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TOPICS OF THE WEEK.

THE decisions of the Government in regard to the future recruitment of the I.C.S. are published. They will not give satisfaction to the people. Government has given no heed to public opinion as expressed in the Viceroy's Legislative Council in 1917, when popular representatives indicated the action which they desired Government to take on the Public Services Commission's recommendations. The view was strongly pressed at the time that nothing short of instituting simultaneous examinations in India and in England will meet the needs of the situation. The Commission's report had become out of date even before it was issued, and the increase of the proportion of Indian recruitment from one-fourth to one-third was a mere tinkering at the problem. Here it would be best to produce the testimony of Mr. Ramsay MacDonald, who was himself a member of the Islington Commission and very cautious member at that. He has told us in his "Government of India" how the policy of fixation of proportion has become quite obsolete. He says that the Commission thought to provide for the next twenty years by their recommendations. But since 1914, when they signed their report, "the twenty years have gone and twenty years have been added to them." He therefore pleads for simultaneous examinations, with a view to an early "Indianisation" of the services, which process must keep pace with constitutional reforms.

THIS demand is by no means exorbitant, for with full self-government the entire civil service will be recruited in India. But if simultaneous examinations cannot be set up, Indian members in the Viceroy's Council pleaded that the proportion of Indian recruits should be fixed at least at fifty per cent. This was meant as much to knock on the head

the principle of British preponderance in the I.C.S. on which the Commission insisted, as on the merits of the question itself. As Mr. Sastri observed in the Council: "If we are not to have the moral and theoretical equality implied in the simultaneous examinations, there ought to be at least a numerical equality between Europeans and Indians, and that is what this resolution asks for. We do not want to be put behind in our own country." The present decision of the Government will therefore cause intense dissatisfaction throughout India. Again, the principle of nomination with a view to obtaining a due representation of communities and provinces in the services is repudiated by all thoughtful Indians, and yet, in spite of the adverse opinion expressed on the matter, Government have not only adopted it, but extended its use. For the Commission had recommended that, out of the nine posts for which direct recruitment was to take place in India, seven should be thrown open to competition and two should be filled by nomination, which means 22 per cent. But now Government has decided that 33 per cent. of the posts open to direct recruitment should be filled, if necessary, by nomination. The strongest possible objection must be taken to this decision. We recognise that it is necessary to give representation to communities in the lower services, but the highest service in the country must be kept sacred from the inroads of this vicious principle. The age-limits for the I.C.S. examination in England will be 21-23, they are now 22-24.

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THE Indian situation in Fiji, always serious, has become very critical. About 30,000 Indians, *i.e.* nearly a half of the Indian population, are preparing to leave the Colony in sheer despair and, as a preliminary step, have sold off their property at great sacrifice. Even the serious difficulties of starting life afresh in India where many of them have no homes and have lost caste with their fellowmen do not deter them from taking this extreme step. A brief account of the happenings of February last which a correspondent of Mr. Andrews' in Fiji furnishes leaves no doubt in one's mind that there was a repetition of the Punjab tragedy in that Colony with the result that the discontent among Indians has become more deep-rooted than ever. The Indian public has ever since been pressing for an open inquiry by an impartial tribunal into the causes of the disturbances and the methods adopted to suppress them; but the Fiji Government has been

equally vigorously resisting such a demand. The Indian Government cannot escape its share of the blame for its scandalous supineness in weakly agreeing with the Fijian Government that no more inquiry was needed than the one-sided one carried out by the Government of the Colony. This is a grave dereliction of duty on the part of the Government of India. Indians can never regard the Fiji "incident" as closed any more than they can regard the Punjab "incident" as closed.

