community and inflicting them with an iron hand on persons of both sexes, the Fiji Martial Law authorities seem to have beaten even Col. Johnson, Col. O'Brien and General Dyer of the Punjab fame. In Fiji even the chastity of women does not seem to have been respected, not to mention their arrests and trials for sedition. 'Crumbs were thrown to them as if they were dogs.' These charges are serious enough to merit an inquiry by an independent and impartial commission presided over by an un-biassed outsider with at least an equal number of Europeans and Indians. In stead, however, 'a Government Commission including Indians was inquiring into the alleged grievances.' This was towards the end of February last. Whether this Commission has since finished its labours and if so, with what result, are matters on which the Indian public would like to be enlightened. In Fiji as in Punjab, the principle of 'minimum force necessary' was systematically flouted; Martial Law was proclaimed after the rioting had ceased and was continued long after order had been restored. We hope Mr. Montagu will strongly press for an open enquiry.

* * *

THE offer of free passage to India proposed by the South African Asiatics Commission for those of our countrymen who might volunteer to return is conditional on the returning persons giving up their rights of domicile in that Colony. To make Indians thus to part with one of their cherished rights in return for a free passage is surely to take an unfair advantage of their difficulties to rid the Union of their undesirable presence. If they continue in the Colony, they suffer humiliations and hardships; if they return, they lose a valued right. What should they do under the circumstances? Mr. Gandhi who does not conceal his dislike for the voluntary repatriation scheme evidently does not object to its being tried. He is, however, hopeful that 'not many Indians would take the doubt-

ful advantage of the scheme. Mr. Andrews on the other hand, who has studied the situation on the spot, would advise Indians in the Union to return to their mother-country, though they may thereby forfeit their domicile. Sir Benjamin Robertson, who seems to be in close touch with the Indian feeling on the point, expressed a hope that there would be a large exodus of Indians from the Colony. To our mind, India stands to lose nothing by the scheme being tried and we would suggest the association of an Indian with Sir Benjamin even at this late hour to watch the working of the scheme

* * *

MR. ANDREWS' speech at the East African meeting in Bombay last week displays a commendable grasp of the problem and is entirely free from exaggeration which Lord Milner so much deprecates. The hardships and disabilities under which our countrymen labour in that Colony would appear to be many; but what they desire above everything else is a complete equality of status and a removal of all legal and administrative inequality existing at the present time. Not enjoying the power of vote, they have no duly elected representatives in the Legislative Council of that Colony, only two seats in a Council of 20 members being filled by what Lord Milner terms as 'nominated representatives.' In regard to this point, however, the Colonial Secretary seems to hold out some hope and we join Mr. Andrews in urging that, when the present arrangements come to be revised, what is known as the 'Cape Colony principle' should be made applicable to East Africa, conferring equal citizenship on Indians as well as Europeans. The East African Government must also make better provision for the educational as well as the sanitary requirements of the Indian community; and should not lend any countenance to efforts at racial segregation.

* * *

THE statutory limit on the number of members of the Governor-General's Executive Council being removed under the provisions of the Reforms Act, the Government of India have added a second Indian member in the person of the Hon'ble Rao Bahadur B. N. Sarma to the Council, making the total number, including the Viceroy, nine. Sir George Lowndes is due to retire towards the end of the year and his successor will be the third Indian member in accordance with the Joint Committee's recommendation. As regards Mr. Sarma, we have no doubt he will prove equal to the new responsibilities. To indefatigable industry in the public cause he joins unflinching independence. As a member of both the Madras and the Indian Legislative Councils he has distinguished himself by hard work and has made a name for himself as one of the most pains-taking members. His close study of Indian finance and economics, of which he has given ample proof already, will stand him in good stead. We have not yet heard the last of the Punjab affair and when questions

like the punishments to be meted out to civilian as to military officers, who were guilty of excesses during the martial law period come up for consideration before the Government, we are sure the public will feel confident that their interests are in safe hands. We offer our hearty congratulations to Mr. Sarma.

* * *

IN his recent letter to the Press, Sir Michael O'Dwyer charged Dr. Muhammad Boshir of Amritsar with having 'taken a leading part in the acts of rebellion on April 10.' The gentleman in question has since emphatically repudiated the charge stating that 'even the Police hirelings and the so-called eye-witnesses did not depose against me, and never mentioned my presence there' (at the National Bank). Another charge sought to be fastened upon him is that he was the organiser of the Jallianwalla Bagh meeting. The resolutions that were to come before the meeting were perfectly legitimate and there was nothing in them for which any constitutional 'agitator' need feel ashamed. But even with such a meeting Dr. Boshir 'had nothing to do.' 'It was arranged by Hans Raj who became approver afterwards; but who knows that even at that time he may be under the thumb of the Police?' 'Constitutional agitation to me is my birth-right and I have no intention to desist from it even at the risk of being exactly treated as before.' This is the man, who, in Sir Michael's eyes, is a 'rebel'!

* * *

ALL non-official endeavours to bring district administration into closer touch with the people have so far failed, the latest to meet the same fate being the one by the Hon'ble Mr. B. Venkatapathy Raju in the Madras Legislative Council. The advantages of consulting public opinion on important questions touching the welfare of the district by means of occasional conferences of both officials and non-officials are too many and too obvious to need mention. Our regret therefore is all the greater that Lord Willingdon's Government should have resisted Mr. B. V. Raju's modest demand for six-monthly district conferences. More than eight years have elapsed since the late Mr. Gokhale made a fruitless attempt in the Imperial Legislative Council for the establishment of District Advisory Councils and one should have thought Government had learnt better in the meantime. Apart from their inclination to learn and benefit, they seem to be suffering from a total lack of gracefulness. Else they would have thought twice before allowing the new Councils with a preponderating elected element to take to themselves the easy credit of introducing this desirable innovation into the administration. Besides the grounds on which such requests are generally opposed are far from convincing. Perhaps the strongest argument on the other side is that the proposal, if carried out, might result in a reduction of efficiency. If our Legislative Councils have not done so so far, how will these conferences do it?

