

THE Servant of India

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Office: KIBE WADA, BUDHWAR PETH, POONA CITY.

VOL. III., No. 38.]

POONA—THURSDAY, OCTOBER 21, 1920.

[ANNUAL SUBSN. : Rs. 6

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TOPICS OF THE WEEK.

SO after all England has not been able to avert the coal-miners' strike which began on October 16 and the country is thus faced with a serious situation. None of the alternatives proposed by Government succeeded in satisfying the miners, though some of their most prominent leaders seemed to favour the Government's offer to refer their claim for increased wages to an impartial tribunal and abide by its decision. In view of the scant courtesy shown by the Government in similar circumstances to the recommendations of the majority report of the Sankey Commission, the miners were perhaps justified in their attitude of distrust of ministerial pledges. The offer to admit the miners' claim on condition that the present low production was raised to the figure of the early part of the year was also refused. We are far from suggesting or implying that the strike was precipitated as a result of the want of the spirit of compromise on the part of the miners. Indeed the fact that they agreed to suspend strike notices on two occasions proves their unwillingness to resort to this extreme step. The net result however has been that millions of people have been thrown out of employment and will have to suffer all the hardships of the situation for a pretty long time, as a determination is expressed to fight to the bitter end. Whether the other partners in the Triple Alliance also join in the fray, it is yet too early to forecast.

THE strike situation in Bombay still remains unaltered, though over a month has elapsed since the first strike, viz. that of postal peons, began. There have yet been no visible signs of restlessness and the strikers seem to be proving themselves possessed of remarkable self-restraint. As for the public, it continues to suffer a good deal of inconvenience in consequence of the irregular receipt

of its mails, all the efforts of the postal authorities to the contrary notwithstanding. This extraordinary situation cannot last long and the Government must sooner or later do something to meet the demands of the strikers. Even supposing that the present improvised arrangements continue for an indefinite period, the Government can ill afford to add to the existing volume of unrest and discontent by letting the grievances of this class of useful public servants remain unremedied. It is a pity they have allowed things to take their own course so long. The gasworkers' and the tramwaymen's strikes also continue. If indications are to be trusted, the former might come to a close any day; as for the latter, the contagion has now spread even to inspectors and its end does not yet seem to be in sight.

THE Stores Purchase Committee enjoins on the Government the need of *Swadeshi* in the matter of purchase of stores required for its use. So far back as 1906 an identical recommendation had been made by a similar committee; but evidently very little was done to give practical effect to it. We hope the present committee's recommendation that "all stores required for the public service shall be obtained in India whenever they are procurable in the local market, of suitable quality and reasonable price, preference being given to articles of Indian origin," will be accepted not only in theory but also in practice. This will necessitate the employment, at an estimated cost of a little over fourteen lacs and a half of rupees a year, of a highly trained staff to do the work of purchase and inspection of stores; and perhaps to start with, it might be necessary in a few cases to avail ourselves of the help of foreign experts. But this should be only for a time, the general policy being that "whenever suitably qualified men can be obtained in India to fill vacancies, preference shall be given to statutory natives of India." The inspection branch, especially of the Indian Stores Department, can do a good deal to help on India's industrial development by not only pointing out to suppliers the defects in their manufactures, but indicating to them the directions in which their quality could be improved.

THE primary school teachers have a good case in support of their demand for a starting salary of Rs. 30. Their present scale of pay was settled at a

time when the cost of living was not as high as it is to-day, and the small war allowance sanctioned for them could hardly be said to cover the additional cost entailed by the rise in prices. When the students at the Government Training Colleges, who are men without families, are given a scholarship of as much as Rs. 15 and when a revenue clerk with an identical educational equipment starts with a much better salary, it is unfair to the primary school master to expect that he should remain content with a salary which in these days is hardly sufficient to keep his body and soul together. The nature of the work with which he is entrusted is admittedly of a responsible character and nothing should be spared to keep him in an efficient state.

* * *

A DETAILED medical examination of students in all the colleges affiliated to itself is the leading feature of the Calcutta University's welfare scheme for students. The object of the scheme is to collect data for forming a reliable estimate of the state of general health of the student community so that measures might be devised for its improvement. The scheme came into effect in July last and the examination carried out so far has brought out the serious fact that more than 50 p. c. of the students suffer from some sort of eye trouble; while the percentage of defectives is as high as 70. With a view, therefore, to remedy this disquieting state of things, the University is now contemplating the establishment in the near future of an eye, ear and dental clinics where free medical advice will be given, faulty teeth scraped, glasses supplied at cost price or even free of charge in case of indigent students and other defects attended to. If the other Universities follow the lead given by Calcutta, an appreciable improvement in the health of students might be expected in the near future.

* * *

THE Bombay Government's resolution reviewing the reports on the administration of local boards in the presidency for 1918-19 discloses one or two noteworthy facts. The policy of replacing official presidents of district boards by non-officials was initiated about four years ago; but while public testimony is borne to the satisfactory character of the duties discharged by non-official presidents and vice-presidents, no more than three such appointments were made during the year in the presidency and so far as Sind was concerned, the matter did not advance beyond the consideration stage. This seems to be surprising, in view of the Government's much advertised anxiety to push on the policy of the expansion of the rights of local bodies. Lack of properly qualified persons to undertake the duties of presidents of these boards cannot be seriously brought forward as a justification for the Government's failure to take bolder steps in the matter; for in Madras the experiment has been tried on a large scale with the result that over a half of their boards at present enjoy the privilege of having non-official presidents. Even in respect of appointing non-official presidents to

Taluka boards, very little progress seems to have been made in Bombay; but it is some consolation to note that at the close of the year more than half of them had non-officials as their vice-presidents. It is to be hoped that the next report will be able to record better results.

* * *

THE reasoning by which Mr. Gandhi supports the withdrawal of children from schools naturally compels the interrogation as to why the railways and the post and the telegraph are not to be boycotted equally with the schools. If no benefit of any kind is to be received at the hands of Government, one must be tabooed as well as the other. If Mr. Gandhi had answered with Pandit Nehru that it was a question of what was feasible and what was not, one could understand his position, though few would be ready to sacrifice children's education with Mr. Gandhi's nonchalance. Education should be not the first, but the very last thing to sacrifice in our struggle with Government. Mr. Gandhi, however, did not put the matter on the ground of practicability, but advanced the curious plea in defence of his use of the Government's railways that he regarded them as the nation's property. Such quibbling one would hardly expect from Mr. Gandhi. Railways are no more the nation's property than schools, and if the former could be used without doing violence to one's conscience, so also the latter.

