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TOPICS OF THE WEEK.

WE own to a feeling of keen disappointment at the speech which Lord Chelmsford made in opening the autumn session of his legislative council. He is ominously silent on the question of the moment—the punishment of officers who abused their authority during the martial law days in the Punjab as a means of making a repetition of similar happenings in the future impossible. While in the case of some of these, steps, though not quite satisfactory, have been taken to mark the Government's displeasure at their conduct, others still continue in Government service, as if nothing had happened. Surely the Viceroy could have said something to satisfy public curiosity on the point. We are afraid that, in the absence of such a declaration, his wish that "we should concentrate on the problems of the immediate future" will remain ungratified. The people are equally anxious to forget the past; and it is in the power of Government to make it easy for them to do so. In view of the result of voting on Viscount Finlay's motion in the Lords, the Viceroy owed it as much to himself as to the Government over which he presides to dissociate himself from the Lords' expression of opinion on the Dyer case.

THE part of His Excellency's speech dealing with the position of Indians overseas is, we are glad to observe, more satisfactory. In regard to South Africa, the fear is often expressed that what has begun as voluntary repatriation might develop into a compulsory ejection of Indians from that colony. Lord Chelmsford's statement on the point was agreeably frank. His Government has suggested the formation of an Advisory Committee containing Indian representatives to assist the Union

Government's repatriation officer in his work. Lest the returning Indians should find themselves helpless on their return, employment bureaus are being organised in Madras, Bombay and Bengal. The committee of non-official members of the Indian Legislative Council which met the Fiji and British Guiana deputations last February and considered their schemes for the supply of Indian labour to those colonies recommended, in the first instance, the sending of a deputation to examine labour conditions there. The Viceroy gave the assurance that this was being arranged. The deputation to Fiji should also have been charged to inquire into the circumstances leading to the declaration of martial law and the measures taken to suppress the recent riots; but the Government's reply to Mr. Sastri's question on the subject does not leave any hope that they have any such thing in contemplation. It need hardly be pointed out that the mere publication in India of the Fijian Government's correspondence with the Colonial office in London can never be a substitute for such an inquiry.

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THE East African Indian problem still continues to exercise the public mind. It has been announced that the Indian community will in future be represented in the Legislative Council by two representatives elected on a special franchise, as to which the Governor will submit recommendations. This is almost sure to work to the detriment of the Indians in the colony. That the Indian community, which is in a majority over the European to the proportion of 5 : 1 and which controls nearly four-fifths of the East African trade, should be so unfairly treated is an irony of fate. No satisfactory solution of the question will be arrived at unless Mr. Andrews' suggestion is accepted, viz. that, as in the Cape, the franchise should be based on a literacy and property test, Indians participating in the general elections without any special arrangements for their representation. This system is reported to be working well there and may be expected to yield similar results in East Africa in the matter of improving racial relations.

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THE platonian support which provincial Congress Committees have accorded to the principle of non-co-operation does not bring the solution of the question any the nearer, since to the only concrete form in which this principle is placed before

the country at the present moment, these Committees apparently entertain strong objection. The Bengal Committee has indeed definitely pronounced against the boycott of councils, one of the principal items in the very first stage of Mr. Gandhi's non-co-operation. The All-India Congress Committee, which looked for practical guidance from the provincial committees, has received none, because the latter failed to bear in mind what Mr. Srinivasa Aiyengar told his audience in Madras that it was not a speculative opinion which was asked for on this subject, but one to be immediately acted upon. Those, who put themselves forward as stout champions of non-co-operation when action seemed a little distant, are now hurriedly seizing some occasion to proclaim their apostasy as the time for action has arrived, and most of the practical steps suggested by Mr. Gandhi, to which they had at first given enthusiastic support, are now declared either ineffective or impracticable, or else inexpedient. In face of this circumstance the acceptance of the abstract theory underlying Mr. Gandhi's plan as apart from its practice will not even save appearances.

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SOME of the Committees describe non-co-operation as the only remedy open to India, and yet they are not able to say what shape it should take. The boycott of British goods seems to be most in favour, though it is rejected by Mr. Gandhi not only because it is a form of violence, but because it is bound to prove infructuous. Mr. George Lansbury has given a very solemn warning that it would lead to great animosity of feeling in England. It is to be seen how the warning is received. From the way in which some of the quondam advocates of non-co-operation are drawing back from most of the forms of that movement and loudly preaching boycott of British goods, it is permissible to believe that this plan is supported, because it does not bring home one's responsibility in the matter in such a pointed manner as, for instance, when boycott of councils is favoured. The no-co-operation programme advocated by Mr. Pal is another alternative which is suggested, viz. that those who go into the councils are to offer wholesale opposition to the Government and, by creating deadlocks, bring the administrative machinery to a stand-still. It is remarkable that in Madras, where the reforms were denounced with the utmost energy, no echo is heard of this cry, and in Maharashtra again, the Nationalists, though prepared to accept the "principle" of no-co-operation, are not willing to commit themselves to the policy as a working programme.

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FRANKLY, a boycott of councils, or, at least, Mr. Pal's no-co-operation must be a necessary part of any plan of non-co-operation, but public opinion seems to be decidedly against either. Most men who give in their adhesion to non-co-operation seem to think that they can extract from the

reforms the utmost benefit they are capable of yielding by co-operating with the Government and even themselves accepting a portfolio in the new régime and yet carry out non-co-operation in some form or other in some other department of activities. This can never happen. Non-co-operation must be complete, if it is at all to take place. It is idle to think that in one sphere the Government can be paralysed and in another it can be allowed to go on with its operations in such a way as to be beneficial to the people. Therefore, the reasoning of those, who pin their faith to non-co-operation and yet cast longing glances at the councils, seems to us to be hopelessly muddled. We are glad that opinion is veering round in favour of working the reforms, but the implications of this policy must be fully realised.

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OF the amendments to the Draft Rules moved by Colonel Wedgwood in the House of Commons, the most useful was certainly the one asking for the abrogation of the residential qualification for candidates in Bombay. Colonel Wedgwood seems to be under the belief that this qualification applies only to Bombay, while in fact it extends to the Punjab and the Central Provinces as well. The rationale of making such a rule applicable to these three provinces, whose conditions differ so widely, has not yet been forthcoming. Mr. Montagu explained that "the position of the constituencies with regard to the big towns as centres of population" was the principal consideration, but it cannot certainly be regarded as the differentia. Perhaps the only explanation is that an experiment on these lines is thought desirable, and it has fallen, quite accidentally, to the lot of the three provinces mentioned above to be selected for the purpose. The majority of the Southborough Committee were themselves opposed to the imposition of this test on any province, and the Government of India sanctioned it on the stultifying ground that they doubted "the effectiveness of insistence" on it. It was hoped that the Joint Committee would rectify the mistake, but the hope has been disappointed. The restriction in Bombay at any rate is perfectly unnecessary.