A DECLARATION OF RIGHTS.

HARSH and indiscriminate operation of repressive laws together with official excesses in the Punjab last year has made many thoughtful Indians desirous of having a Parliamentary statute acknowledging that Indians have the elementary rights of citizenship, viz. freedom of person and property, freedom of speech and writing, freedom of public meeting, freedom of association, freedom of religious worship, and so on. The Nationalist party have given such a declaration of rights a high place among demands on behalf of India. The Moderate party are challenged to do likewise or show sufficient cause to the contrary.

It is true these are not very keen on pressing for such a declaration and do not regard it as a *sine qua non* of co-operation with Government. It does not mean that they do not wish to secure the elementary rights of citizenship for Indians or that they would oppose a statutory declaration of these rights, if it were contemplated. On the contrary, they recognise that a declaration of the kind has great educative effect on the people, to whom it brings a vivid consciousness of their rights and at the same time acts as a moral restraint on the arbitrary tendencies of the executive and the legislature. For a declaration of rights to be of practical utility in a self-governing country, it is necessary, as in the case of the United States of America, to provide a specially difficult and dilatory procedure in the constitution for its modification or abrogation. Experience has shown that even in advanced democracies there are risks of the majority trampling on the rights and feelings of the minority. Absolute immutability is impossible. All that can be done is to make a suspension or cancellation of guaranteed rights a matter of great difficulty.

In England the constitution may be altered by Parliament in the ordinary way provided for by legislation. So long as Parliament is omnipotent, a declaration of rights is not of much value. Some writers have put forward proposals depriving Parliament, which is daily becoming more and more Socialistic, of the right to legislation against property and capital. But they recognise the inutility of the deprivation unless the constitution is so changed as to make it difficult for a determined majority to repeal it. The ordinary Englishman therefore does not understand the value or need of a declaration of rights similar to the one in the American or French constitution. It is next to impossible to persuade him to grant the people of India what is unknown to his constitution. He can also point with pride to the fact admitted on all hands that without a declaration of rights he enjoys practically greater individual freedom than an American or Frenchman with such a declaration. We have referred in a previous issue to an article by Mr. Graham Wallas, in which the contrast is pointed out in a striking manner. During the recent war, America has seen far more violations of natural rights of citizenship than England, and an

American writer refers exultingly to the facts, that shiploads of workmen were deported summarily from the shores of America, that much arbitrariness and cruelty attended their arrest, and that very little chance was given to them of defending their rights at law. How little the doctrine of rights of man stayed the bloodstained hands of revolutionaries in France is known to history. Nor will a declaration of rights for Indians protect them against proclamation of martial law, as some people fondly hope. Suppression of the ordinary civil laws of the land is an ultimate right of the sovereign power which it is free to exercise when the State is in jeopardy. That is why we consider it is not practical politics in face of advancing Bolshevism and other dangers to leave the Government of India responsible for 300 millions dependent on emergency powers or the will of the Parliament of Great Britain. A proper and careful exercise of these emergency powers must be secured by vigilance of public opinion, on the one hand, and, on the other, by the certainty that officials will be called to account duly for excesses and misdeeds committed in bad faith. In ordinary times, *habeas corpus* and other well-known remedies enable an aggrieved citizen of England to defend his rights by processes of law against the high-handedness of the executive. The existence on the Indian statute book of a number of repressive laws, not the absence of a declaration of rights, is the root cause of our troubles. Strenuous efforts must be made by all parties combined to secure the repeal of these repressive laws one by one. Difficult as it is, it is much less so than an acquisition of a comprehensive declaration of rights from the Imperial Parliament and seems to us far more likely to build up the strength of our people and break their arm-fetters by combined exertion than wait indefinitely at the door of Parliament for a remedy to which that body is not accustomed.

We have refrained for reasons of space from citing opinions of constitutional writers in favour of the position expounded in this article. Of course, a declaration of rights being one of the topics that lie at the very root idea of freedom, writers of text-books are by no means unanimous as to its utility. But the student will not be long in discovering that genuine lovers of liberty may be found on either side of the dispute, and it affords no infallible method by which to test the real quality of the patriot. Ridicule and abuse cannot produce conviction where reasoning on essentials fails to do so. Following the best English precedent, the Liberal party will seek to strengthen the rights open to a citizen against the inroads of the executive and repeal repressive laws in preference to making a fetish of abstract enunciation of rights.

THE KHILAFAT AND THE TURKISH TREATY.

II.

IN my former article, which was published on July 1st, I pointed out how the predatory imperialism

of Europe appeared to me to have reached its furthest point of rapacity and hypocrisy in the terms of the present Turkish Treaty. There could be no excuse whatever for such a breach of faith. The arrogance of Europe had overreached itself in its dealings with the East.

The warning which I tried to give concerning Italy at the end of the article has been proved to have been fully justified. For it has now been made abundantly clear, that the central and southern portion of Asia Minor, whose sea-border is the Gulf of Adalia, had been ear-marked all along for Italy's exploitation, and had been secretly guaranteed to Italy by the disgraceful Pact of London. As soon as ever her domestic troubles are settled, Italy is certain to claim her 'economic interests' in that region. Meanwhile, Rhodes and some of the lesser islands of the Aegean Archipelago remain in her assured possession and her 'Loot of Tripoli' is made legal.

The 'sympathy' of the French Government with Turkey is hardly less palpably false.

There is really very little difference between the greeds and hypocrisies of the Governments of Great Britain and Italy, of France and Greece. It would appear to be almost useless at the present time to appeal to the enlightened judgment of those in authority in Europe. For reason and judgment have once more been blinded. Just as in the insensate race for armaments which preceded the War, so to-day, in this new race for oil and mineral wealth, there is a mad rush to get the advantage over some distrusted rival, and this always makes for panic. The new 'economic' war has already superseded the war of military force, and it is almost equally ruthless and insatiable.