* * *

SOME persons seek to defend the boycott of schools, which is the least defensible item in the non-co-operation programme, on the ground that they are anti-national. That plea, however, is wholly without substance; for with the passing of the education department under the control of the ministers, the education system becomes national. National education is variously defined, but the definition embodied in the resolution of the Calcutta Congress of 1906 is perhaps the most authoritative and likely to be most acceptable. According to it, education, to be national, should be "suited to the requirements of the country, on national lines, and under national control." It will certainly come under national control when its direction is transferred to the Indian ministers, responsible to popular legislatures, and it will only be a question of time as to when the national control will so change its character as to suit the country's requirements and be on national lines. What, therefore, non-co-operationists are now boycotting is not non-national but national education, and this boycott is for that reason the least justifiable. We cannot help thinking that the lack of response to this item of the programme from the youth of the country is due to the fact that they are not yet convinced that sacrifice of education is necessary or even desirable for the redemption of the country.

* * *

THE National Congress of Ceylon has decided upon boycotting the new constitution. Opinion among the leaders would appear to be still divided

—the distinguished brothers, Mr. P. Ramanathan and Sir P. Arunachalam are ranged on opposite sides, the latter being for and the former against the proposed boycott. Still there is, we believe, a solidarity of feeling in its favour among the rank and file. We are not sufficiently acquainted with the local conditions to judge of the extent to which the boycott will be carried into effect. But one thing is clear; even if the demonstration should fail to move the British statesmen to grant something of real power to the Ceylonese, the latter lose little by remaining aloof from the so-called reforms. The case of Ceylon, it is clear, stands on a very different footing from that of India, as will be seen from the differing estimate in which the Indian and Ceylonese schemes of reform are held in Labour circles (vide page 454). The Ceylonese do not approve of the extensive non-co-operation adopted in India, but restrict it merely to the boycott of the new council. This has given the *Hindu* an opportunity to pick holes in Mr. Gandhi's programme which is so pervasive as likely "to fall by its own weight" and to praise the Ceylonese for their practical wisdom in selecting a restricted plan of non-co-operation. One would think that the *Hindu* was all in favour of the boycott of councils in India and that its objection was directed against the other forms of non-co-operation, while as a matter of fact Mr. Das's plan, to which the editor of the *Hindu* gave his support, differed from Mr. Gandhi's chiefly in that it excluded the boycott of councils, while Mr. Gandhi's plan included it.

OUR readers will remember the deep offence which we gave to the editor of the *Hindu* by our description of his policy on the question of the reforms scheme as one of rejection, pure and simple; they will recall how eagerly his paper disowned that policy and, in its anxiety not to be mistaken for a rejectionist, it laid down the theory that India must gratefully accept whatever reforms were granted to her. Thus for a long time those who had declared that the scheme could not even form the basis of discussion, yet maintained that they were as far apart in their attitude to the proposals of reform as possible from those who were pledged to reject them *in toto*. Now, however, public feeling has swung round to the side of rejection, and those who were at first for that policy but had executed a *volte face* in order that they might be in accord with the prevailing sentiment have made bold to avow their original intention. Thus we find Mr. Satyamurti proclaiming that the Madras Nationalists, including the *Hindu's* editor were originally for boycotting the new reforms and had issued a manifesto in that sense, and we find Mr. George Joseph saying that they were for total rejection—the ugly word which the *Hindu* was careful to avoid as sin itself. In the matter of utilising the reforms, too, Mr. Kasturiranga Aiyengar has alternately favoured the two methods

it a fair chance and wrecking it. The Nationalists have by turn assumed every conceivable position in regard to the reforms.

THE adoption of non-co-operation naturally rules out the method till now followed by the Congress organizations, viz. that of making representations to Government for the redress of grievances. The Mahajan Sabha of Madras is thus engaged in considering whether, as a body affiliated to the Congress, it should not remove this from its objects altogether. It has not yet settled the question, but the Deccan Nationalists, though they have decided to abstain from the councils, still think that they are free to represent matters to Government. Only the other day Mr. Kelkar led a deputation of the primary school teachers to the Education Member of the Bombay Government, and begged for an increase in their salary. We cannot understand how Mr. Kelkar reconciles the two things. He has no objection to stand as a suppliant before Government, but boycotts the council where he could raise the question as a matter of right and, with the support of the majority, direct the Government's educational policy. Perhaps he thinks that non-co-operation forbids the exercise of rights, but allows the use of pure mendicant methods!

THE explanation, now offered by Mr. Jawaharlal Nehru, Secretary of the Swaraj Sabha, of the circumstances in which Mr. Jinnah and others elected to resign their membership of that body, shows conclusively that even on technical grounds which if they were of the strongest, would not justify this extreme step, the seceders had little cause to feel aggrieved. No one can dispute the right of the general body of members to change the constitution of the Sabha at will. That the Sabha had delegated this power to the Central Council does not divest the general body of that power which is inherent in it. The rule about three-fourths majority applied to the Central Council, but since there was no rule prescribing a majority of any particular size in the case of the general meeting of the Sabha, it must be held that a bare majority of votes at the meeting was perfectly entitled to bring about changes in the constitution. In this particular instance the majority was more than two-thirds. But, as it now turns out, it was at Mr. Jinnah's own instance, that the matter was referred to the general body. In these circumstances we are unable to see how Mr. Jinnah could raise any objection at all. As we have said above, however, his secession from the Swaraj Sabha could derive no justification even if, technically, he was indisputably right and Mr. Gandhi indisputably wrong. How light-heartedly some of those who were loudest in condemning a temporary abstention of the Liberals from the Congress turn their backs upon the Swaraj Sabha for good and all!

THE WILSON COLLEGE TROUBLE.