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THE residential test prescribed for Bombay is that the candidate should have "resided in the constituency for which he desires to be elected for a period of six months prior to the last date fixed for the nomination of candidates in the constituency." The precise meaning of the six months' residence which it requires is not yet known. Sir Henry Craik, who was a member of the Joint Committee, said in the Commons: "This condition is satisfied if a man has some sort of territorial connection with the locality. He does not need actually to reside there. *If a man has a domicile, if he has a home in that locality, he is reckoned as residential.* If he has kept up his close connection with the locality, he will still, by virtue of that re-

sidential qualification, be eligible as a candidate. If, on the other hand, he has broken it, if for 20 or 30 years it may be, he has no interest, no stake in the country, nothing that identifies him with it, surely it is a reasonable rule, in the interests of the locality, that the choice should fall on someone who has a real, close interest, and who would be not merely a nominal but a real representative of the feeling of that locality."

* * *

THESE remarks of Sir H. Craik will no doubt furnish useful guidance as to the intention of the Joint Committee in sanctioning a residential qualification for the Bombay Presidency. But this interpretation will hardly be regarded as authoritative. Unfortunately, the Bombay rule does not contain a precise definition of the residential test as the Punjab and C. P. rules do, and now it rests with the Governor of the Bombay Presidency to settle the doubt in regard to the interpretation under rule 46 of the Election Rules, on a reference being made to him. We trust Sir George Lloyd will make an authoritative announcement regarding the construction that will be put upon the rule, without loss of time. It is to be hoped the rule will not be interpreted in too restrictive a sense, and the hardship entailed by the test will be minimised as far as possible.

* * *

THE Punjab Government have given a clear definition of the rule regarding residential qualification. It is that "the candidate must have possessed a residential house for four years before the date of the preparation of the electoral roll and must not have let it on rent during one year preceding that date." Actual residence is not required, because it was thought the test would be too restrictive. The possession of a residential house for four years is required, because the four years will cover two elections and thus the test cannot be evaded for at least two terms of the council, during which time it is expected that the rural population, in whose interest the restriction is imposed, will be in a position to look after themselves. "The condition that the house must be unlet for one year secures under existing circumstances that the house is a real family residence belonging to the candidate and it also ensures that something about the candidate and his family will be known in the constituency for which he stands." The test to be applied in the Central Provinces requires that the candidate (and also the elector) must have actually resided in a house for not less than 180 days during the year preceding that in which the electoral roll is published or have maintained a house as a dwelling for himself in charge of dependents or servants for the same period and visited it during the same year.

* * *

DOES the present Hindu-Moslem *entente* encourage the hope that the Moslems will drop communal representation in the immediate future? He will be a bold man who can return an affirma-

tive answer to such a question. Col. Wedgwood seems to think, however, that the solidity of the national feeling which is now in evidence is sought to be undermined by the wicked Government "splitting up India into various religions and castes" by means of communal representation. Here is the Khilafat agitation drawing the Hindus and the Mohammedans together, and here are the Reform Rules in which "everything is being done to keep them apart and prevent this (rising) nation, which all men of good will want and which is only opposed by other people who believe in the old doctrine of divide and rule, so far as India is concerned." It is unnecessary to take the cynical view expressed by Sir John Rees that the co-operation and fellow-feeling between Hindus and Mohammedans is "factitious, fictitious, adventitious and ephemeral;" yet the amity which exists between the two races is of such a character as not to be incompatible with insistence, on the part of the Mohammedans, on more than proportional representation through communal electorates.

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COL. WEDGWOOD'S final verdict on the Reform Rules that they "have whittled down the recommendations of the M.-C. Report" agrees with the prevalent feeling in Nationalist circles on that matter. But the grounds on which Col. Wedgwood bases his conclusion differ as the poles from those on which the rules are generally condemned. This is plain from the fact that among the amendments moved by Col. Wedgwood there was none except that dealing with residential qualification which related to matters of grievance among Indians. For instance, the power of disallowing resolutions vested in the Governor under the rules, to which such strong objection is taken by every shade of Indian opinion, was not the subject of any amendment moved by the Labour Party's representative. And the specific grounds which Col. Wedgwood mentioned for his adverse verdict are that the rules provide for communal representation and fail to enfranchise the working classes. Perhaps it is the failure of the Indians to insist on changes in these respects that led Col. Wedgwood to regard the "National Party" as the equivalent of the "Conservative Party" which alone, he complained, will be represented in the councils. The discerning will thus see that there is but a superficial agreement between Col. Wedgwood's view and that held by the Nationalists.

* * *

IN the course of the Dyer debate in both Houses of Parliament, it was frequently asserted that the military officers must be supported in all action that they might have taken in suppressing a disturbance provided the action was *bona fide*. This view is entirely wrong. How great and intimate is the responsibility of military officers in such cases will be seen from the evidence tendered by Lord Haldane as Secretary of State for War in 1908, which is reproduced elsewhere.

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RACIAL SEGREGATION.

IT has now been authoritatively announced that the vicious principle of racial segregation has been accepted by the East African Government not only on sanitary grounds, but also on grounds of social convenience. Lord Milner's reply to the debate in the House of Lords on July 14 indicated as much. The grant of land to Indians will be forbidden in the Highlands, and separate locations will be given to Indians in townships. Lord Milner contends that this policy of separation, even if rigidly enforced, need not result in any injustice or indignity to the Indians, because he says it will be subject to two conditions, viz. that land of the same quality is made available to both Europeans and Indians, and that, in the matter of residence, Indians are not confined to inferior localities, superior sites being all allotted to the Europeans. If there is a fair distribution of Crown lands and places of residence between the two races, there need be no objection, in the view of the Colonial Secretary, to form separate pens for Europeans and Indians. Indeed, he thinks it desirable in the interests of all parties concerned. Apart from the obvious weakness of this reasoning, it must be mentioned that the two conditions here laid down by Lord Milner cannot at all be observed. He invites the Government of India to send out representatives to East Africa to satisfy themselves on personal observation that the segregation policy entails no inequality or inferiority upon Indians, and that the lands and places of residence assigned to them are not only suitable and adequate, but of the same quality as those reserved for Europeans. We make no doubt that the Indian Government's representative will be constrained to report that the land offered to Indian settlers is vastly inferior, and if equality of opportunity be the indispensable condition, the proposed plan of separation must assuredly fall through. But we maintain that this plan is fundamentally wrong and must be discarded even if the conditions mentioned by Lord Milner were scrupulously fulfilled.