LORD CURZON declared in the House of Lords on November 16 that in case the Persian Government accepted the Anglo-Persian agreement, "we should do our best to help them with troops." Interpreted, this means, as the *Times* says, that the British Government has engaged "to fight Persia's battles if the agreement is ratified," which also involves necessarily an indefinite postponement of the promised evacuation of Mesopotamia. This declaration will involve us in unlimited military expenditure on constant campaigning in the Middle East, and there will be no authority in India to prevent it. As the paper says, "With a Viceroy unable to consult anybody on military matters but a Commander-in-Chief nominated by the Chief of the Imperial General Staff, with other high officers in India similarly nominated, with a Deputy-Chief of the Imperial General Staff entrenched in the India Office, and with the members of the Government of India left without a voice and with nothing to do but to find the money, it does not need much acquaintance with Indian methods to know that India would have very little actual control over her military expenditure."

IN Ceylon an ordinance has been passed allowing the introduction of compulsion into the education system at the option of local committees. Each area under a local authority is to be formed into an education district and to be endowed with a committee which may, if it so chooses, apply compulsion to such areas within its jurisdiction as are certified to have made efficient provision for elementary education. This compulsion is to be enforced on children between the ages of six and fourteen, and thus the ordinance covers really a part of secondary education as well as elementary. In the case of Mahomedan and Tamil girls the age limit for the application of compulsion is 6-10. The usual exemptions are of course allowed; but there are separate provisions in respect of children on plantations. "It is the duty of the superintendent of every planting estate to provide for the vernacular education of the children between the ages of six and ten, to appoint competent teachers, and to set apart and keep in repair a suitable schoolroom," compulsion being evidently not intended for them. It is notorious that the elective principle is at a heavy discount in Ceylon, and it is therefore provided that the district education committee, which is to consist of between six and nine members, will have no more than two

representatives of the local authority, all the others being nominated by the Governor.

WHAT is India's position in regard to the opium traffic in the light of the Hague Convention? England has carried out her obligation under the Versailles Treaty by providing for legislation in conformity with the Convention in the Dangerous Drugs Act, which was passed last July. And we are told by Sir William Collins who writes in the *Times* of November 17 that, in signing the Convention in 1912 as plenipotentiaries of Great Britain, he and his colleagues were authorised to make a declaration to the effect that "the articles of the present Convention, if ratified by his Britannic Majesty's Government, shall apply to the Government of British India, Ceylon, the Straits Settlements, Hong Kong, Wei-hai-Wai in every respect in the same way as they shall apply to the United Kingdom of Great Britain and Ireland." India must therefore take measures to redeem her obligation in this matter. Now, the Hague ideal is the entire suppression of opium except for medical requirements. Indians do not yet seem to realise how far she is from that ideal.

THE acreage under the poppy in India increased from 141,561 acres in 1913-14 to 204,186 acres in 1916-17, and the quantity of opium exported from India in 1918-19 amounted to 17,278 chests. Much of this Indian opium is smuggled into China, with the knowledge of the British officials. Now, what is the relation of the quantity of opium which finds its way to these countries to their medical requirements? The Rev. Muir says in *United India* of June 30: "Hong Kong, with its half million (population), should have received a chest and a half. Instead the island got 437. Worse still, Macao, with 80,000 inhabitants, should have been content with about 45 lbs. (or less than one-third of a chest). But, in accordance with the treaty with India, 473 chests were sent there!" "In the Straits Settlements," Mr. Andrews writes in the *Modern Review*, "9 million dollars are derived from opium, out of a revenue of 19 million dollars. That is to say, nearly one-half the revenue is derived from this poison!" India must put an end to this immoral traffic.

IT is decided, according to a recent cable from London, that the Government of India Act, 1919, will be made applicable to Burma. Under Section 15 of the Act, Burma will be constituted a province with a Governor at the head of the administration. However, the application of the Act does not necessarily mean that all its provisions will be enforced in the case of Burma. For it leaves wide powers of discretion to the Governor-General to adjust it to local conditions and advantage will perchance be taken to whittle away some of the powers conferred by the Act in its application to Burma. It is therefore premature to express complete satisfaction at the decision taken by the India Office.

THE LUCKNOW UNIVERSITY.