THE present trouble with regard to the compulsion to attend the Bible class at the Wilson College on all students, whether Christian or not, is an immediate by-product of the non-co-operation campaign, because this compulsion has been in vogue since the foundation of the College and except for occasional murmurings and light-hearted remarks had not previously led to any trouble. The electrification of the political atmosphere has caused a spark even in the non-conducting material of a College—and the students now think that they ought to protest against this practice and get it stopped as soon as possible. Meetings of students and their sympathisers were held, and a deputation waited on the Principal who said that religious instruction was one of the essential objects for which the College was founded, that it compelled no student to join it and that those who did join it knew the conditions of their admission. Later on the Principal gave nine of the leaders of the students and the guardians of three girl students to understand that they would not be admitted to the College next term. An outcry has been raised against this order of "rustication" though it can be hardly so called as the students will be given a leaving certificate and allowed to join any other College without prejudice. We do not know if there is anything at the back of this movement and shall deal with it only in its public aspects.

It must be admitted that the position of the Wilson College authorities cannot be legally challenged. The students knew of this compulsion when they joined the College; it is not a new condition imposed on them since last June. They must therefore be taken to have tacitly acquiesced in the practice. It is the students who are taking up a new line. Again, the College authorities are technically right in determining what students they will admit into the College or even allow to continue as members of the College. If the authorities of any College are dissatisfied with the conduct of any student, but not so dissatisfied with it as to take the far more rigorous step of rustication against which an appeal may lie to the syndicate, they habitually get rid of him in this silent way. If the student does not lose a year by this dismissal, he cannot ask the university or any other authority to force the College to keep him. Again the College has been recognised by the University for its various examinations on a consideration of the provision it makes for teaching the prescribed courses, of the general tone and character of the College, of its buildings, hostels, laboratories, libraries, &c. The University is absolutely indifferent to the other special conditions of College discipline, and certainly cannot ask the College to change one of its long-standing practices on pain of disaffiliation.

There is also this to be said in fairness to the College. The missionary body which maintains it does so perhaps not from the secular motive of

spreading English collegiate education, but because it wishes to advance the cause of its faith by giving instruction to the students in Christian scriptures. The people of Scotland who contribute funds to the mission may very well say that they will cease to do so if this practice is given up. One may reason with them about the efficacy or otherwise of compulsory attendance of unwilling and even hostile hearers at these scripture lessons and ask whether it is not more likely to turn the students against Christianity. But if they choose to take up the attitude that they have done, they cannot be said to be legally wrong.

While admitting the technical justice of their position, we do not, however, think that the College authorities have done well to insist upon their rights. They would have done better to have given up a position which is difficult to sustain from a wider point of view. The world is now gradually being convinced that compulsory religious instruction is not desirable and is inefficacious in its purpose. If that is the spirit of the times, the world in general will be still more strongly against compulsory attendance at lessons in a religion in which the hearers do not believe. It would have been a more tenable position to refuse admission to all non-Christians to the College. Then it would have been a mere Christian seminary in which secular subjects are subsidiary. Further if the College yields on this point of compulsion, even this very tolerance shown by the authorities would have done more to consolidate the College position in an indirect manner.

Can then nothing be done to relieve the students of what they have now begun to think is a great hardship? They have of course the theoretical remedy of leaving the College and joining some other. But this is easier said than done. There are only three arts colleges in Bombay and they are all very crowded. If seven or eight hundred students of the Wilson College suddenly wish to join another college, there is no room for them in the other two Bombay colleges, though the Elphinstone College can perhaps take a hundred or two hundred more. Possibly room may also be found for them with more or less difficulty in the mofussil colleges but that would be asking many of the students to migrate from their homes. The real difficulty of the situation is the virtual monopoly that the College now enjoys. Even if enough funds can be procured for starting another college, it would take about four or five years to bring it into being and the question of a site is not so easy to solve in Bombay. Government have announced their intention of starting the Sir Mahammad Yusuf College in Salsette for which funds have been provided; but nothing seems to have been done in the matter yet.

We think that this question of a conscience clause as a condition of grant-in-aid to institutions which are not purely sectarian is sure to arise early in the new Councils and they will probably pass a resolution insisting on such a clause

in the grant-in-aid code. In single-school areas and in cases where the institutions enjoy a virtual monopoly, the code can very rightly insist that every student should be at liberty to take this religious teaching or not. This question was till recently not so pressing in our Presidency as it is in Madras where the number of missionary institutions is much larger. The Hon. Mr. Sastri raised this question two years ago and only recently it was debated in the Madras Legislative Council where it was decided in the negative. But in the councils under the new régime, it is likely to have a different fate. Government will probably insist on it under the conditions of a real or virtual monopoly for a missionary institution. It is of course possible that if such a condition is insisted on, the Wilson College may decide to forego the grant altogether or even close its doors. The latter would be a very unfortunate decision if taken. The former would practically tend to the same result. For the College now gets a considerable grant from Government and if this grant is to be foregone and the number of students is also suddenly diminished to a very great extent, it will not be able to maintain itself for many years. Already we are hearing complaints that the British people do not now-a-days contribute so generously to the mission funds as they did before. The expense of running an educational institution has largely increased owing to the prevailing high prices everywhere. At present, we understand, the mission pays for the services of its seven or eight European professors; while the fees and the grant cover the salaries of the Indian staff and other expenses. With diminished numbers, the expenses of the staff and other requirements do not diminish in the same proportion, and the College is likely to be in a state of insolvency very soon if the grant also goes. We do not wish to see extinguished an institution which has done such valuable work in the cause of the higher education of Indians for nearly three quarters of a century, and we think that it will be an act of sound statesmanship on the part of the College if it yields to this demand of liberty of conscience. We do hope that no spurious ideas of prestige will weigh with the authorities and that they will look at the matter from the standpoint of that liberalism of which many of the British professors of the Wilson College have recently given such signal proof by signing the manifesto against the Punjab atrocities and risking great unpopularity among their kith and kin in India.

HINDU LAW IN THE NEW ERA.

V.*

WHAT then is the Hindu Law that the courts are supposed to administer to Hindu litigants at present? How far is it the Law as laid down by the ancient Rishis of hoary antiquity, who are fondly believed even by many present-day University

*Previous articles in this series appeared in the issues of September 9 and 23 and October 7 and 14.

graduates to have had the heavenly gift of transcendental vision, and for which special qualification their teachings are regarded as direct commandments emanating almost from the Almighty? It is not our purpose here to question this fond belief, nor to examine the grounds on which such a belief is supposed to rest. But surely one may be pardoned for enquiring how far those teachings of the inspired Rishis are at present current coin in our Courts of Law, and whether we are not paying all that undue homage to spurious principles substituted in course of time in the place once occupied by those Rishis' teachings.