We refuse to believe, despite Professor Simpson's Report, that Indians require to be confined to a particular area in the interest of the health of Europeans. It must be possible by sanitary regulations to eliminate all danger to the European community. "Even granted," says Prof. Simpson, "that the house of the Indian built in the residential quarter of the European area would conform to the building laws relating to the area, a requirement not easily secured permanently in Indian houses, there is no guarantee that the Indian household will observe the necessary personal sanitary requirements which are essential for the safety of the European neighbours, and on which the demand for segregation rests." It cannot certainly be beyond the wit of man to devise regulations by which reasonable security will be afforded to the Europeans residing by the side of the Indians, but the whole

question is approached in such a spirit of deep-seated prejudice that it is hardly worth the while to consider the argument drawn from the insanitary habits of the Indians, particularly because, to Lord Milner himself, it fails to carry conviction. He said: "The policy of the division of townships into several areas inhabited by different races, was originated on sanitary grounds; but speaking for myself, I am not prepared to defend it on sanitary grounds alone. My own conviction is that in the interests of social comfort, social convenience and social peace, the residence of different races in different areas—I am speaking now of the populous city areas—is desirable, and so far from stimulating it, is calculated to mitigate its hostility and ill-feeling." Viscount Milner here recognises the inadequacy of sanitary grounds alone, adduced by Professor Simpson, but he thinks that, reinforced by the ground of social convenience, the case for the segregation policy becomes sufficiently strong. It is nothing but a delusion to suppose that social peace will be promoted by racial segregation. It will not be; on the contrary, bitter animosities will result. Running separate trams and trains or compartments for different races is a variant of this policy, but we do not know that it has ever tended to deepen friendly feeling between them. The higher castes in India have driven the depressed classes to reside outside the limits of towns and villages; the reasonable people among the Brahmans, etc. have always felt it a great load upon their conscience, which it will take generations of unselfish effort for the uplift of the low castes to expiate. The East African Government merely desires to turn the Indian settlers into the Panchamas of East Africa. Few would have suspected that this Government was so passionately attached to the caste system prevailing in India.

Contrast this policy with the one adopted by the Filipinos in the non-Christian territory. The Moros and other Muhammadans in the Philippines are far backward compared to the Christians in point of civilization—they may fairly be called the "child peoples," the expression used in the debate in the House of Lords. They are not only primitive races, but predaceous and piratory, and yet the Christian Filipinos do not believe in living apart from them. On the contrary, they deliberately encourage intermingling of races, with the desire that the nomadic warlike tribes should settle down and adopt peaceful occupations. The Moros cover nearly a third of the islands, and it is felt that unless some of the Christian citizens migrate into the non-Christian country and settle there, the Moros cannot be persuaded to abandon their nomadic habits, live in fixed habitations and take to farming. The Philippine legislature, realising the needs of the situation, appropriated a million pesos for aid to such immigrants from densely populated parts of the islands as would be willing to give neighbourly help to their non-Christian brothers. Agricultural colonies were

thus formed whereby the Christian settlers might give the benefit of their superior civilization to the pagans. "The object of these agricultural colonies," we are told, "was not only the development of the vast fields that have not yet been touched by the hand of man, but also the amalgamation of Christian and Mohammedan Filipinos. In laying out the plans of these colonies, the Government saw to it that a Christian Filipino had a Moro for a neighbour." Lord Milner would naturally think that this plan, whereby peaceable Christians and disorderly Mohammedans would be mixed up in colonies, would lead to anything but social peace and social convenience, and there were not wanting people in the Philippines who predicted that this arrangement was bound to prove dangerous and ill-advised. But all these evil forebodings have been falsified, and "the undertaking is now considered a success even by those who were at first most pessimistic and adverse opponents of the plan." The Christian Filipinos invite their non-Christian fellow-countrymen to be their neighbours, although the latter are very low in civilization and of unsettled habits. They pursue a policy of deliberate unification of the two races, whereas the European settlers in East Africa cannot tolerate the presence in their neighbourhood of Indians who are acknowledged to be peaceable citizens leading well-ordered lives, Indians who were the first to settle in the country and who have practically made East Africa what it now is! If the British Government desire harmonious relations to subsist between the old and new settlers in East Africa, they must adopt a policy, not of separation, but of association and amalgamation.

THE C. P. LOCAL SELF-GOVERNMENT BILL.

I HAVE read the remarks of "D. V. A." regarding the C. P. Local Self-Government Bill in your last issue. I consider them inaccurate in some respects and it will be my endeavour in this note to show why I think so. The writer begins by pointing out that, as suggested by the Government of India, the consideration of the Bill should have been put off till the formation of the new Council, the reasons given by the Select Committee for its immediate consideration not being, in his judgment, convincing. The writer is probably not aware that the Bill is no hasty measure; but is the outcome of deliberations covering a period of nearly fourteen years. Its genesis goes back to the year 1906, when a representation was made by some of the leading District Councils in the Province that they should be vested with some power of taxation in order to free them from their present position of entire dependence on Government for their revenues and generally to strengthen their financial position so as to better equip them to discharge their statutory duties, especially in the matter of promotion of primary education. It took several years to draft a Bill, and when it was ready it was considered clause by clause by Divi-