The pretext is being put forward by every nation in turn that if it is left behind in this new economic struggle, disaster is certain. National vanity and greed in Europe are once more being appealed to under these new disguises. It is really the old 'war argument' over again in a new form. The underlying passions remain exactly the same as before.

The truth, of course, is that victors and vanquished alike have suffered financial loss beyond all calculation. They have not the means at hand to pay their debts. America has become the creditor of the rest of the world. The stock exchange of Europe is still in chaos. New loans cannot be had: there are no more securities to offer. The greater Powers to-day are like spendthrift bankrupts, ready to engage in any speculation which holds out the slightest hope of restoring their position. The secret supply of ammunition to Poland, the secret fomenting of the Polish War against the Soviet Russian Republic,—these things represent only one of the shady transactions in a long series of gambling hazards. The dismemberment of Turkey under the Treaty is another transaction of exactly the same gambling character. It is known to lead to bloodshed and the reopening of the War, yet it is proceeded with all the same under the

disguise of Peace. In the same treaty, a further financial deal of a no less unscrupulous character is being carried through in North Africa. Egypt, Tripoli and Morocco are to be completely annexed and their annexation is to receive the final authority of the League of Nations.

I remember very well a conversation with one of the best and wisest Indians in the autumn of the year 1916. I said to him: "We may surely hope that Europe will be humbled at last after all this appalling experience of the War. She can never be so arrogant and grasping again, as she was in 1914 before the War started. She will listen now, more readily than in the days of her pride and power, to the minor voice of reason and conscience. It will be impossible for her to go on dealing with Asia and Africa as she used to do in those earlier days when she was seeking to exploit the whole world. India will benefit by this change of outlook."

The one with whom I was speaking answered me in words which were almost an exact prophecy. His explanation could scarcely have been more accurate if he had been speaking after the event instead of before it.

"I wish, indeed," said he, "that your own words might come true. But there is one thing you have completely overlooked. It stands directly in the way of all your hopes. Every great Power in Europe will be bankrupt long before this War is ended. And the peoples of Europe, one and all, are for too much enamoured of their own comforts, their own luxuries, their own modern standards of living to be satisfied with naked poverty. They will refuse to settle down to a life of impoverished incomes and curtailed expenditures. On the contrary, every Government that has the power will be most eagerly scrutinising every nook and corner of the world in order to find out some means of further commercial expansion whereby the extravagances and luxuries of modern European life may be increased. For this reason, the economic plunder of Asia and Africa is bound to go on more rapidly than ever before. No avenue of fresh wealth will remain unexplored. There will be a wild rush, as soon as ever the war is over, to be the first in the field of this new commerce. In India, I am afraid, we can look for nothing better than a further desperate struggle to maintain our own position against the inroads of foreign capital."

When he put the case thus I felt at once its force. In spite of myself, in spite of my own longings that things might turn out otherwise, I could see how logical it all was, and my heart sank within me.

It may, then, be asked from me in conclusion: "What is the end of it all? Is *this* all that you have to tell us for our consolation? Can nothing more be looked for in the future than this endless humiliation and defeat? Is there no relief whatever for the oppressed countries of the world, no release from the perpetual burden of subjection?"

Can nothing whatever be expected from Europe, in her present frame of mind, beyond this sordid materialism, which has followed so closely upon the ideal aims professed during the War? Has Europe got no *heart*? Are oil-wells, minerals, coal and rubber, the only forces of attraction and repulsion? Is this the end?"

I shall endeavour, as well as I am able, to answer that question in my final paper. I shall also hope to refer to some questions, which have arisen in my own mind concerning the demands set forward by the Indian Khilafat Delegation.

C. F. ANDREWS.

(To be concluded.)

THE RESPONSIBILITY FOR THE PUNJAB TRAGEDY.

Sir Michael O'Dwyer and the political classes—Recruitment and War Loans—*Satyagraha* and Civil Resistance—Mr. Gandhi's defence—Conspiracy.

I.

THE foregoing analysis* of Sir Michael O'Dwyer's personality is helpful in appreciating the decisive part played by him in bringing about a critical situation which culminated in the disturbances in the Punjab in April 1919. He not only failed to carry with him in his administrative measures the sympathies of the educated classes, but deliberately went out of his way to antagonise them. He would refer in insulting terms to the "small and not quite disinterested minority" whom he contemptuously compared to "half a dozen grasshoppers under a fern" making "the field ring with their importunate cries." He was never tired of reiterating that there yawned a deep and wide spasm between the masses and the community of "professional politicians" whose "influence for good is generally nil" but who "can and sometimes" do "add to the trouble by injudicious or malicious interference." He did not blush to accuse them of indulging in "persistent falsehood and misrepresentation," forgetful of the fact that he himself was the worst sinner in this respect, e. g. his statements that the Rowlatt Bill conferred on the police no powers of arbitrary arrest, search or interference, and that the troops returning from the front had been insulted on the 5th April by the citizens of Multan.†

The abuse of an essentially emergency measure like the Defence of India Act to intern hundreds of men without trial, the suppression of newspapers by an extensive exercise of executive powers under the Press Act, the Punjab Government's prohibition against respected leaders like the Hon. Messrs. Banerjee, Malaviya and Sapru to attend a political conference, the rebuke administered to certain members of his legislative council for attending a conference in support of the memorandum on constitutional reforms

* Vide the Tragedy of the Punjab.—III in the issue of July 1, 1920.

† It is needless to add that both these statements are as a matter of fact untrue.

by the nineteen non-official members of the Imperial Legislative Council, the orders prohibiting the entry into the Punjab of certain newspapers, and similar other measures were one and all the out-come of a deliberate policy which aimed at turning the Punjab into a primitive Arcadia, pure and undefiled by the foul breath of public agitation. As has been said in the Gandhi report, "Not only did he abuse emergency legislation for the purpose of throttling political aspirations, but he abused his position as a ruler by summoning public men, using threats and giving them warnings." All this was done, it is urged on his behalf, in order to keep the atmosphere of the province during the period of the War as calm as possible. He, however, forgot that silence of the grave is not the calm of contented life, and that the redress, not the suppression, of a grievance is the sovereign cure for unrest.