Further, one may as well ask the question as to how long this gift of transcendental vision was available to our ancestors, and from what period it ceased to be available? One may grant that sublime vision to the Rishis who visualised the four Vedas, or at the most to their successor the great Manu who composed his immortal Smriti in about 800 B. C., but to postulate the same vision to all the writers that flourished from that time onwards until the advent of the English in India is indeed a tall order. And if the advent of the English on the soil of India had such a miraculous effect on the Rishis of India as to deprive them of their transcendental vision, Indians should have one more serious grievance against the British and it would be of such a magnitude that it may very safely be added to the list of those grievances that call for absolute non-co-operation! To save us from such *reductio ad absurdum*, we must be prepared to limit the transcendental vision only to Vedic Rishis and Manu.

Even Yajnavalkya who composed his Smriti at about 350 A. D. and his great commentator who wrote his great commentary, the Mitakshara, about 1150 A. D. must, if the above limitation is to be accepted, be deemed to be only highly learned individuals, no doubt entitled to respect, but not to absolute blind acceptance at our hands.

And yet what is the actual state of things that we find in our Law Courts? One would think that anything that is to be found in Sanskrit verse in any book professing to be a law-book is looked upon as possessing not only as much authority as is ascribed to the Vedas and to Manu Smriti, but in many instances is deemed to possess an influence strong enough to override the express commandments of the Vedas and the Manu Smriti! Thus the result is that there is the utmost chaos, the most perfect uncertainty as to what points are or are not to be considered as binding upon present-day Hindus, and yet the Hindus themselves are so much enamoured of this glorious (!) uncertainty that any attempts made by present-day Hindus to evolve some harmony out of this chaos is looked upon as downright violation of the transcendental wisdom of the great ancient Rishis!

To take only one instance, let us take the great Manu Smriti, and let us see how much of it is current coin at present in our Law Courts. Roughly that Smriti contains about 2700 verses

divided into twelve chapters and professes to contain the law upon all matters relating to every day life and activities of the Hindus, and yet at present almost the whole of it, excepting about three hundred verses, have been thrown on the scrap-heap as utterly useless from the standpoint of current litigation in the Law Courts. The case of the Vedas is perhaps still worse in this respect. The present Hindu Law concerns itself only with the three matters that relate to the personal law of the Hindus, viz., marriage, adoption and succession. The verses dealing with adoption in the Manu Smriti are not more than about half a dozen, and these also go no further than merely giving a definition of an adopted son and declaring that such son can inherit to his adoptive father. Thus the present law of adoption that extends over a hundred closely printed pages in any standard work on Hindu Law at present is absolutely non-existent in the Manu Smriti, nor in the Vedas. Even the later Yajnavalkya Smriti treats of adoption with equally scant courtesy, as would be evident from the fact that out of 334 verses that comprise that Smriti, only one verse mentions an adopted son while all the rest deal with other matters.

As regards marriage and succession also, the parts dealing with these subjects in the Vedas and these Smritis are a very small fraction of the whole work, the various developments to be found in modern English Hindu Law books being the creation of the brain of British Judges and lawyers and yet all this heterogenous mass of law has to be quietly swallowed by present-day Hindus in the comfortable delusion that they are religiously and scrupulously being governed by the ancient and sacrosanct laws laid down from times immemorial by hoary sages possessing transcendental vision!

The fact is that the British Government could no more succeed in stopping the development of the Hindu Law than Canute could succeed in stopping the tidal wave of the sea. From the times of the Vedas onwards, until the advent of the British on the soil of India, the Hindu Law was not a fixed and inert mass of rules unchangeable as the Laws of the Medes and Persians. Each succeeding generation had to face new problems and difficulties and accordingly learned men used to formulate suitable laws by new interpretations of old texts and even by actual suspension and cancellation of those texts. Thus arose all the various Sanskrit Law books from the pens of jurists and commentators from time to time, and the new laws or rather new interpretations formulated by them used to be accepted by the people at large in proportion to whether such interpretations were approved or disapproved by the commonsense of the community at that time. Thus from time to time disused doctrines, or doctrines inconsistent with current feelings, used to be cast away and new ones consonant with current sentiments used to be substituted. This process was going on unchecked from generation to generation, thereby

clearly demonstrating the truth that law is a living organism that develops from day to day.

But the British Government fancied they could put a stop to this growth of law by a legal enactment prohibiting such growth. In this attempt they have, however, signally failed as they were bound to. They could not stop the growth of the law in its various departments and had therefore to recognise such growth by themselves enacting new and suitable laws in the form of codes and acts. But this recognition they have hitherto studiously denied to Hindus and Mahomedans in matters that vitally concerned them most, viz., marriage, adoption and succession. And this has been so, in spite of repeated requests on the part of thoughtful Hindus to recognise the existence of the growth and make amendments in the law from time to time.

But this stern refusal has had very disastrous consequences for the Hindus. The biological truth of the impossibility of the stoppage of growth of a living organism could not certainly be set at nought with impunity even by the British Government. The normal growth upwards having been obstructed by peremptory legislation, the organism put forward lateral shoots and blossomed in unfortunate directions. As the gardner shut his eyes and pretended to believe that there were no new shoots, he did not take care to prune them and tend them into proper directions, so as to give the organism a pleasing and healthy shape. There was no serious planning and thought given by anybody to these new shoots, and the result has been a growth unhealthy and awkward, unpleasant to the eye as well as ungainly in shape.

Whereas in pre-British period new commentators and jurists consulted with each other in taking care of the growth and pruning the new shoots so as to render the whole structure useful and pleasing, and bring it into conformity with the general feelings and opinions of the Hindus, the British judges and pleaders never cared to see whether the growth which they were bringing into existence by their quibbling and their hair-splitting logic was or was not conducive to the general welfare of the Hindu community. The lawyer's sole idea in arguing a case was to win victory for his client and *Bakshis* for himself, and he never cared whether the line he was taking in his argument was warranted by the general spirit of the Hindu Law or whether it was grossly opposed to that spirit. Indeed instances are not wanting when lawyers unblushingly advanced theories and arguments without in the least minding the general welfare of the Hindu community.