sional Committees of officials and non-officials. By the time these conferences had finished their labours, the C. P. Legislative Council came into existence, and before introducing it it was twice considered by a conference of official and non-official members of the Council. It was introduced in Council in December, 1917. By that time the discussions about the new reforms had actively begun and it was thought that the constitution of the local bodies to be created by the Bill should be fully liberalised so as to bring it in accord with the underlying principle of the declaration of August, 1917. The Bill was accordingly withdrawn. A new Bill was drafted and introduced in Council in July, 1918. Since then it has been thrice considered by the Select Committee and the present Bill is the outcome of these prolonged deliberations. It has met with general approval in the Province. The only possible justification for its withdrawal and re-introduction in the new Council would be its illiberal character. But I shall show that it is not open to this charge. In fact, in my humble judgment, it would be difficult to frame a more liberal measure even "by the new Council with the popular element in a decisive majority," as the writer puts it. In this connection, I may inform him that Government had been guided in framing the various provisions of the Bill by the opinion of the non-official members. The first matter to which I wish to draw attention is the broadening of the electorate. Every class and community likely to have an interest in the administration of local affairs have been brought in. The details will be laid down by rules for each district according to local conditions, necessarily under the direction of the popular minister in charge of this department of Government. The writer, when he characterises the Bill as not liberal enough, is probably thinking of the clause which provides for one-sixth of the total number of members being nominated by Government. Apart from this, the Councils are to be wholly elective. In the first place, I have to point out that these nominations will hereafter be made under the direction of the popular minister, so that in practice there is not the least likelihood of their not being made in consonance with popular opinion. Officials are rigidly excluded and there is the further condition that the persons nominated shall possess the same qualifications as the members to be elected. The real reason for incorporating this clause is that there are still in our Province several tracts where the people are at present unfitted to take full advantage of the right of election. It is apprehended that in these tracts it will be necessary to strengthen the Council by nomination of a few competent persons, especially as official help will be entirely wanting. It was unanimously thought by the non-official members of the Select Committee that this was necessary to prevent complete break-down. It will be open to the new Council, when the proper time arrives, to delete this provision and provide for complete election.

As to chairmen and vice-chairmen, they will in every case be elected. The election of an official has been hedged round by so many conditions and restrictions that it can never be brought about except when the Council itself shall demand it by an overwhelming majority. If this provision is availed of, it will only be in very backward tracts. Every such election shall be subject to the sanction of the local Government, which means the popular minister. He may well be trusted to safeguard popular privileges in this respect.

Regarding taxation, for want of local knowledge, the writer is probably not aware that the measures embodied in the Bill will bring in sufficient revenue to meet all requirements for several years to come. Every holder of land will have to pay a cess of two annas for every rupee of land revenue. I do not suppose the landholding classes in the province will thank the critic of the Bill if a higher rate is imposed. Power has, however, been given to double this rate, if any Council consider such an enhancement necessary. Provision has further been made to tax non-agricultural classes for educational purposes. These at present are not taxed at all for the education their children receive in the Council schools. Another very important source of revenue has been tapped. Very handsome income is now earned by private landholders by establishing markets. These markets, though a very fruitful source of income to their owners, are utterly lacking in public conveniences and in sanitary arrangements. In future, the District Councils will be able to set up markets of their own and also to license existing private markets. It is expected this will make a substantial addition to their revenues. Larger powers of taxation would have met with strong popular opposition.

Regarding the so-called formidable list of duties and responsibilities, the writer has overlooked the important fact that in our Bill, the undertaking of these duties is not obligatory but wholly optional. Such of them as are within the resources of the Council concerned will only be taken up and they will be added to as funds permit.

The writer may rest assured that the non-official members have done their best to make the Bill suit the existing circumstances of the Province. It has also been conceived in strict accordance with the principle of giving the people as wide a power over their local affairs as is compatible with public interests.

B. K. BOSE.

SELF-GOVERNMENT IN THE PHILIPPINES.

To a nation who have their feet just set on the high road to self-government, the story of the wonderful achievements of the Filipinos during the first years of their attainment of domestic autonomy must be one of absorbing interest. The

political progress of the Philippines has been phenomenally rapid; the Archipelago came under the subjection of the United States only twenty-two years ago; only after eighteen years' tutelage, it is given complete freedom to manage its own affairs, and it is on the eve of being declared absolutely independent of America. This progress is principally due to America's passion for freedom. But the social, economic, educational and moral progress achieved by the Filipino democracy during this period is no less remarkable, and it is this that Professor Maximo M. Kalaw particularly emphasises in his book on "Self-Government in the Philippines." (New York: The Century Co.) Prof. Kalaw claims that the Philippines offer the most striking example of a successful democracy in the East, and this claim is just. The conditions obtaining in the islands are peculiarly favourable to the growth of democracy. In the first place, there are no artificial barriers dividing the inhabitants into any water-tight compartments. Caste is unheard of. Nor are there any institutions of royalty, nobility or blood distinctions. Whatever mischief Spanish rule may have done, it brought a great blessing in its train in so far as it effaced all such distinctions. It extinguished all traces of royal or princely families, which are often propped up by foreign rulers to further their own interests. The native system had completely disappeared, and the whole people were united, without distinction of class, in regaining their lost freedom. The steep gradations of riches and poverty which result in bitter class hatred in the European countries are unknown in the Philippines. There property is evenly diffused, everyone practically owning a piece of land. "Out of the ten million Christian Filipinos eight million at least live on their own farms, with houses of their own, independent of any absentee landlord or foreign master." The people are singularly free from the idea of blind obedience to the king or the priest which is engendered in a country under the domination of an absolute monarch and of a crafty priesthood. They believe in the depths of their hearts the declaration contained in the constitution adopted at Malolos that "sovereignty resides exclusively in the people." The percentage of literacy is very high; over seventy per cent. of the population above ten years of age are literate. "Although suffrage is limited to male persons who are literates or who have property to the value of 500 pesos, there are already over 1,750,000 voters in the islands," which is nearly 17 per cent. of the whole population. The Filipino woman has always held a high position in society. Even before the coming of the Spaniards four centuries ago, she shared equally with her husband the rights and duties of the home, and in case of his death inherited half of their joint gains. "Sometimes the position of the chief official of a town, upon his death, fell to the widow when there was no male heir. Christian ideals strengthened the position of the Filipino woman and gave her even greater freedom and powers.

To-day she is the mistress of the home and the safe keeper of the family funds." Truly, "there was a potential democracy in the islands," and rich is the fruit which the Filipinos have gathered and far richer it promises to become in the future.