THE Lucknow University Bill, which was subjected to a searching examination in these pages by Pandit H. N. Kunzru (on September 9), has undergone, it must be acknowledged, a change for the better in several of its important provisions. In the first place, the constitution of the chief governing bodies of the University is liberalised. In the Court the number of official and *ex officio* members has been reduced and that of non-official and elected members has been largely increased, with the result, as the member-in-charge said, that "the number of elected members has been more than doubled." It is computed that the Court will consist of nearly 200 members, of whom it is statutorily provided that a minimum of 90 shall be elected. It must be noted, however, that, out of these 90, not more than ten will be elected by associations approved in this behalf by the Chancellor, but it is provided as a set-off that these associations are to be selected on the recommendation of the Court. The elective element in the Executive Council is also strengthened. It will consist of 23 members, of whom, the Judicial Secretary claimed, no less than 16 will be elected, but he included among the elected members the five Deans of the Faculties who will sit on the Council *ex officio*. To the Academic Council are added two members elected by the lecturers from their own body. These changes certainly effect much improvement in the composition of the principal organs of university government. The institution of a committee of reference in accordance with the recommendation of the Sadler Commission will also enlarge the powers of the Court. The provision in regard to this requires that the Executive Council shall submit to the committee of reference all projects of new expenditure and, in cases of disagreement between these two bodies, gives the power of final decision to the Court. The Court will thus exercise a certain measure of control over the finances of the University. The committee of reference is to consist of the Vice-Chancellor, the Treasurer and thirteen members of the Court elected by that body. It should have been provided, as the Calcutta University Commission recommended, that these thirteen members of the Court should be other than members of the Executive Council.

The Court, in which must be vested the supreme governing power of the University, ought to have final control over the statutes. The statutes define the constitution and powers of all the constituent bodies, and the Court ought certainly to have full power to amend the original statutes, subject only to the qualification that the alterations it makes have the sanction of the Chancellor. But the provision that the Court will consider only such proposals of amendment as are placed before it by the Executive Council makes a serious deduction from its legislative power. It ought to have the power of initiating legisla-

tion. It is urged in defence of the limitation, as was urged by the Hon'ble Mr. Sharp when the Dacca University Bill was being considered, that the delicate balance of power based upon a division of duties which the Sadler Commission has provided for between the various University bodies will be disturbed thereby. But this is not a convincing reply. The London University Commission presided over by Lord Haldane also held in view the differentiation of function which is supposed to justify the limitation on the legislative power of the Court. But they recommended that the Court should possess the power of its own motion to amend the existing statutes: the Court should have and exercise the power "to make statutes, either *on its own initiative* or on the proposal of the Senate," which corresponds in the case of the London University to the Executive Council of the Lucknow University. This is accompanied by the limiting condition that "statutes should be passed at one meeting of the Court and confirmed at a subsequent meeting, in each case by a majority of not less than two-thirds of those present and voting." The Haldane Commission also go on the principle that the Executive and Academic Councils should have a reasonable amount of independence in purely business and academic matters and that no detailed interference in the affairs of these two bodies of experts is desirable; but still they allow full play for the interaction of all these bodies and recognise the supreme authority of the Court.

"At the same time," they declare, "we consider that the Senate should have the power, after report from the Academic Council, to review any act of a Faculty or its Committees, and to give directions for their future action. We also think that any Faculty which considers any act of another Faculty, or of a Committee of another Faculty, is detrimental to its own interests or to the interests of the University as a whole, should have the power of appeal to the Senate, and that the Senate after report from the Academic Council should have the power to give directions as to future action, which should be binding. . . . In normal circumstances the decision of the Senate after it had considered the report of the Academic Council would be final, but we realise that a difference of opinion might occasionally arise between the Senate and the Academic Council upon a matter which deeply engaged educational opinion or interests, and which ought to be decided as between the administrative experts on the Senate and the educational experts on the Council by the more popular vote of an instructed lay judgment. We therefore recommend that in cases where a majority of the Senate differs from the Academic Council on a matter referred to that body, but five or more members of the Senate support the recommendations of the Council, it should be open to the minority to appeal to the Court in support of the views of the Academic Council. The decision of the Court in such cases would be final."