The result has been entirely disastrous all along the line. The only oasis in the arid desert is supplied by some of the broadminded European judges in the High Courts and the Privy Council, who strove hard to impart their generous ideas of running to the succour of the weak and down-trodden into the uncharitable precepts of the old Hindu Law. It is to such noble souls that the

helpless Hindu widows, to cite only one instance, owe their right to obtain maintenance from their husband's people even though they may be residing with their own parents. The Hindu pleaders were quite vehement in contending that a Hindu woman under the Hindu Law being *perpetually* dependent, it would be quite alien to the spirit of Hindu Law to concede full liberty to a Hindu widow to live wherever she pleased and yet to obtain maintenance from her husband's people. But the European judges, true to their instincts, overruled these contentions (though they were unquestionably in consonance with the spirit of Hindu Law) and boldly declared that a widow would be given perfect liberty to select her own place of residence and obtain her maintenance money there, so long as she was living an honest and chaste life.

But except for such stray bright gleams interspersed here and there, the growth of Hindu Law during the last century since the advent of the British has been very unfortunate, to say the least. Well may Dr. Gour, the eminent author of the latest work on Hindu Law, exclaim with despair: "There is no hope for the Hindus, unless a new Avatar rises to simplify their religion and codify their laws!"

In our subsequent articles we shall consider whether and how far this necessary business could be undertaken by the new legislative councils in the coming era.

LEX.

NON-CO-OPERATION AND MR. GANDHI.

IT is to be hoped that British statesmen and British publicists, of whatever political persuasion, will appreciate, in its true perspective, the deplorable situation which has arisen in India and which has resulted in the adoption of Mr. Gandhi's "non-co-operation" programme by a majority of the delegates who voted on it at the special session of the Indian National Congress recently held at Calcutta. Some are apt to exaggerate the gravity of the situation, in order to justify a policy of severe repression—a policy which would never allay but would assuredly aggravate the situation. Others may be inclined to belittle its significance, so that no serious notice be taken of the underlying causes which have gradually brought it about. While the latter would look upon the present state of things in India as a mere passing phase of Indian agitation which is bound to fizzle out in course of time, the former would account for it solely as the result of the pernicious activity of Indian Extremists, who deserve to be repressed and suppressed with a high hand. Either will be a mistaken view.

Mr. Gandhi is not an Extremist in the sense in which that term is generally applied and understood in Indian politics. Indian Extremists, rightly viewed, are Indian patriots in an angry mood. That mood necessarily postulates absence of cool-headedness. Mr. Gandhi is nothing if not cool-headed. He is an idealist, pure and simple—an idealist with an unshakable faith in adamant "soul-force" as the only force opposed to physical force which can compel the most powerful Government, however stern and unbending, to yield to the dictates of justice, as he conceives it. His strength lies in his transparent sincerity and

honesty of purpose and his unflinching determination to practise what he preaches at all risks and at all hazards. His weakness lies in the fallacy of his supposition that the vast mass of the people can be trusted to imbibe his doctrines of peaceful aloofness from Government without transgressing the limits of law and order. Further, it lies in the inherent impracticableness of his concrete proposals, notably the boycotting of the courts by lawyers and of foreign goods by the public generally, and the withdrawing of boys and girls from schools and colleges. His proposal, which he puts in the forefront of his programme, that the reformed legislative councils should be boycotted, may succeed for a while and to some extent in certain quarters. But the vast bulk of the thinking public in India is not going to be guided in this matter by Mr. Gandhi's suicidal policy of not availing themselves of the opportunities which the Reform Act throws open to Indian talent and Indian capacity, to further the growth of Parliamentary institutions in India, to have control of the administrative machine from within and to utilize it to the best advantage for the welfare and uplift of their own countrymen, so as to justify and secure complete responsible government as rapidly as possible. Mr. Gandhi's programme and activity, therefore, need not cause undue anxiety and apprehension on the part of the authorities in India and betray them into any indiscreet action of a repressive character. The fact that his programme has been endorsed by a majority vote of those who were present at the time of the voting at the special Congress—for more than half of the registered delegates absented themselves when the vote was taken—does not necessarily mean that the people at large or even the bulk of those who voted in his favour are going to carry out his programme. Mr. Gandhi himself has enunciated the doctrine that a resolution of the Congress is not binding upon anyone whose conscience dictates that he should not abide by it. Many of the Extremist leaders are opposed to his programme, and it does not seem likely that they will, in spite of their own convictions, carry out that programme. Besides, that programme is opposed to the constitution of the Congress itself. . . .

As for the Moderate Party or the National Liberal Federation of India, as it has been recently known, I can say with confidence that there is not one among that vast body of the sober opinion in the country who favours Mr. Gandhi's movement. Several of them have publicly pointed out its unwisdom and absurdity. A capable writer in an open letter to Mr. Gandhi, published in the *Times of India*, points out that his policy of non-co-operation is impracticable and impossible of adoption, and observes: "Even for you it is impossible to follow. Are you prepared to avoid all Government concerns? You must cease to take advantage of post and telegraph services, law courts, and Government protection. You should have nothing to do with the Government officers. You should avoid Government coins and currency notes, and so on and so forth. Will all those who advocate the policy of non-co-operation observe it strictly? Then it will be a blessing to many a man, because debtors of such creditors can die in peace. Is it not idle to imagine that Government can be brought to its knees by the policy of non-co-operation?"

Thus there are many factors militating against the acceptance in practice of Mr. Gandhi's programme by the people at large. Nouseful purpose will, therefore, be served by exaggerating the importance of the resolution passed by the Congress,

or imagining that something disastrous is going to take place in the near future as the result of it.