The true test of a people who have won freedom consists in the treatment which they mete out to those who are inferior to themselves in civilization and whom they can, if they will, hold under subjection. If this test is applied to the Filipinos they come out entirely successful, for during the past seven years, when they had an opportunity to do so, the Filipinos have devoted themselves in utterly unselfish spirit to the uplift of the backward peoples in the islands—the Moros and other non-Christians who number 500,000. Most of them are semi-nomadic; vigorous attempts are therefore made to induce them to leave their wild habitat and settle in organised communities. Education is being rapidly spread throughout the non-Christian territory. In 1913 the Moros had an attendance of only 4,535; it rose to 16,114 in 1918; and the State expenditure on account of the education of these people increased, within these five years, from 137,069'00 to 650,000'00 pesos. In 1915 the Philippine legislature voted a sum of one million pesos for the organisation of the education of non-Christian Filipinos. The administration of the territory inhabited by these people is by no means self-supporting; this vote was therefore a direct contribution by the Christian population to the non-Christian brothers. The significance of the sweeping increase in the educational expenditure of the Mohammedans and others will thus be easily understood. During 1919 the school attendance in the non-Christian provinces has almost doubled. The courses of study are adapted to the special conditions of the pupils under instruction. "Settlement farm schools have been established to meet the particular needs of more or less nomadic tribes. Boarding schools are established wherever economic conditions demand it. It has been found that the only practical way to reach the non-Christian girls is through dormitory schools. Loom-weaving is being taught in a few schools. The industrial work prescribed for these people, however, has been limited very largely to agriculture for boys and plain sewing for girls." With some schools, dispensaries are combined. Some 30,000 children are treated each year in these dispensaries. There are also special dispensaries in charge of teachers who have received a course of instruction in dispensary work at the normal institutes. The public works programme is also vigorously pushed on in the non-Christian parts of the islands at enormous cost to the public treasury. "Special attention is given to the construction and maintenance of roads and trails, the improvement of ports and landing facilities, the extension and maintenance of telephone lines and a potable water supply, the removal of obstacles to navigation of rivers, and the construction and maintenance of public buildings, especially schools and

hospitals." The Jones Law, which conferred autonomy upon the Filipinos, also improved the political status of the non-Christian section among them. "Seven out of the ninety members of the Lower House and two out of the twenty-four members of the Senate were to be appointed to represent the non-Christian peoples of the islands."

In the Christian part of the Archipelago popular education is spreading with rapidity, although there is no law of compulsory attendance. "The Philippine public school system is one of the largest under the American flag, and it is growing. Between 1912 and 1918 the total number of children in school increased from 440,000 to 675,000, a gain of 54 per cent. in six years. . . . During the same period, the number of intermediate pupils grew to 67,000, a gain of 160 per cent.; and the number of high school students reached 16,000 a gain of 220 per cent." The increase in the number of schools naturally entails a large increase in expenditure, and the provinces and municipalities bear it without complaint. The Philippine Congress has framed a five-year school programme calculated to accommodate in the schools all Filipino children who may desire to attend them and has appropriated the large sum of 30 million pesos to defray its expenses. The number of girls in primary and intermediate schools was 234,905 in 1917. Equally enormous expansion has taken place in the sanitary and public works departments. The great economic development that has taken place in the Philippines illustrates the truth of the remark made by Prof. Kalaw that "the greatest instrument of economic progress is political autonomy." Before the establishment of self-government in the Archipelago, commerce was virtually in the hands of the foreigners, the latter commanding banking facilities. However, immediately after the passing of the Jones Act, a Philippine National Bank was established by the Government, whose resources increased within two years from bare 20 to 230 million pesos. "This is probably unprecedented in the history of banking." The total foreign trade rose from 107,685,742 in 1913 to 234,281,747 in 1918, which means an increase of 131 per cent. in five years. In shipping, engineering, and several industrial ventures, the Filipinos have made wonderful progress, but it would be tedious to quote figures. A Bureau of Labour has been created to adjust differences between labour and capital, and what is of particular interest to note is that both the Director and the Assistant Director of the Bureau are labour leaders. "We have no compulsory arbitration of labour disputes in the Philippines, but voluntary mediation has been successfully applied. The Philippine Legislature has facilitated the acquisition by labourers of homesteads, and is undertaking a policy of financing settlers who want to migrate to the less densely populated islands like Mindanao. They supply capital and work-animals to labourers who desire to go into these thinly populated districts." "The Government maintains special institu-

tions for the defective. There is a school for the deaf and blind in Manila. There are orphanages and reformatories for young offenders, and a juvenile court will be soon established if the bill recently introduced (1919) should become law. The Philippine Health Service, now under a Filipino chief, has established free dispensaries in every part of the Philippines, where poor people can receive free treatment."

V.

A STUDY IN NATIONALISM.

MR. GANDHI has an awkward habit of forcing everything and everybody to the proof, and no one has suffered so much in this process as some of the Nationalist leaders of Madras, who not a little while ago proclaimed their adhesion to every single item of Mr. Gandhi's programme of non-co-operation. Action was required of them equally with the humble followers who, according to the governing code of political strategy, were expected to rush to the fighting line, leaving the generals in a position of perfect security to guide the field of battle. Mr. Gandhi, however, has reversed the whole of this code; he requires the generals to make the first life-sacrifice, if need be. It need not occasion surprise to anyone, therefore, that the leaders have now thought better of it all and have renounced practically the whole of the programme. Some people profess to find several material changes introduced in the plan originally produced by Mr. Gandhi. Mr. Srinivasa Aiyengar complains that the boycott of councils was included in the programme at a later stage and similarly the non-payment of taxes was subsequently omitted from it, thereby suggesting that these modifications necessitated the withdrawal of the support which he had previously bespoken for the movement. As a matter of fact, Mr. Gandhi's programme has remained absolutely unchanged. The boycott of councils has ever formed an integral part of the non-co-operation campaign as planned by him, and Mr. Srinivasa Aiyengar himself says that non-co-operation cannot be practised without tabooing the councils. Nor has Mr. Gandhi abandoned the item of non-payment of taxes. Only it forms the last stage in his programme, and will be adopted in the last resort. Apart from the inaccuracy of his statement, does Mr. Aiyengar pretend that he would have been a practical non-co-operationist if Mr. Gandhi had made it the first instead of the last stage in his programme? We had thought that his principal objection to Mr. Gandhi's plan was that it was excessively drastic, that it made too exacting a call upon human nature. This make-belief that the programme has undergone a substantial alteration which caused a change in his attitude towards it would not therefore help him out of his difficulty.