It may be thankfully acknowledged here that the Select Committee on the Bill has made one improvement, which has been accepted by the Council. As proposed in the original Bill, the Chancellor was empowered to make an ordinance over the head of the Court. If the Executive Council rejected the draft of an ordinance submitted to it by the Academic Council, the appeal would lie to the

Chancellor who could, if he approved the draft, give it the effect of an ordinance without reference to the Court. It is now provided that the ordinance will cease to have force from the date of the next meeting of the Court unless confirmed by it. Still the balance of power inclines too much on the side of the Chancellor in the plan of organisation of the Lucknow University, and this is detrimental to its freedom. He appoints the Vice-Chancellor after a report from the Executive Committee; whereas, according to the Haldane Commission's recommendations, the Vice-Chancellor of the London University is appointed by the Senate itself (*i. e.* the Executive Council), the Chancellor himself being elected by Convocation and the Pro-Chancellor by the Court. He can veto not only a statute, but an ordinance. The Select Committee had recommended that the Chancellor's previous sanction would be necessary for recognition by the University of degrees in other Universities equivalent to its own. Not content with this, the Governor-General insisted that his sanction should be taken, and a change to that effect has been introduced.

But the gravest inroad on the academic freedom which the Act professes to give to the Lucknow University arises from the provision that a certain proportion of teachers shall be recruited in the United Kingdom. The proportion has been brought down from one-third to one-fourth; but the whole principle underlying the fixation of a definite proportion is open to the most serious objection. In regard to the composition of the committees of selection, again, we have suffered a great set-back in the Legislative Council. For the Select Committee on the Bill had proposed that the committees should be composed of two representatives each of the Academic Council, the Executive Council, the Chancellor and the Secretary of State for India. But the Secretary of State insisted that his nominees must on no account be outnumbered by the nominees of the University, and the selection committees are now made to consist of two representatives of the Academic Council and three of the Secretary of State. If the Executive Council, after considering the report of the selection committee, does not accept its nomination, the Chancellor is to make the appointment as he thinks fit. All this involves excessive official control, which ought to be abolished. Kunwar Maharaja Singh pointed out that these provisions were embodied only in statutes, which were subject to amendment at the hands of the Court. This would indeed afford a test of the power which the Act confers upon the Court of altering the statutes at will.

MR. GANDHI'S SWARAJ.

PEOPLE forget that Mr. Gandhi has a gospel for the world. He must convert mankind to it. He discovered this years ago and has been preaching it ever since. In fact, as he himself says, his conscience testified long ago that his life thenceforth

was dedicated to its attainment. His earnest and strenuous nature will not permit of any undertakings inconsistent with this high mission. Those that would understand him aright must therefore be fully seized of this gospel.

Mankind has hitherto evolved on wrong lines. Matter has taken precedence of spirit. Instead of the soul being continually chastened and purified, bodily comforts and luxuries, wealth and its concomitants, excessive elaboration of merely wordly institutions and the refinements of machinery have corrupted modern life. We must go back to nature as far as possible. Civilization, modern civilization especially, is a fell disease afflicting our species. Luckily it is not an incurable disease; but its cure can be effected only in India and mostly by men of the Indian race. "I am and I have been a determined opponent of modern civilization."

In an ideal condition of Government, no exercise of authority by man over man, which rests on brute force in the last resort, would be necessary. By his faith Mr. Gandhi therefore is against the existence of any government at all. As he said in Madras in 1915, he tolerates the British Government because it governs the least. The authority of Government is maintained chiefly through its educational institutions, through its system of justice, through its railways, posts and telegraphs, and through the means of accumulating wealth like mills and machinery. These and other things like medicine must be got rid of before human society can be placed on a proper basis. In his "confession of faith" written in 1909, Mr. Gandhi has a synopsis of his philosophy in four pages which is clear as crystal and intelligible to the meanest understanding. It is best to quote a few passages from this synopsis to avoid all suspicion of misrepresentation.