There is no doubt that it reveals a sulkiness which the Government can scarcely afford to disregard. But the task of wise statesmanship lies not in intensifying it by playing the agitator's game, but in diagnosing the real inwardness of this outward manifestation; and in doing so, the question which naturally suggests itself is: What is it that has created such a ferment in India latterly as to have made it possible for an idealist like Mr. Gandhi to succeed to the extent that he has? He first started his campaign of what he called *Satyagraha* as a protest against that ill-advised measure known as the Rowlatt Act, which was in excess of the necessities of the case, going, as it did, in its drastic provisions even beyond the Irish Crimes Act, and which, although there was no urgency for it, the Government of India passed in the teeth of unanimous Indian non-official opposition to it in its Legislative Council. It is sometimes urged by some of the advocates of the measure that the opposition to it meant nothing else than sympathy with sedition and anarchism. That is an unjust accusation against a whole body of non-official Indians, nominated as well as elected, in the Government of India's legislature. Apart from the intrinsic demerits of the measure, what provoked and exasperated Indian feeling against it was the manner in which it was passed by the Government of India, betraying a spirit of riding rough-shod on Indian public opinion, as though it was absolutely unworthy of considerate treatment. Mr. Gandhi exploited public feeling on the subject to propagate his doctrine of "soul-force." The soil was ready for the seed. But he sowed the wind and reaped the whirlwind. He owned his mistake, however, and recoiled from it, but only when it was too late. Then came the Khilafat agitation. Mr. Gandhi, ever on the alert to take advantage of any general grievance, found in this an excellent opportunity to enlist Moslem opinion in favour of his favourite panacea. It is idle to deny that Moslem feeling in India has been embittered by the way in which Turkey has been dealt with by the Allied Powers in the Peace Treaty. There is a large body of thoughtful Indian opinion, however, both Moslem and non-Moslem, which is fully alive to the fact that the Government of India and the Secretary of State pressed the Indian Moslem point of view with vigour and emphasis; and if the result has not been in accordance with Indian Moslem feeling in the matter, they cannot be held responsible for the ultimate decision, and there is no justification for carrying on a campaign of hatred against the Government of India and inflaming popular opinion against it. If this were the only handle available to those who are creating discontent in India, the agitation would have soon subsided. But unfortunately, there are other circumstances which have given rise to a general feeling of indignation against the Government of India and the British Government. The foremost among them is the Punjab affair. The attacks made on Mr. Montagu in the House of Commons and in a certain section of the British Press in connection with the Dyer debate; the vote of the House of Lords in favour of General Dyer; the funds raised in England and by certain European ladies and gentlemen in India to present a purse to General Dyer, and the considerable amount thus collected; the lavish praise bestowed by the British Cabinet on Sir Michael O'Dwyer, whose iron rule in the Punjab made the iron enter into the soul of the people in that province

and the failure of the Government of India to mete out adequate punishment to those Punjab officials who were guilty of excesses, and whose punishment was promised in the Cabinet's despatch on the Hunter Committee's report—all these have produced a general feeling of resentment among all sections of the Indian public. Add to these the grievances of Indians in South Africa and East Africa, and the perpetuation of their unfair treatment based on racial grounds, and the tendency of the Government of India to provoke even Moderate public opinion against it by its arbitrary and despotic action now and again—and these, apart from the events in Egypt and in Ireland, will explain the unfortunate, but by no means unjustifiable, tension of feeling which has been gradually brought about among generally all classes of the people in India and it is this state of things upon which Gandhism as well as Extremism work and thrive. And they will continue to thrive so long as this state of things is not radically remedied.

No radical remedy is perhaps possible unless a broad-minded statesman of the Canning-Ripon-Hardinge type is sent out to India to succeed Lord Chelmsford; and, further, unless the present Secretary of State for India, whose splendid work, against heavy odds and amidst tremendous difficulties, on behalf of India has won for him the esteem, regard and admiration of all those who are not blinded by prejudice, is given an absolutely free hand by the British Cabinet to improve the situation by pursuing a wise, courageous, and sympathetic policy, and, in regard to the status and treatment of Indians in the Dominions and Colonies, proposing a solution compatible with the rights of Indians as King's equal subjects, which the British Cabinet should not hesitate to enforce in any part of the British Commonwealth in favour of India, which is now a member in her own right of the League of Nations. Until an atmosphere of genuine goodwill, fellow-feeling, sympathy and confidence in British sense of fairness and justice in regard to Indian aspirations and demand is created, there is little hope, I fear, of a substantial improvement in the tone and mood of large section of the Indian public. (From the "Asiatic Review.")

N. M. SAMARTH.

LONDON,
September 16, 1920.

SELECTION

MR. BHURGRI'S VIEWS ON NON-CO-OPERATION.

THE following letter was sent by Mr. Bhurgri to Seth A. Abdoolah Haroon, President of the Sind Khilafat Committee to explain his attitude to the non-co-operation movement.

Dear Mr. Haji Abdullah—I am in receipt of your letter of the 23rd instant.

I am surprised and sorry to find that so much misapprehension should exist respecting the position of honest dissenters from the policy of non-co-operation. This would not be if there were a clearer understanding of the real issues involved.

I take it that the case for non-co-operation is that the settlement of the Khilafat question involved in the Turkish peace treaty is a grievance of the Musalmans; that the Khilafat being a sacred institution, it is the religious duty of all true Musalmans to endeavour to obtain a redress of that grievance; that the grievance can only be redressed by obtaining self-government for India, to put the scheme at its lowest; and that the only means to this end is non-co-operation.

Now, I am prepared to grant that the Khilafat is a religious question, and that it is the duty of every loyal Muslim to support it. I also agree that the best way to advance that cause is to obtain Self-Government for India. But the question still remains as to the ways and means of achieving Self-Government. I think there can be no doubt that this is purely a secular and political question. In this view, the religious element is, therefore, altogether irrelevant to the only issue involved. The end is clear and undisputed, and that is Self-Government. The only question is the choice of the means to that end. This, I would again repeat, is entirely non-religious in character. On this subject every individual is entitled to his own opinion, including the doctors of the faith, whose opinions are, however, entitled to no greater weight than the opinions of other private citizens. It is, therefore, to my mind, perfectly unreasonable, unfair and futile to introduce religious considerations in a matter which is purely secular. The goal of both non-co-operators and their opponents is identical. It is Self-Government for India. It is only the routes chosen by the two parties that are divergent.

Now the three main ways to this goal are open violence, non-co-operation and constitutional agitation. Open violence has no partisans, not even among those doctors of the faith who are prepared to hold that a 'jihad' is a justifiable weapon with which to avenge or redress any injury to the cause of religion. It is presumably discredited because it is regarded as impracticable. Then comes non-co-operation, or withdrawal of association with the administration in every direction for the purpose of crippling and paralysing it. Now let us examine the merits and prospects of this policy a little more closely than is wont to be done.