To the editor of the *Hindu*, who was in a similar predicament, no such plea would answer. His commitment was more definite and categorical. He did not therefore try to wriggle out of it; he

coolly ignored it. On April 18, he seconded the resolution calling "upon all Indians to resort to progressive abstention from co-operation with Government in the following manner: firstly, to renounce all honorary posts, titles, and membership of legislative councils; secondly, to give up all remunerative posts under Government service; thirdly, to give up all appointments in the police and military forces; and fourthly, to refuse to pay taxes to Government." Within less than four months, however, from this date he turned his back upon much of this programme and more particularly upon the course of action advised here in regard to the legislative councils. It should be noted, that the resolution recommends this fourfold programme to "all Indians" for adoption. This is to be noted because it is sought to explain away the whole of this resolution by saying that it was meant to be acted upon by the Muhammadans alone. The very first sentence uttered by Mr. Kasturiranga Aiyengar in support of the resolution was that "the resolution marked the stage at which words gave place to deeds." Deeds, no doubt; but only for Muhammadans! So far as they were concerned, the time for words was gone; as to the Hindus there was still time for words, and probably would remain to the end of time. Such is the explanation offered. *New India*, in its simplicity, reminded Mr. Kasturiranga Aiyengar of the resounding passage in which he enlarged upon the duty of putting this programme into operation. Mr. Aiyengar promptly corrected the journal by pointing out that the obligation here spoken of rested upon the Muhammadans. No Muhammadan who would not carry out "even the recommendations made in the four clauses" could be sincere after all that is said on the subject. "Even" shows that much more is expected of a Muhammadan who has any credit to lose for his sincerity. But the Hindu? Apparently, he can retain his reputation for sincerity after all that is said by *him* even if he declines to carry into execution the measures which go to constitute the first stage in the movement. Unfortunately for himself, Mr. Aiyengar also spoke about the duty of the Hindus at this gathering; it was to follow the lead of the Moslems irrespectively of what their individual feeling might be. In view of the super-sensitiveness that has been developed on this question, it is best to quote the exact words used by Mr. Kasturiranga Aiyengar: "Whatever the Hindu community might feel on this question, they were bound to follow the lead of the Muhammadans. It was for the Muhammadan community to take such steps as were necessary in the attainment of the noble object which they had at heart and being persons who were their brethren owning the same motherland, whose interests were bound up in so many ways with those of their Moslem countrymen, the Hindus were bound to follow the lead of the Musalmans." It was the Muslim's duty to carry into effect Mr. Gandhi's programme, and therefore, secondarily at

least, it was also the Hindu's duty to do likewise, whatever he might feel about, say, the boycott of councils. On a question like this, the Hindus must not allow second thoughts to come to them—that is the plain meaning of what the editor of the *Hindu* said. Even if this were to be put on one side, there is no getting away from the resolution which asked "all Indians" to put Mr. Gandhi's programme of non-co-operation in effect. It would seem that this resolution and the speech Mr. Aiyengar made on it left him no means of escape whatever; he had burnt his boats at the Khilafat Conference.

And yet, in less than four months' time, Mr. Aiyengar threw this resolution to the winds. At the Khilafat meeting itself, where he made a moving appeal to "all Indians" to adopt the full programme of non-co-operation, Mr. C. Rajagopalachari had warned him of what the carrying of the resolution meant. "There was no use," he said, "of passing resolutions merely. They found fault with Mr. Lloyd George, because he did not keep his plighted word. Let not those who voted for this resolution give an opportunity to their enemies to level the same charge against them. Let them prepare their mind for carrying out this resolution courageously." Mr. Kasturiranga Aiyengar, however, was apparently preparing his mind for four months for boldly flinging the whole of it on the scrap-heap. In April, it was the duty of all Indians to put non-co-operation into practice; in August, it became their duty to abstain from all action, till the Congress had met. As Hindus, they were bound to support the Musalmans by action, whatever their own feeling was. As Congressmen, they were bound (so it appeared to Mr. Aiyengar in August) to accept the verdict of the Congress, whatever it was—perhaps even if it went counter to the Moslem decision. They would be stultifying themselves if they themselves took up the programme and advised others to adopt it before the Congress had given its decision. Mr. Kasturiranga Aiyengar then went on to oppose the boycott of councils although it was included in the resolution which he supported at the Khilafat meeting. The pledge to carry out non-co-operation was absolute and without reservation in April; in August, it became so very conditional and full of reservations that perhaps nothing but a renunciation of titles was left intact. Mr. Satyamurti expressed the hope at the Khilafat gathering that the necessity for putting in practice all the steps mentioned in the resolution might not arise, "but," he added, "if it arose, he wanted everyone who voted for it to make up his mind without any reservation, mental or otherwise, to stand four-square to the pledge in order that their demands might be conceded." As to the necessity, there is of course no doubt, for all Nationalists are agreed in thinking that the usual constitutional methods have been exhausted, and that non-co-operation is the only remedy in the circumstances. But the pledge so solemnly given in April is now broken, and a di-

rect right-about-turn is taken. This *volte face* on the part of a Nationalist leader has significance to public workers as an interesting study it affords of the habit of mind of the Nationalists as a class. There is little correspondence between their words and deeds. Mr. Gandhi, happily, knows this. With the shrewd practical judgment which he combines with high idealism in such large measure, he remarked to a representative of a Madras paper that he looked not to the educated classes but to the masses for active support in his campaign. The support which was so vociferously voiced at public meetings by the Nationalists was not, he knew, worth anything.

A CRITIC.

CORRESPONDENCE.