This attitude of persistent antagonism towards political aspirations was in no way accidental but had its roots in his deep conviction that Indians should be governed by force alone. From the time of his assuming charge of the province in 1913, he repeatedly announced his belief in the government of the people but not *by* the people. It was for him, not for them, to determine what was for their good. They were mere pawns on the chess-board, to be moved this way or that, as the interests of his class in India might dictate. They had to remember the obligations imposed on them by the state of their subjection but were never to press for the recognition of their rights as citizens. "For forms of government, let fools contend." He was, in fine, loth to part with power and accept for his class the position of co-partnership with Indians over whom they had ruled for so long. He thus came to be regarded by friend and foe alike as the champion of vested interests and racial superiority.

It was, in these circumstances, unfortunate, that at a time when passions were running high and public mind was deeply agitated, the administrative reins of the Punjab should have been in the hands of this blundering and blustering proconsul. When soft words spoken by a ruler gifted with tact and imagination would have turned away wrath and eased the tension, this swashbuckler was brandishing his sword and swearing vengeance. Relying on "a greater force than Gandhi's soul-force," he talked of "the day of reckoning" and threatened reprisals. He had never expected the sane and loyal Punjab to go in for Mr. Gandhi's nostrum of universal *hartal*. He therefore received a rude shock on the 6th April when under his very nose, Lahore, along with the rest of India, celebrated the day of national mourning and fasting, and not a shop was opened neither did a *tonga* ply for hire. He now discovered, when it was too late, that the "quiet men of local influence" on whom he and his subordinates had learnt to lean were no better than broken reeds and that he had for so long underrated the influence of the

despised politicians. The day for the trial of strength, as he believed, between him and the contemptible agitators had at last arrived; and he did not wait long to bring down his mailed fist, with full force upon their devoted heads. Hence the introduction of martial law, and the administration of a double dose of Dyer mixture.

This, then, was the man who, having goaded the Punjab to the verge of madness, was given a *carte blanche* by the obliging gods of Delhi-Simla, to exact revenge from a helpless people. There was never in the Punjab any rebellion against constituted authority; and if there be one, it was a rebellion only against Sir Michael O'Dwyer. It is therefore astounding to see the Cabinet praising him for his "energy" and "courage". What an irony to acclaim as the saviour of the Empire one who has in a moral sense all but lost it. The chauvinistic hypocrisy of British statesmanship which is ever ready, in the striking words of the *Indian Social Reformer*, to compromise with crime in the instruments of its policy, is in no way singular in eulogising Sir Michael O'Dwyer, for, do we not remember that Captain Von Reuter of the Zubern fame was honoured by the German Kaiser after his heroic exploits in that small town?

II.

Did the methods of recruitment and of raising war-loans tend to aggravate to any extent the existing state of dissatisfaction in the Punjab? The non-Indian members of the Hunter Committee whose report has been well described by the *New Statesman* as an essay on white-washing, have answered this question in the negative, and shown no slight indignation at the temerity with which allegations in this connection have time and again been made. As was only natural, the Government of India has tried to make political capital out of this verdict and, with the airs of injured innocence, protested against the malicious attempts of the Punjab critics to throw mud on the stainless record of Sir Michael O'Dwyer. The minority report is unfortunately silent on this point, and it is rather regrettable that their reticence on this point should be liable to be misconstrued into agreement with the findings of the majority. I am in a position to state that the omission is rather due to an accidental cause. More than this, I do not feel justified in saying. Be that as it may, it is open to me to test the opinions of the majority in this matter and see how far they are supported by facts brought out in the course of the examination of official witnesses.

The evidence before the Hunter Committee, I repeat, was of an *ex parte* character; only those, whose conduct in this as in other respects was in question in the main, came before it. They were naturally anxious to avoid making, if possible, self-incriminating admissions. They would, on the other hand, justify all that they had done or else condone what are described, in official language, as irregularities. The official case, then, put at its highest comes to this: first, the authorities

wanted recruitment by clean and straightforward methods; secondly, whenever any irregularities on the part of the subordinate officials,—and unfortunately there were some such instances,—were brought to the notice of the higher authorities, steps were at once taken to stop them; thirdly, the urban area where disturbances broke out had no grievances in regard to recruitment as very few recruits came from those areas, and fourthly, in the places *e. g.* the Multan Division, where worst instances of illegitimate ways of recruitment are to be found, there were no disturbances.

Let me repeat that I have attempted to state the official case as fully and fairly as possible. Even then it is not difficult to demonstrate its utter hollowness. The case of Gujranwalla supplies the most effective refutation of the official contention. From the point of recruitment, Gujranwalla was one of the best districts in the Punjab, and so far as the extensive character of outrages is concerned, its record is the blackest. Leaving aside the city of Gujranwalla, disturbances actually broke out in no less than fourteen places in the district. That, at any rate, does not show that there was no connection between recruiting methods and the disturbances. I have no desire to encumber this article with details for which I may refer the reader to the examination of Major Barnes and Lt.-Col. O'Brien by the Hon. Pandit Jagat Narayan. One fact should suffice. From the commencement of the War upto August, 1917, Gujranwalla had supplied only 3,388 recruits; under Lt.-Col. O'Brien's supervision 8,500 *additional* men were enlisted in the course of the next twelve months! And knowing Lt.-Col. O'Brien as we do now, it is not necessary to say more with regard to the methods by which this zealous officer succeeded in achieving such glorious results. The purchase of recruits was openly going on, and when this fact was brought to his notice, Sir Michael O'Dwyer contented himself with saying that those who were helping in recruiting should not be discouraged. Not infrequently "objectionable methods of coercion were resorted to by some headmen" to get recruits. *Dhurna* was another method adopted in order to compel villages to supply their quota of recruits. The shocking tale of outrageous means adopted by Nadir Shah, Tehsildar, was narrated by his Revenue Assistant before the Special Tribunal appointed to try the murderers of the said Tehsildar. The allegations made by the Revenue Assistant are of so serious a character that, even if false, since they were held by the Tribunal as "not proved", the circulation of the story was bound to rouse a storm of indignation throughout the Punjab.