The first steps of the non-co-operation policy are the boycott of councils, the boycott of schools and the boycott of foreign goods. First as to the boycott of the councils. This scheme will neither work nor pay. To count on such a course is to reckon without your host. For one man that avoids election, there will be several to seek it. It is idle to expect that the councils will remain empty. They will be filled somehow of a certainty. To know this needs but a small knowledge of human nature. However, even if this policy did work to a certain extent, it would assuredly not pay. It would keep away precisely the most fitted and most useful, and put in their places not only the least deserving and least serviceable, but most mischievous and most dangerous. Would this be a service or a disservice to the country? Would this not frustrate instead of furthering, the one great common national purpose of Self-Government? Would not the very "success" of the council boycott be the greatest failure? The bureaucracy would only stand to gain by the support of those who would be only too ready to play into their hands. I quite agree that the effect of such a scheme would be to cripple and paralyse. But the party so affected would be, not the Government but the people themselves.

Next as to the boycotting of schools. I do not think any measure could be more gratuitous and mischievous than this. It is absolutely uncalled-for, inasmuch as the people are asked to deprive themselves of the benefit of what they pay for, as it is the tax-payers' money that eventually supports the schools. The present system of education may be defective, and greatly defective. But to say that it is wholly useless is certainly to say far too much. It must never be forgotten that the very development in men and affairs that is our pride and our hope to-day is a product of it. Education is the one great need of the country. It is the special need of the Muslim community, particularly in Sind. The condition of the Muhammadans in this Province is an instructive object-lesson on the grave drawbacks attending an attitude of indifference or hostility to education. On every side efforts are being made to promote this great cause as much as possible. Free and compulsory education has been the object for which every Indian patriot has been striving. The Reforms have given the administration of education to the people's representatives as a transferred subject and have opened up splendid opportuni-

ties for the greatest progress. And now the people are asked in the same breath to sever their connection with the schools. No care is taken that there is or will be immediate and adequate provision for the education of the children so withdrawn. There are neither in esse nor in proximate posse other schools sufficient in number and satisfactory in quality to meet the requirements. A long time must elapse before properly equipped schools are fully available without the aid of Government.

The boycott of foreign goods is also a most impracticable and prejudicial scheme. It will scarcely work at all, and, if it does, it will do more harm to indigenous industry than to foreign. Besides, this is one of those matters which it is easier to preach than to practise. Very little heart-searching will suffice to show how hollow are such professions when brought to the test of sacrifice. I imagine the numbers of those who are ready to close down their business, which means profit, at the call of principle, which means loss, are very few indeed. I would only ask every advocate of non-co-operation to apply this test to himself to prove the sincerity and strength of his convictions. I shall be very much mistaken if the vast majority are not found wanting when tried in this balance. To come nearer home, I shall be greatly surprised to hear that any merchant in Sind has closed his business in foreign goods.

The relinquishment of titles, odd honorary offices is a matter of comparatively trivial importance, the success or failure of which is of no consequence whatever. However, the feebleness of the response in this small matter is an instructive commentary on the prospects of the bigger items of the programme.

I have been at some pains to show that the only question before the people is that course which is most likely to promote the general cause of the country. My next position is that this is a question which every individual must ask and decide for himself with all the sincerity and courage that are in him. I beg to dissent from the view that the mere opinion of a majority should override the honest and deliberate opinion of a considerable and enlightened minority in all classes, under all circumstances and irrespective of all considerations.

There are matters and occasions on which every individual must think out for himself. This is not only his clear right but his plain duty. I do not subscribe to the doctrine that a man's association with a body operates as a merger of his whole individuality and the disposal of his mind and soul and conscience. This is a doctrine that was boldly repudiated by the greatest of all statesmen, Edmund Burke, in his memorable address to his electors, who sought to place their interests above the dictates of his conscience and the welfare of the country. I, too, while a member, and a loyal and zealous member, of the Congress, make bold to reserve to myself my own liberty of conscience and to place its dictates above the decision of that body. I am not the only one who so thinks and feels. I am happy to think that, though in a minority, I am in the best of company composed of the intellect and experience of the country. I feel fortified by the opinion of one of India's greatest sons whose reputation for wisdom, honesty, patriotism and independence is above reproach, Pandit Madan Mohan Malaviya, who, though a distinguished and veteran member of the Congress, dissents from this policy of non-co-operation, and has given open expression to his views on the subject in his recent speech at Calcutta. In this connection, it is idle to cite instances of men who have waived their opposition to non-co operation in submission to the decision of the Congress. I, with many others, feel that they have failed in their duty in so doing. At any rate, their action is the result of their own judgment, and cannot be held up as an example to others who think and feel differently.

To any considerations personal to myself, I am perfectly indifferent. My position in the country has been sufficiently established. I was the first Muslim to enter the Congress amidst the howls and curses of my co-religionists. For many years I was among the small number of Muslims who took a active part in national politics. I was the first Muslim

member of the Home Rule League in Sind when that association was despised and decried. I can, therefore, justly claim to be one of the pioneers of my community in the domain of politics. I have always held to my principles with honesty, strength and courage in spite of criticism, slander, abuse, and even persecution. And I am happy to find that time and progress have been my vindication. I have fought a long and strenuous battle with the bureaucracy on many an issue. I am still as ardent a Congressman and Home-Ruler as ever before. If I disagree in a certain decision of the Congress, it is not because I am disloyal, but because I honestly feel that that decision is prejudicial to the very interests that the Congress espouses and the very purpose the Congress has in view. Those interests are the interests of the Indian people and that purpose is Self-Government. I feel that the country's cause will best be served by the best men and the largest number getting into the Councils, there to work out the policy of Self-Government for India. I sincerely believe there is great scope for good work in the new Councils. To take only one instance. The Reforms have made over the management of education to the people. This may be made the means of achieving the greatest result in the way of compulsory education. This one measure, if it comes to pass through the co-operation of the people and their representatives, will be worth infinitely more than all the supposed good that non-cooperation promises to achieve. It is only for this reason that I am seeking election to the Council of State. My one intention and desire are to contribute my humble quota to the great work before the people. It is not from any petty purpose of vanity or prestige that I am acting. My one and only motive is service to the country. I am not enamoured of the Councils. I have shown that they are not the be-all and end—all of my existence. I was among the first to resign my seat on the Provincial Council. In so acting, I obeyed the call of my conscience, and not the will of party. I then thought that as the Peace terms were under discussion, strong pressure from the Muslims might result in a better settlement. But now that the Peace Treaty has been signed by Turkey, there is no hope of any revision in the near future, whether the Councils be elected or not. It is therefore that I have decided to stand.