UNREASONABLE CRITICISM.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—It had been an open secret for several weeks past that Lord Sinha of Raipur would be our first Governor under the new scheme of reforms and the official notification of the appointment did not come as a surprise to the people of this province. But this is far from saying that it caused no enthusiasm among them. As a matter of fact, it has been very warmly welcomed by all classes of people for a variety of reasons. For one thing, Lord Sinha will be the first Indian to occupy the position of the Governor of a province since British rule was established in India and what is more, this province of all others is to enjoy the honor of initiating this somewhat extraordinary step. The Biharees are determined to cooperate with him in making his régime a success, and they are going to utilise the reforms to the largest possible extent. Let me not, however, disguise from you the fact, of which probably you are already aware, that an appeal is being made to our provincial patriotism and we are asked to make the position of the Bengalee Governor untenable—because he is not a Biharee. I have not the slightest doubt in my mind as to what effect such advice will have on the public mind of this province. I wish and pray it may fall on deaf ears and I am already seeing signs which go to confirm me in my hope. This suicidal advice comes from quarters from which we had a right to expect better things. That it should proceed from one who professes himself as of the Congress, which has been agitating most strenuously all these years for a complete Indianisation of the public services, is to me nothing short of a shock. This is not the place to go into the reasons which prompt this mental attitude. Suffice it to say, however, that they are absurd. Europeans are to be preferred, because they are juster, more strong-minded, less liable to favouritism and nepotism, and honest fellows than our own countrymen! Because the Government failed to select a Biharee to succeed Sir Edward Gait, let the Biharees make Lord Sinha's life a hell—what a noble specimen of Nationalist thought! That Europeans, by living apart from Indians and by not mixing with them, are never able to appreciate properly currents of Indian thought may be a matter of complaint on the part of the Indian public against the employment of Europeans; but that is just the reason why they are to be preferred to our own brethren! I observe that a regular campaign against Lord Sinha on these lines is at present being carried on in the columns of a paper controlled by the President of the Indian National Congress—Pandit Motilal Nehru. But, as I have said above, it is not producing any the slightest effect on the people of the province, as you can see for yourself by a reference to the writings in our Press. Whether his conscience as a custodian of the traditions of the national institution will dictate an attitude of continued indifference towards this preposterous agitation or dictate a different course is a matter entirely for Mr. Motilal Nehru to decide.—Yours, etc

A BEHAREE.

Patna, August 21.

SELECTION.

THE RESPONSIBILITY OF MILITARY OFFICERS.

GIVING evidence before a Select Committee of Parliament on the employment of the military in cases of disturbance, the Right Hon'ble R. B. Haldane, M. C. M. P., Secretary of State for War, said :—

Broadly stated, there are two principles which form part of the common law of this country. The one is that every citizen is bound to come to the assistance of the civil authority when the civil authority requires his assistance to enforce law and order. That applies to the soldier, who is in no different position from anybody else. But there is a second principle which does bear upon the duty of the soldier, and that is that when you do come to the assistance of the civil authority which has requisitioned, neither you nor for that matter the civil authority, is entitled to use more force than is necessary in order to assert the cause of law and order. Now the soldier is a person who is different from an ordinary citizen in this, that he is armed with a deadly weapon, and, moreover, he comes out in a military formation. The result is that if he appears unnecessarily, he is apt to create an impression in the minds of those who are about of a hostile character. His very menacing appearance may lead to the very thing which it is his purpose to prevent—disturbance. For that reason in the War Office, we are very averse to allowing the military to be employed. We are compelled to do it; we have no choice; we have to obey the law; but we always tend to insist—and while I am there we always shall insist very strongly—on this, that we are called out legally and not illegally. We are called out illegally if we are called out under any circumstances which admit of being dealt with by force less menacing than a military force necessarily is. There is a principle which must be borne in mind, and that is that people are taken to intend the consequences of their actions. It may be perfectly legal for the military to march up and along certain streets, but, if their doing so will necessarily and unjustifiably bring about a disturbance, the military will find themselves breaking the law. There are familiar cases in the books. There is one case in which somebody in the neighbourhood of the Strand owned a theatre, and he gave a performance of a well-known play, which had the result of attracting an enormous crowd trying to get in. He was acting perfectly legally in opening his theatre and advertising the play, but he created such a disturbance by attracting the crowd that he was held liable to injunction. In the same way it has been held in due course that if you put up a very exciting and stirring advertisement in Fleet Street and a crowd collects and blocks the pavement, you are liable. I say that by way of illustrating that if the military, even within their rights, come upon the streets in circumstances when their doing so may create disturbance, they may be committing an offence against the law. That is a principle which I am always disposed to bear very closely in mind when dealing with the question whether they should act or not. But, subject to those qualifications, I wish to emphasize this, that the War Office has no direction. We are in control of a number of people who are citizens as well as soldiers, and if they are requisitioned to assist the civil authority, then, if it is necessary that they should assist, and if they are required, and they cannot be done without, they have to go. That brings me to what I want to make clear here, because it is the vital point, and I do not think it is clear. It has been said that the cases show that the military have no direction when they are called on; that, although the King's Regulations say that they must use a direction as to what troops they employ and what weapons they use, still they have no direction whether they will go or not, and that it is for the civil authority to say whether they are to come or not. From that position I emphatically dissent.

Are you referring to the local military authorities or to the direction of the War Office?—I was referring primarily to the local military authorities. It would apply to