The majority have laid great stress on the important part played by the misrepresentations relating to the provisions of the Rowlatt Bill in intensifying discontent; but they are significantly silent with regard to the disquieting effects of such stories regarding recruitment. There can be no doubt left in the mind of an impartial reader, after

going through the Gandhi report and the evidence of Major Barnes and Col. O'Brien, (a) that the methods of recruitment in the Punjab were voluntary in name but conscriptive in effect, (b) that the higher authorities connived at, if they did not actually encourage, these press-gang methods, (c) that the allegations, true or false, regarding recruiting methods for over four years, must and, as a matter of fact, did lead to the disquieting of public mind, and (d) that these methods were, thus, one of the contributory causes of the April disturbances.

Much the same is true of war-loans: we know how the official subscriptions are collected. When a large fund for Sir Michael O'Dwyer's memorial can be raised in the Punjab and specially in Gujranwalla, the less said about the methods by which contributions to war-loans and other war-funds were raised, the better.

III

I now come to the *Satyagraha* movement and the allied doctrine of civil disobedience.

That there was no pre-arranged conspiracy to bring about disorders in the Punjab with a view to subvert British rule in India, is the unanimous finding of the two sections of the Hunter Committee. The Gandhi report also arrives at the same conclusion. The majority, however, justify the Punjab Government for holding at the time when outbreaks were taking place that there was such a conspiracy. This view is strongly dissented from by the minority and the Gandhi Committee. The majority of the Hunter Committee have unfortunately fallen victims to their own verbal jugglery. It is only another instance of the overzeal shown by them to exculpate the Punjab Government in all matters. But in so doing, they have shirked the vital issue. That issue is no other than this. Do the minority agree with the opinion of the Legal Remembrancer of the Punjab who advised his Government that the *Satyagraha* movement amounted to an illegal conspiracy against Government? It is in this limited sense that the word "conspiracy" has been used throughout by the Punjab officials. The same view finds expression in the judgments of the various Martial Law Commissions. Therefore the majority should have faced the direct issue and decided it in a straightforward manner. Instead, they confuse the issue by drawing red herrings across the trail by expatiating on the paralysis of Government as a consequence of an extensive practice of civil resistance. According to the legal adviser of the Punjab Government, *hartal* was illegal and a body of persons engaged in bringing about *hartal* were all members of an illegal conspiracy. Even the Government of India had to admit the legality of *hartal* provided no coercion or force were used to bring it about. But they of the Punjab went on convicting hundreds of persons for no graver crime than that of being members of such a conspiracy. The relevant question before the Hunter Committee was whether the Punjab Government were

justified in taking the above view. If their view was wrong, it was so, not because additional facts have come to light but because of their perverted conception of right and wrong, the facts of the case remaining the same now as then. In this connection, it is to do more than take a brief notice of the historical letter of Sir Michael O'Dwyer to *The Times*. He is wrong in saying that the Hunter Committee refused to hear any reputable witnesses at Lahore, who could have proved the fact of this conspiracy. Sir Michael O'Dwyer, his lieutenant Mr. Thompson and his henchman Sir Omar Hayat Khan, all appeared before the Hunter Committee and gave their evidence *in camera*. They should have proved it if it could have been proved; but unfortunately, it could not be proved as it had no existence outside the fertile brain of Sir Michael himself. He also complains that the Hunter Committee ignored the decisions of the Martial Law Commissions, which would have proved the existence of such a conspiracy. The Martial Law Commissioners, on the other hand, were content to accept the *obiter dictum* of the Government that there was a state of open rebellion as a judicial fact, simply because the Government had said so. Proceeding from this assumption, they found everything done or left undone as done or left undone in pursuance of a conspiracy to subvert Government. Sir Michael relies on these Commissioners to prove a conspiracy, and these Commissioners in their turn rely on the dictum of Government. We are thus moving in a vicious circle, appealing or light from Peter sober to Peter drunk! Fine logic this, from the representative of the most intellectual service in the world!

V. N. TIVARY.

A LETTER FROM LONDON.

(FROM OUR OWN CORRESPONDENT.)

LONDON, JULY 1.

CONSTITUTIONAL VIEW OF DYER'S CASE.

The Times is disinclined to allow Parliament to deal with the Dyer episode in the spirit of party prejudice or individual bias that has been threatening for some time. It considers that a constitutional question of very serious importance is coming into view in connexion with General Dyer's case. So far as can be judged, it thinks, the issue is the old and recurring problem of whether the military or the civil power is to be supreme. In discussing the matter from this point of view the paper entirely dismisses the merits of the case. It briefly recalls the facts, namely, that, upon receipt of the Reports of the Hunter Committee, criticising his action at Amritsar, the Government of India formally expressed the view that General Dyer had "acted beyond the necessity of the case," and called upon the Commander-in-Chief in India to take "appropriate action"; that Sir Charles Monro directed General Dyer to resign his command, and informed him that he would receive no further employment in India; that the Home Government, through the Secretary of State for India, expressed

approval of this decision; that the Cabinet declared that General Dyer had violated the principle which should govern military action in support of the civil authority, "repudiated emphatically" the doctrine on which he based his action, and expressed the view that it was "impossible to regard him as fitted to remain entrusted with the responsibilities which his rank and position impose upon him"; and that it was further stated that the "circumstances of the case have been referred to the Army Council."

OPINION OF *THE TIMES*.