Bombay, Calcutta and the other chief cities of India are the real plague spots.

If British rule were replaced to-morrow by Indian rule based on modern methods, India would be no better except that she would be able then to retain some of the money that is drained away to England.

Increase of material comforts, it may be generally laid down, does not in any way whatever conduce to moral growth.

Medical science is the concentrated essence of black magic. Quackery is infinitely preferable to what passes for high medical skill.

Hospitals are the instruments that the Devil has been using for his own purpose in order to keep his hold on his kingdom. They perpetuate vice, misery and degradation and real slavery. If there were no hospitals for venereal diseases or even for consumptives we should have less consumption and less sexual vice amongst us.

India's salvation consists in unlearning what she has learnt during the past fifty years. The railways, telegraphs, hospitals, lawyers, doctors and such like, have to go, and the so-called upper classes have to learn to live consciously and religiously and deliberately the simple peasant life, knowing it to be a life giving true happiness.

India should wear no machine-made clothing, whether it comes out of European mills or Indian mills.

Every time I get into a railway car or use a motor I know that I am doing violence to my sense of what is right.

The future lies not with the British race but with the Indians themselves, and if they have sufficient self-abnegation and abstemiousness they can make themselves free this very moment, and when we have arrived in India at the simplicity which is still ours largely, and which was ours entirely until a few years ago, it will still be possible for the best Indians and the best Europeans to see one another throughout the length and breadth and act as the leaven. When there was no rapid locomotion, teachers and preachers went on foot from one end of the country to the other, braving all dangers not for pleasure, not for recruiting their health (though all that followed from their tramps), but for the sake of humanity. Then were Benares and other places of pilgrimage the holy cities, whereas to-day they are an abomination.

In his *Indian Home Rule* occurs the following passage in condemnation of railways and other means of quick locomotion:—"I should, however, like to add that man is so made by nature as to require him to restrict his movements as far as his hands and feet will take him. If we did not rush about from place to place by means of railways and such other maddening conveniences, much of the confusion that arises would be obviated. Our difficulties are of our own creation. God set a limit to man's locomotive ambition in the construction of his limbs. Man immediately proceeded to discover means of over-riding the limit. God gifted man with intellect that he might know his Maker. Man abused it so that he might forget his Maker."

This civilization, however, has not yet touched the masses in India and therein lies hope. "Only the fringe of the ocean has been polluted and it is those who are within the fringe who alone need cleansing. We who come under this category can even cleanse ourselves because my remarks do not apply to the millions. In order to restore India to its pristine condition we have to return to it. In our own civilization there will naturally be progress, retrogression, reforms and reaction. But one effort is required and that is to drive out western civilization. All else will follow."

Machinery has desolated Europe and we must not introduce it into India. We must learn to do not only without cloth made by machinery but also without its other products. For example we must avoid matches, pins and glassware.

"What did India do before these articles were introduced? Precisely the same should be done to-day. As long as we cannot make pins without machinery, so long will we do without them. The tinsel splendour of glassware we will have nothing to do with and we will make wicks as of old with home-grown cotton and use hand-made earthen saucers for lamps. So doing we shall save our eyes and money and will support *swadeshi* and so shall we attain Home Rule."

To repel civilization a great effort is necessary. This effort presupposes great moral strength and this strength will be available to him "only who will only on rare occasions make use of the English language: if a lawyer, will give up his profession and take up a handloom; if a doctor, will give up medicine and understand that rather than mending bodies he should mend souls; although a doctor, will understand that if by not

taking drugs perchance the patient dies the world will not come to grief, and that he will really have been merciful to him; if a wealthy man, will devote his money to establishing hand-looms and encourage others to use hand-made goods by wearing them himself; like every other Indian, will know that this is time for repentance, expiation and mourning; like others, will understand that at a time of mourning there can be no indulgence and that whilst we are in a fallen state to be in jail or in banishment is much the best; like others, will understand that deportation for life to the Andamans is not enough expiation for the sin of encouraging European civilization."