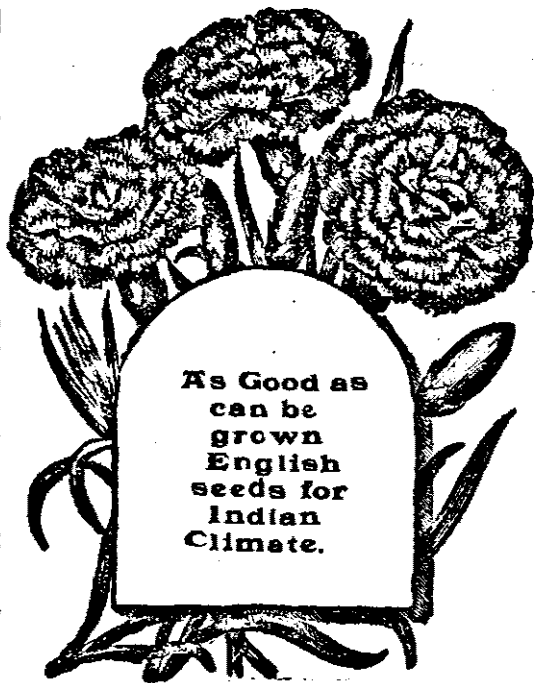
both, but the case almost invariably arises in regard to the local military authorities. There is some countenance, I think, given to the doctrine which I am combating in a sentence in the King's Regulations. They were drawn up with these words in them, in para 949, which says that, when a requisition comes from the proper authority, the military authority will arrange for the despatch of troops and inform the civil authorities who requisition them of their numbers and of the time at which they may be expected to reach their destination. Now that is ambiguous. That, to my mind, cannot alter the common law, and cannot relieve the military authorities of the obligation which is upon them, and that obligation is to judge for themselves. My view of the law—and it is the view of Lord Bowen also, whom I assisted to frame the paragraph in the Featherstone Report on the subject, which I think, is quite ambiguous on the point—is that the civil authority has no power to use more force than is necessary, and therefore, has no power to call out the military unless they cannot get on without the military. They ought to do it by civil aid if they can. If they do call out the military, the commanding officer is in this position: an illegal command—an illegal requisition—cannot absolve him from his liability to the general law of the land. Consequently, although the opinion, of the civil magistrate is very weighty, and is a thing on which he may place a great deal of importance, it does not absolve him from his liability to the law. If he is summoned from a distance, not knowing the facts, and the civil magistrate says: "you must come and help me to put this disturbance down; I cannot do it with a civil force," he is bound, in my opinion, to go, because he does know the facts, and he would be acting at his own risk if he did not go. He would be committing a misdemeanour at common law if he did not give the assistance he is bound to give. But supposing he goes and finds there is only a small disturbance, which could be put down by the ordinary police, certainly he would be committing an offence against the law if he intervened. Consequently he must to some extent exercise his own discretion, notwithstanding the requisition of the magistrate. In nine cases the magistrate knows better than the commanding officer can know, but there are some cases in which the commanding officer who is on the spot and can judge for himself may think the magistrate is mistaken in his view of the facts. The mere authorization of the magistrate cannot in point of law, absolve the commanding officer from doing what is illegal, because by the jurisprudence of this country everybody is taken to know the law, the commanding officer as well as anybody else; it is only judges who are allowed to say they have mistaken the law. But a commanding officer may say: "the question is not for me; who am at a distance and cannot know what is happening, one of law, but is one of fact; the magistrate is a better judge than I am of the circumstances, and, in point of fact, I accept his view, there being no reason to the contrary that I ought to intervene." In that case my view is that he would be protected not because he has not committed what would have been an offence, but that he had not had what is called in the law *mens rea*—the guilty mind. He could not allege a mistake of law on his part, but he could allege a mistake of fact, in which he had been *bona fide* led by the misjudgment and action of a magistrate. That is his protection, but subject to that he has to judge for himself, like anybody else. I have gone into that at some length because of the words in the King's Regulations and I think I know where the mistaken impression on which these words, which are certainly ambiguous, are founded, came from. In 1822 there were some very well-known riots in Lancashire, and a military were called to the assistance of the civil authorities in order to enable a warrant to be executed, and after the riots were over—more than six months after—an action was brought by a plaintiff called Redford against a Militia officer called Birley, and the case of Redford vs. Birley is a great case which is reported in the State trials in the first volume of the new series. Redford vs. Birley was tried by Mr. Justice H. Holrold and a Jury, and in Mr. Justice Holrold's summing-up, there occurred certain words which have misled a good many people. Mr. Justice Holrold

said: "The only question here is whether the military was assisting the civil authority in response to a request to do so. That is all the Jury have to consider." The head-note of the case—the short summary of facts at the beginning of the report—lays down that the issue that was tried was a question whether the military were rendering assistance in dispersing an unlawful assembly. Of course, if the principles of law which I have stated to the Committee are right, that left open the question whether the military authority acted wrongly in obeying the requisition of the magistrate and Mr. Justice Holroyd apparently says, and to anybody who read only the head-note would be taken to rule, that what the magistrate said was conclusive. But he did not really say that. The difficulty which has arisen has arisen from the people reading only the head-note of the case (which is, in my view, erroneous) without reading the whole of the report. If you read the report, you will find this: it is very technical but it is well the committee should understand what the point was. It was an action of tort—for damage for an assault—and the plea raised was what was called the general issue. It was a plea of "not guilty," which was in those days a proper plea to an action of tort, and it enabled you to raise any relevant issue, including an issue of "not guilty by statute." There is an Act of George II, which says that when anybody has been assisting the civil authority in executing a warrant or quelling a riot or generally enforcing the law, the action must be brought within six months. If it is not brought within six months, all you have to prove is that you were assisting the civil authority, no matter whether you were wrongfully requisitioned or not. If the action is not brought within six months you have a complete defence if you merely plead you were called out by the civil authority and were assisting it. That issue was raised in *Redford vs. Birley*, and it was that to which Mr. Justice Holroyd referred when he said: "The only question is, were they called out to assist the civil authority, not whether the civil authority was wrong in calling them out and they wrong in coming." When you get rid of that case, as you do when you read through the proceedings instead of pausing only at the head-note, then you will find the other authorities pretty well consistent. The law to my mind is clear that the soldier is in no different position from anybody else. He must obey the civil authority by coming to its assistance, where it is necessary that the soldiers should give assistance to the civil authority, but it must be necessary that he should do so, and excess of force and excess of display ought not to be used. The soldier is guilty of an offence if he uses that excess, even under the direction of the civil authority, provided he had no such excuse as that he was bound to take the facts as distinguished from the law, from the civil authority. Now the officer, of course, thereby is placed in an extremely difficult position. He is in the same position as his own man is. If an officer orders his man to fire necessarily, and clearly unnecessarily, the command of the officer does not absolve the private from his duty to obey the common law. On the other hand, under the law of the Army the private is bound to obey his officer. He is in other words in peril of being, on the one hand, tried and shot by a court-martial, and on the other hand, of being tried and hanged by a judge and jury. But in practice it is one of those situations which are really perfectly simple. In 999 out of 1,000 cases it does not arise. People are very sensible in this country. Two principles which may come into conflict have to be reconciled, and they are reconciled by taking the case in the concrete. The result is that while the commanding officer is bound to pay a great respect to the opinion of the civil authority, on a mere question of fact, when he comes from a distance to accept it, until he sees that is obviously wrong, he is not absolved, in law, from his duty not to use more force than is necessary. The result is, I think, that these words, which are doubtless founded on an impression from a misreading of the case of *Redford vs. Birley*, go a little too far and I propose to modify the language of paragraph 949 of the King's Regulations. I do not think it has misled anybody in practice. We have enforced the other view very strictly because, as I said, the War Office is very reluctant to act. The other day, for

instance, at Winchester, the civil authority requisitioned the officer commanding the troops at the depot to bring them up, and the officer did not bring them up, and the civil authority complained to us. I went into the case, and I had not the smallest hesitation in approving the action of the officer commanding, and yet it was said, with truth, that the paragraph in question says that the military authorities will arrange for the despatch of troops. They did not in that case, because they said, very sensibly: "This must be read in accordance with the common law, and not as inconsistent with it". The Regulations cannot repeal the common law. I agree that should be made more distinct than it is at the present time. That is a statement which I wanted to put before the committee in order to make the law perfectly clear, as I think it is.

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