It is at this stage, says *The Times*, that the constitutional question emerges. There is no knowledge of the attitude of the Army Council, which, in fact it is understood, received General Dyer's statement only yesterday, and have not therefore come to any conclusion on it. But it must be made clear, thinks the paper, that the Army Council cannot possess or exercise in this matter other than technical military functions. The supreme civil authority in India and the military Commander-in-Chief, we are reminded, have expressed their views upon General Dyer's case and have taken specific action. More significant still, His Majesty's Government, the supreme civil power at home, have not only endorsed the Indian decisions, but have added far more severe expressions of blame. One would have thought, remarks *The Times*, that the verdict of the Cabinet had ended the matter. Yet a Committee of Generals, presided over by Mr. Churchill, in virtue of his office as Secretary of State for War, and assisted by two or three civil officials, are, if report be accurate, proceeding to reopen the whole case and to review the findings of the various civil authorities, including presumably even those of the Cabinet. Supposing the Army Council find that General Dyer was entirely right, and insist on his reinstatement, in what position, asks *The Times*, will the Cabinet be placed? There is, it is suggested, an analogy to such a course, which should not constitute a precedent. The Mesopotamia Commission, we are reminded, whose Report was simply presented to Parliament, severely censured various Generals and other Army officers. The matter was referred to the Army Council which promptly whitewashed them all. Upon that occasion the authority of the Cabinet was not impugned, because it had taken no action. The present occasion, declares the paper, is by far, most serious, and it must be considered in the light of a growing tendency, in this country, to lessen the authority of the civil power. The best known recent case, it is recalled, is that of Field-Marshal Sir William Robertson, who was empowered, at one period of the War, by the dubious authority of an Order-in-Council, to override the powers possessed by his civil superior, the then Secretary of State for War. "We regard," says *The Times*, "any such departure with misgiving, and hold, with Viscount Morley, that "if there is one principle more than another that has been accepted in this country since the day when

Charles I lost his head, it is this—that the civil power shall be supreme over the military power." Are the relative positions of the Army Council and the Cabinet, demands the Thunderer, at this junction a violation of this principle?

I have quoted the great newspaper's arguments in full, as they must be of the highest importance to you who are about to enjoy the beginnings of constitutional Government. Hitherto your bureaucracy has been, in a sense, but the arm of the military, and as the Punjab affair pretty plainly indicated, it required very little coercion from events to persuade the civil authority to remit its powers into the hands of the military. One gets the impression on a perusal of the official evidence that many civilians are but militarists in disguise, and that, given the conditions, they prefer the machine-gun to the ordinary paraphernalia of the bureaucratic machine, and accordingly readily resort to it. To them the pen is certainly not mightier than the sword, and the now historic remark of that paladin of the Civil Service, Sir Michael O'Dwyer, proves beyond doubt that the school that he represents places far greater reliance in the mailed fist than in spiritual force and peaceful persuasion. *The Times* is evidently, much afraid of the spread of militarist influence in this country, as in Prussia, during the decade before the War, and, in common with many more advanced periodicals, is unwilling to watch this growing tendency without a lively protest. It is alone in uttering a warning on this particular aspect of the constitutional question, and it evidently regards its arguments as equally applicable—as, of course, they are—to Indian conditions.

OFFICIAL SECRETS ACT.

Nor is this the only problem at present common to the two countries. For years you have been complaining of the subordination of the judiciary, in matters relating to the Press Act, to the executive, and the stultification of the principles of the "freedom of the Press" by the Indian legislation in the matter. An outcry is being raised here on the subject by several of the papers, amongst which *The Times* and the *Westminster Gazette* are prominent, against an apparent attempt to invade the freedom of the Press through the agency of the Official Secrets Bill, whose adoption by Parliament, in its present form, roundly declares *The Times*, would be to the shame of a country whose example led the enlightened nations of the Continent to proclaim as a maxim of their constitutions: "*la presse est libre*." There is a clause in the new measure which places the editor of every journal in the land in the hands of the executive Government. The Bill which, by its title and its main objects, is an amendment of the criminal law relating to espionage, contains clauses dealing with the falsification of reports and the passports, forgery and personification by the wrongful use of the uniform of His Majesty's services. But hidden away in an obscure sub-section is a clause which "might have

the effect of undoing all that the sturdy champions of the Press of other days achieved, in spite of the dungeon and the rack." Any official document, though it be "issued for use" may, seemingly, be recalled, and if the editor of the newspaper "fails to comply with any directions issued by lawful authority" possibly by comment, he becomes liable to imprisonment with hard labour. Thus, Blue-books and white papers and every "Official document"—the term is not defined,—which a Secretary of State might think likely to lead to a criticism of the Administration may not be retained when once an executive order issues. How far this Bill follows or differs from your own Official Secrets Act, in this respect, I am not able to say, but I have no doubt that you will be watching the progress of the controversy with the greatest interest.

DR. TAGORE'S RECEPTION.

Dr. Tagore received a most cordial welcome at the Reception in his honour given by the Union of the East and the West last Thursday, when Mr. Charles Roberts presided at the Caxton Hall. An address of welcome in verse by Mr. Laurence Binyon was most dramatically read by Miss Sybil Thorndyke and Miss Carrie Tubb sang four of the guest's shorter poems set to music by Mr. Landon Ronald. The poet's reply was short but eloquent. "Honour," he said, "like the tombstone, is for the dead, whilst love, like the sunshine, is for the living, and your welcome has given me the abiding joy of grateful feeling that I have won true friends in a land where I came as a traveller, but where I hope to retain my seat as a guest, and that, not so much for any literary skill of mine, but for some simple service of the heart, some harmony of the spirit, which comes from the humanity I share with you in spite of the differences between us, which are accidental and on the surface." The following evening Dr. Tagore delivered a most pungent lecture on "The Centre of Indian Culture", at the Indian Students' Union and Hostel, Dr. Fisher, the Minister of Education presiding. It was a study to watch the faces of both British and Indian members of the audience to whom impartially the poet dealt some shrewd blows in a long, sustained and eloquent argument in favour of the development of a real Indian university, founded in the spirit and traditions of the people, and the use of the vernaculars for all purposes of education. I am positive, from the few remarks with which Dr. Fisher gave thanks on behalf of the audience to the lecturer, that he very largely shared the latter's view-point.