The reader will now appreciate the stern, bare and ascetic ideals of Mr. Gandhi. To him who aims at the abolition of all human government, improvement in the existing forms of it along democratic or western lines cannot appeal with the force of conviction. It becomes intelligible why Mr. Gandhi hesitated so much to include *swaraj* along with the Khilafat and the Punjab wrongs in the indictment against the British Government. If the best way of providing against theft and similar risks is to hold no property, if the best way of abolishing slavery is to abstain from producing children to be slaves, it follows logically that the best way of getting rid of the imperfections of government is to dispense with government itself. "Real Home Rule is self-rule or self-control." Every man and woman must learn to control the senses and acquire mastery over their nature, that is, must enter on the path of renunciation or *nivritti marga*, *swaraj* is not collective, it is individual. It consists in the shaking off of the slavery of modern civilization. The educated Indian is peculiarly a slave in this sense and imagines that the whole of India is similarly enslaved. Let him free himself, then all India becomes free.

"And in this thought you have a definition of *swaraj*. It is *swaraj* when we learn to rule ourselves. It is therefore in the palm of our hands. Do not consider this *swaraj* to be like a dream. Hence there is no idea of sitting still. The *swaraj* that I wish to picture before you and me is such that after we have once realised it we will endeavour to the end of our life-time to persuade others to do likewise. But such *swaraj* has to be experienced by each one for himself. One drowning man will never save another. Slaves ourselves, it will be a mere pretension to think of freeing others. Now you will have seen that it is not necessary for us to have as our goal the expulsion of the English. If the English become Indianised we can accommodate them. If they wish to remain in India along with their civilisation, then there is no room for them. It lies with us to bring about such a state of things."

Now the question arises how many non-cooperators in the land, whether of Mr. Gandhi's or of another type, how many Congressmen, in fact how many students of Indian politics understand *swaraj* in this sense? They are dissatisfied because the Government of India Act, 1919, gives them only half *swaraj*, because only a few subjects are transferred to popular control, because the legislatures are not to have complete control of the

purse, because in the Government of India the principle of responsibility is withheld, because the franchise is still narrow and restricted, because the people and their representatives still lie under the menace of arbitrary action on the part of the executive in the sphere of individual freedom and citizenship. We all desire more and better education, more and better hospitals, more and better economic facilities, more and better roads and bridges and railways and irrigation canals and harbours and ports, more and better industries and manufactures and more and better mills and factories, more and better cities and towns with more and better amenities of civilization. The passage which we seek from incomplete to complete *swaraj* is of one kind and in one direction. It is of the opposite kind and in the opposite direction in the mind of Mr. Gandhi. We consider that, if we withdraw children from schools, abandon law courts and give up foreign articles of consumption, these are in the nature of temporary privations and sacrifices for a larger end. In Mr. Gandhi's philosophy of life these are in themselves good and desirable steps to take, while they lead us in addition to the blessed goal. That explains the fact that he is not disturbed by the thought of failure. In the sphere of righteousness whatever is achieved is so much to the good. (From the "Citizen.")

STEPS TO PROHIBITION.

THE advent of prohibition in America has done much to cause the people of all nations to look to prohibition as the remedy for the curse of strong drink. They have become weary of license, excise, and other forms of control that have not only failed to prevent an ever-increasing consumption of liquor, but also have perpetuated this evil from generation to generation. Where prohibition has been given a fair trial for a score or more years, there has grown up a generation of boys and girls who have never seen a liquor shop and most of them have never seen a drunk man. Violations of the prohibition law have become less and less, and State officials, including Governors, who are in a position to know, freely testify that the prohibition law is as well enforced as other laws against stealing, crime, etc. Because prohibition is proving its worth as a more satisfactory solution of the liquor traffic than any other that has been tried (and testimony to this effect is both abundant and trustworthy), we can rest assured that prohibition is destined to become the policy of all nations. Multitudes in India long to see the day when prohibition will prevail throughout this land. To bring this about will require the united efforts of millions and it is well that we consider carefully the steps that should be taken to give India freedom from this age-long curse—*alcohol*. To begin with, let me call attention to the fundamentals of temperance reform that must be emphasized anew from time to time.