Yours sincerely,
G. M. BHURGRI.

September 20.

TOPICS OF THE WEEK.

THE defence which Lieut-Col. Amery, Colonial Under-Secretary, gave in the House of Commons on August 11 of the proposed Ceylonese constitution was most disappointing. Even such a Conservative member as Mr. Bennett was forced to describe the constitution as a sham and a camouflage. The Labour members who are not particularly enamoured of India's new Reform Act lamented that, compared to the latter, the constitution of Ceylon was "a smaller measure, and a very great deal smaller measure, of self-government," and that it fell, "in many material particulars" "lamentably short" of the Indian scheme. Is Ceylon, then, backward in comparison to India? No; a member who keenly regretted that the paternal form of Government was being too precipitately discarded in Ceylon in favour of the representative form, himself remarked from personal knowledge that Ceylon was "a great deal in front of India." In some respects this is true. 40 per cent. of the population are educated; "the classes intermarry; you have not the much-maligned Brahman domineering over the rest of the country, and, in fact, for political purposes Ceylon may fairly be described as a homogeneous community."

* * *

WHAT is the reason of this differentiation in treatment between India and Ceylon? The one

advanced by Lt.-Col. Amery is far from convincing. Ceylon, he observed, must not be compared with an Indian province; it is a central Government, and the constitution proposed for Ceylon must be compared with that of the Indian Council of State. This argument is fallacious, if not disingenuous. Malta, like Ceylon, is a central Government, but that did not deter the British Government from conferring upon it, as Lt.-Col. Amery declared with much pride, "a very wide measure of responsible government," from giving "to a population not of British birth, in respect of all the more important functions of government, full responsible government by ministers elected by themselves." To Malta it is proposed to give "practically all the powers of an Australian State." Is it seriously urged that merely because Ceylon happens to be a separate Colony by itself, it is to be denied all power, and that no branch of the administration is to be brought under popular control?

* * *

The Under-Secretary of State sought to make out that the popular representatives would exercise effective control over finances. There would be, he said, a Finance Committee on which there would be only three official members as against the whole body of unofficial members, the recommendations of this committee, however, being subject to revision as a whole. He explained that the power of revision would be rarely exercised. The reserve powers of the Governor also would be "very rarely exercised." Few would be inclined to such a complacent view of the matter, and in the practical working of the scheme the Under-Secretary's assurances would be of little avail. What, again, will be the position of the three unofficial members of the executive council? Mr. MacCallum Scott asked: "Are they to hold portfolios, are they to be members of the Government, having administrative duties, holding administrative office?" This important question Lt.-Col. Amery left unanswered, and in the absence of a clear answer it must be assumed that unofficial members of the executive council will not be in independent charge of any of the departments. It is a consolation to have given the assurance that the communal franchises are not permanent, that "when they have served their purpose, possibly proportional representation or something else which may secure the same object may enable us to do away with them."

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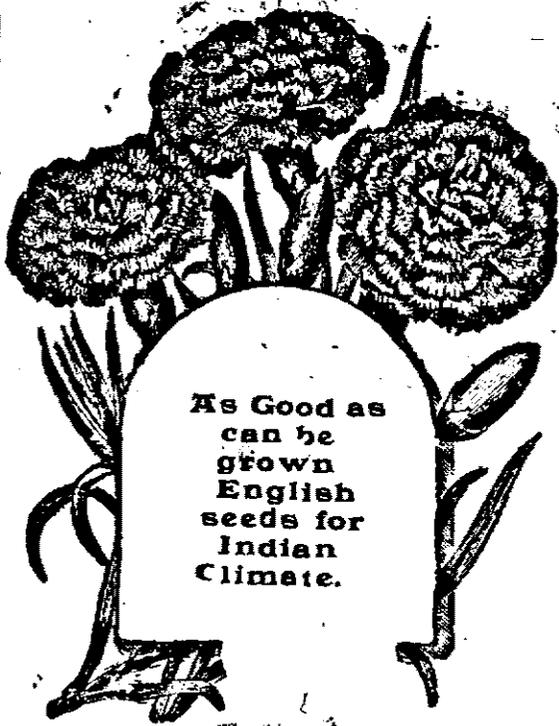
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Nomination of Candidates.

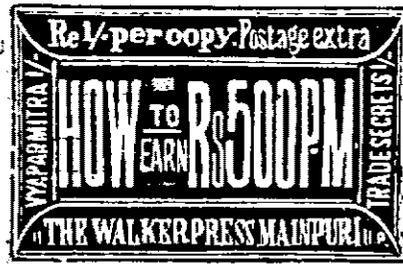
Statement showing the names of candidates for the Poona City Non-Mohamedan Urban Constituency, who have been validly nominated, and symbols allotted to each candidate under Regulation 5 clause (1) part III of the Electoral Regulations.

Serial No.	Name of the candidate.	Symbol allotted to candidate.
1.	Apte, Laxman Janardan,	... Horse.
2.	Gupte, Vasudeo Rajaram.	... Tiger.
3.	Khopkar, Vinayak Narayan.	... Elephant.
4.	Manurkar, Sidharam Anna.	... Sword.
5.	Shinde, Vithal Ramji.	... Flag.
6.	Sule, Raghunath Shripat.	... Cart.

Statement showing the names of candidates for the Poona District Non-Mohamedan Rural Constituency, who have been validly nominated and the colours allotted to candidate under Regulation 5 Clause (1) part III of the Electoral Regulations.

Serial No.	Name of the candidate.	Colour allotted to candidate.
1.	Deshmukh, Harjirao Janrao.	... Black.
2.	Godbole, Kashinatha Ramchandra.	White.
3.	Gokhale, Laxman Raghunath.	... Yellow.
4.	Kalbhori, Gangaji Mukundrao.	... Red.
5.	Khedkar, Raghunath Vithal.	... Green.

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