MR. CHARLES ROBERTS' CANDIDATURE.

Mr. Charles Roberts has been adopted as the Free Liberal candidate at the South Norfolk by-election to fill the vacancy caused by the elevation of the late member to the Peerage, owing to the death of his father, the late Master of the Rolls.

CORRESPONDENCE.

INDIAN OVERSEAS ASSOCIATION.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR, The following is an extract from a telegram from the special correspondent of the "Hindu", dated London, May 23:—

"Mr. Jeevanjee, head of the Indian East African deputation, called this morning. He says the Colonial Office is polite but apathetic. He fears the representations made so far have entirely fallen flat. The interests opposed to Indians in East Africa are most powerful, closely organised and able to bring great pressure to bear upon the ruling classes in Britain. Only by securing popular British sentiment can the Indian situation in East Africa be saved. Yet hitherto nothing has been done to secure such sentiment by the Indian Overseas Association to which such matters were left by the East African Congress and Mr. Jeevanjee's deputation. That was the central reason why the Colonial Office was unsympathetic.

Mr. Jeevanjee frankly confessed the failure of the efforts hitherto made and says it was entirely wrong for the deputations to consent to being received privately at the India Office and especially the Colonial Office. He authorises me to say if he knew beforehand such would be the case he would have refused to go. It was against his direct wish that publicity in the general Press was not secured for the grievances of Indians in East Africa.

Mr. Jeevanjee was arranging to put the matter before the British public and Parliament. With that object he is securing St. Nihal Singh's co-operation."

Mr. Jeevanjee, to whom I showed the foregoing on Friday last, the 25th ultimo, denied that he gave any such interview as that represented in the above telegram on May 23rd or at any other time, and that he on that date did not know and had not met Mr. Saint Nihal Singh nor had he commissioned him in any way to assist in putting the matter of the grievances of East African Indians before the British public and Parliament. He also assured me that he had never made to any press correspondent statements reflecting upon this Association such as are referred to in the telegram. Before leaving this office, Mr. Jeevanjee promised that he would send me by Monday the 28th ultimo a letter confirming his verbal assurances. It is a matter of regret that, in spite of a pointed reminder by me on Tuesday, Mr. Jeevanjee has failed up to now to carry out his promise. It is, therefore, necessary, in order to avoid misapprehension, that I should place the following facts on record.

Long before Mr. Jeevanjee came here as leader of the East African Indian Deputation, this Association had done everything possible to draw public attention to the disabilities and grievances of the Indian settlers in East Africa. I had myself addressed letters to the Press, some of which appeared, whilst others were omitted for lack of space. Other members of the Committee, including Colonel Wedgwood and Mr. Bennett, have also contributed important letters, and this Association had also arranged, through the services of friendly members of Parliament, for a long series of searching questions which were put to the Colonial Office. In addition, the resolutions passed by the East African Indian National Congress last November had been reprinted by my Association and widely circulated in the Press and amongst Members of Parliament and others interested. At the request of the Standing Committee of the Congress at Nairobi, and after consultation with His Highness the Aga Khan and Sir Mancherji Bhownagare, who were then absent from England, Mr. Bennett and I had a long private interview with Sir Edward Northey, the Governor of the East African Protectorate, before whom we placed at least the Indian point of view. With the resources at our disposal, this Association had, upto the time of the arrival of the Deputation, done everything that was possible to obtain publicity for the East African Indian question and the Association was specially requested by the local organisation not to undertake any widespread press or plat-

form propaganda without prior reference to the Standing Committee. Of this Mr. Jeevanjee is well aware as he had a copy of the letter addressed to my Association by the General Secretary. This, I think, disposes of the allegations, whether made by Mr. Jeevanjee or the special correspondent to the *Hindu* that "hitherto nothing has been done to secure such (popular British) sentiment by the Indian Overseas Association to which such matters were left by the East African Congress and Mr. Jeevanjee's Deputation. This was the central reason why the Colonial Office was unsympathetic".

After the arrival here of Mr. Jeevanjee's Deputation, the Association immediately set to work to prepare a statement for submission to the Colonial and India Offices, which was thereafter widely circulated in the British and Indian Press. In the preparation of this statement Mr. Jeevanjee and his colleagues collaborated. It was next decided to request the Secretaries of State for the Colonies and India to receive a Deputation under the auspices of this Association, which would include the East African delegates. The two Ministers consented to receive a Deputation and, as your readers are aware, two very influential Deputations waited upon Mr. Montagu and Lord Milner on April 19 last. Without the services of this Association, I am confident that no such Deputation of equal authority and influence could have been arranged by the East African Delegation through its unassisted efforts. It was not by any choice of this Association that the proceedings at the India and Colonial Offices were kept private. As a matter of fact the proceedings at the India Office were intended to be public, and Mr. Montagu spoke in reply for publication. When, however, the second Deputation met Lord Milner, it was not until he came to reply that the Deputation was given to understand that he wished the proceedings to be kept private, and when Mr. Montagu, the same day, came to learn of this, he felt that, as a matter of interdepartmental courtesy, the proceedings at the India Office should also be treated as of a private character. This Association had no more responsibility or liking for this procedure than Mr. Jeevanjee and his colleagues, but it had no option in the matter and in the face of the special request of the Ministers that privacy should be observed, it was impossible for this Association to issue to the Press or the general public any detailed statement of the proceedings at the interviews.