I. FUNDAMENTALS OF TEMPERANCE REFORM.

1. *Temperance Education*.—We should know and cause the masses of India to know about alcohol; how it injures man physically, mentally and morally; how it makes him less efficient as a workman and less useful as a citizen; how, when used only in small quantities, it tends to keep a man below normal in health and efficiency, and causes a higher death rate and more disease and degeneracy in his offspring. Total abstinence for the individual and prohibition for the country should receive repeated emphasis in temperance education. By the teaching of total abstinence many can be saved from the evils of drink; others cannot be saved from the power of an evil habit except by the help of prohibition, which removes temptation from them.

2. *Agitation*.—Temperance education will awaken an increasing desire among all classes of people for drastic legislative measures against the liquor traffic. This desire they should freely express by voting only for men in public office who favour prohibition. They also should exercise their right of passing resolutions at public meetings, praying for the closing of liquor shops in their respective communities and for a law prohibiting the making and selling of intoxicating liquor for beverage purposes. This should be done from year to year until their desires are granted.

3. *Legislation*.—Gladstone says, "The proper function of a Government is to make it easy for people to do good, and difficult for them to do evil." The highest welfare of the greatest number should have more weight with Government than financial considerations, or easy drinking facilities for the few who insist upon being granted "personal liberty" to drink. Some favour the present excise system, feeling that drink is a necessary evil that can only be controlled; others favour local option, or other means of limiting the drink evil by stages until complete prohibition is secured; still others feel that the liquor traffic cannot be licensed without sin, that the excise system is wrong in principle; they believe this evil can be rooted out and are in favour of immediate and complete prohibition. While I am in complete accord with the latter, practically speaking, I am glad to welcome any measure that will bring us nearer the goal. But drastic legislation we must have before there can be a solution of the liquor problem.

4. *Organization*.—Organization is a means to an end; great undertakings cannot be accomplished without it. Organization should be effected only where there is a great work to do that cannot well be accomplished without it. Though mentioned last, it is one of the first things that should receive attention in order that large numbers may work harmoniously and unitedly to free India from the drink curse. An effective organization should be put on foot that will carry temperance truths and facts to the remote corners of India. The strength of the temperance movement of this land and the time it will require to secure prohibi-

tion is largely dependent upon our ability to organize effectively so as to marshal the temperance forces of the country to work unitedly for the complete suppression of the drink traffic. But organizations do not run themselves, there must be an efficient leadership behind each organization before effective work will be done. Where able leaders can be secured, the temperance forces will be able to keep up a continued and effective fight against the drink traffic, until its complete overthrow is accomplished.

II. A FORWARD LOOK.

1. *Investigation*.—One is at a loss, when he attempts to write or speak on the liquor problem in India, to find the definite facts and information he would like to know. Plainly, one of our great needs is more investigation and research work on the drink problem; how it affects the health of the people and its relation to disease; how it affects the efficiency of the workman and its relation to the industrial development of the country; how education and mental development is hindered among drinking classes and its relation to the moral and social welfare; also, how crime, pauperism, etc. are increased because of drink are questions worthy of wide investigation and study. Prohibition, excise and other measures taken by various nations against drink could be studied with profit. If possible it would be well to secure the assistance of Government in an undertaking of this nature. At least all communities and organizations working for the overthrow of the drink traffic should cooperate in the appointment and support of a commission to study the problem. The temperance cause has never yet suffered from an overabundance of information concerning alcohol secured by scientific research. But it has suffered and is suffering in India from the lack of it.