Not very long after the Deputations, however, it was hoped that a further occasion would come up for the discussion of East African Indian affairs at the time of the Debate in the House of Commons on the Colonial Office Vote. The question was indeed indirectly touched upon in a long controversy on the question of currency changes, but the debate was brought to a premature close owing to the intervention of a debate on some other subject, which prevented the Indian disabilities from being specifically brought forward. A few days later, however, Mr. Bennett, one of the most active members of this Association, addressed to *the Times* a very trenchant letter, to which you may perhaps remember Sir William Joynson-Hicks replied, in which he pointedly alluded to the disabilities of the Indian communities in East Africa amongst others, and at the request of the Association Lord Islington is about to raise a Debate on the question in the House of Lords. This debate would already have taken place but for the request by Lord Milner that it should be postponed on his undertaking to make a full statement of policy as regards East Africa. The debate has, therefore, been postponed until the 14th instant.

I think it will be seen then, having regard to its resources, the engagement of public opinion here in a vast number of vital and critical matters, in which it is naturally more immediately interested, and the fact that, pending the promised full consideration of its representation by Lord Milner, this Association was precluded from carrying on an active campaign until the Minister had made a public statement of policy and could not have done more than it has done.

It will be agreed, I hope, that whoever is responsible for the telegram above quoted, whether Mr. Jeevanjee or another, he has misapprehended the situation and was very imperfectly

informed of the activities of this Association. I venture to hope at the same time, that the people of India will take note of the following portion of the telegram, which I have not yet quoted, but with which I cordially agree:—

"Mr. Jeevanjee says nothing will be done here unless the people in India wake up and realise the immense issues for India involved in the East African Indian struggle. This country was made what it is by Indians.

If Indians are squeezed out their Indian rights of emigration and settlement will receive a shock from which they will not easily recover. Indians at home must therefore organise a movement to prevent injustice being done to Indians in East Africa. Mr. Montagu means well; but unless Indians support his hands he will not be listened to by superior authorities. Indians must lose no time in backing up their countrymen in East Africa and Mr. Montagu who was entirely sympathetic".—Yours etc.,

London, July 1.

Henry S. L. POLAK,
Hon. Secretary.

THE CONSCIENCE CLAUSE.

SIR,—In your last issue you make some severe strictures on what you suppose to be the attitude of the missionary body to the proposal for a 'Conscience Clause' in schools and colleges. Will you permit me to place before you some aspects of the case which you may, perhaps, have overlooked and which may help to a dispassionate and just judgment upon it?

Let me remind you of a fact of which, I am sure, you are fully aware, namely, the great contribution that Missions have made to education in India. In making this contribution the Christian Churches of the West have been governed by the conviction that in the religion of Jesus Christ, they possess a principle of enlightenment and an uplifting power such as are essential to the promotion of the higher life of man and are essential for that reason to any true education. They have therefore offered to India a Christian education and could not in view of their convictions, have offered anything else. In doing this they were not exploiting India in their own interests. The Scottish Church, for example, which sent me to India established, and has largely maintained for three quarters of a century, four of the most notable Colleges in India. It was a pioneer in the education of girls in the early years of last century. It may claim to have had a large share in the regeneration of India. This work has been supported throughout mainly by the gifts of humble men and women who believe that in Christ Jesus they possess the secret of a true life. They give out of their poverty in the desire that others should share with them this precious possession. Their reward is something that can be measured by no calculus of time.

I think these facts should be present to you and appreciated by you—as I am sure, they will be appreciated by you—when you pass judgment upon this question. It is true that the situation has so greatly changed that what was offered in no selfish spirit and was accepted by India, I believe, willingly and gratefully, is no longer so much desired or, perhaps, so urgently needed. It may be right for Christian Missions now to seek other ways of helping India towards nationhood and India's people towards the good life. Certainly they should not take for an instant the assistance of public funds that are not given with free consent of the people. But I trust that, if the Christian Churches are no longer to take so great a share as they have hitherto taken in Indian education, the change of policy may come about without bitterness on either part with a generous recognition on the part of Indians of what Missions have done in the past and a willing acceptance on the part of the foreigner of the altered situation which makes their assistance in this matter so much less necessary.

I think, then, that I may claim, and I hope that you will acknowledge that the relation of Christian Missions to this question has not been, and I hope, will never be 'narrow or selfish or unjust'—Yours etc.,

Poona, July 17.

N. MACNICOL.

TOPICS OF THE WEEK.

THE present abnormal rise in prices is due as much to world causes which are, of course, uncontrollable as to those which can be kept under due restraint. Profiteering, which has contributed not a little to the high cost of living prevailing at present, belongs to the latter category and should be stopped by every possible means. The people who suffer most from the operations of the heartless profiteer are those belonging to the middle and poorer classes of society and they can legitimately look to Government for protection. The appointment by the Bengal Government in response to Mr. B. C. Ray's demand of a Committee 'to suggest lines on which legislative or executive action may, if necessary, be taken to control' profiteering shows that that Government is fully alive to its responsibilities in the matter. When will other local Governments follow suit? The trouble is not confined only to Bengal and the sooner they wake up or are made to wake up, the better. At the instance of Sir Dinshaw Wacha, an all India Committee was appointed nearly a year ago for an identical purpose. We wonder how far it has progressed.

THE *interim* report of the Committee appointed by the Cochin Durbar to consider the question of the introduction of compulsory primary education in the State reveals some interesting facts. The percentage of literacy being much higher in Cochin than either in Baroda and Mysore, the Committee does not advise compulsion except for the Mahomedan and other backward communities, whose apathy in the matter, not being solely due to poverty, might justify a resort to compulsion and prove to be wholesome. But with a view probably to avoid this extreme remedy, the Committee have recommended special inducements like half-rates of fees in secondary schools and scholarships for such communities, which form only a small minority in the State. The giving of midday meals to children of the depressed classes who attend schools has also been recently ordered by the Durbar. Another consideration that possibly weighed with the Committee when it decided against compulsion, financial difficulties apart, was perhaps the doubt expressed by the Director of Education supported by the Superintendent of Industries as to the success of the experiment in Mysore.

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