2. *Literature*.—Books and tracts that discuss the liquor question from the Indian point of view are all too scarce. Should a commission be appointed to study the effects of drink on all phases of Indian life, their findings would greatly enrich our supply of temperance literature. It would be splendid if a national committee, or secretary, on temperance literature be appointed to prepare suitable literature in English and provincial committees, or secretaries, be appointed to secure suitable literature in the vernaculars. The printing of well-prepared articles on various phases of the liquor question in periodicals, both English and vernacular, also furnishing the public Press with all temperance items of interest are matters of vital importance and should not be neglected. Finally, efforts should be made to increase the circulation of temperance papers.

3. *Where Begin?*—No doubt there are thousands of communities in India that would like to see something done to oppose drink but are waiting for someone to suggest that a public temperance meeting be held, or a society be organized. Several weeks ago it was proposed to a leading lawyer of Bulsar that there be a public temperance

meeting in the bazaar. "Everybody is in favor of temperance," he said, "why not have a meeting?" Charts were explained at that meeting showing the high death rate among the offspring of drinking parents. The lawyer himself was one of the speakers and a deep impression was made on the crowd. Since then caste after caste have put the ban on drink and those of their number who fail to obey their caste resolution are severely dealt with. The movement has spread to the villages of the taluka and several large meetings were held. The fishermen of a village on the coast, representing four hundred families, hearing of the temperance movement in other villages resolved to quit drinking. The liquor-dealer opposed them in such an unlawful and high-handed fashion that sixty-five of these fishermen came to Bulsar in a body and brought a suit against the shop-keeper. Later they arranged a meeting in their village and leaders of the temperance movement in Bulsar were invited to be present and to speak. It was a great meeting! Probably a thousand people were present representing about a dozen villages. Other meetings are to follow, for it will require constant teaching and effort to tide the people over until temptation is removed from them. The shop in that village should be closed. Indeed, the people say if it is not removed, they will desert the village. The point in this is, get something to going locally; do it now, and keep at it. You may be surprised at what happens. Let people move as a mass if they will; many will be tided over the day of temptation by the help of their fellows who would not have the courage to stand alone. But do not be discouraged if people take but little interest in the matter; it is all the more important that you keep working and in the end you will succeed.

4. *Temperance Conferences*.—So far as possible it will be well for temperance conferences to be held yearly in talukas, districts or native states and provinces, besides the regular all-India Temperance Conference which we now have. The all-India Temperance Conference will do well to encourage the holding of these conferences. A provincial conference will be held in Bombay Presidency next year and perhaps other provinces are arranging for such conferences. If the delegates from each province attending the next all-India Temperance Conference could manage to have a meeting before leaving Nagpur, they could do much to help make arrangements for such a conference in their respective provinces. A well-planned programme should be arranged for each of these conferences and steps should be taken to assist in the organization of the work in each district and State of the province, the production of adequate temperance literature in the vernacular, the wide extension of temperance education, study and research work regarding drink conditions in the province, and such steps that will hasten the coming of prohibition. A district should be well represented by all the talukas in its area and steps taken to extend and

strengthen the work in each taluka. It should inspire and enthuse many who cannot get to a larger conference and should be a help in arranging for conferences in each taluka where there are a number of societies. In taluka conferences an effort should be made to have each village represented. This means taluka, district and provincial committees, who each year will arrange for their respective conferences. When it is possible to secure the right men and when funds can be provided, full-time organizers and speakers should be put at the service of the larger committees. The work will be much handicapped without full-time men for this work in each province.

5. *Finance.*—By charging fees to those who join temperance societies, by public offerings, and by appealing to public-spirited men who are friendly to this cause, sufficient funds should be secured that will enable the work to go forward from year to year. If we attempt to do big things we can expect a large response in financial help; if we attempt little we will get little. United action in this important matter and a financial campaign conducted on business principles will accomplish much. This cause will go forward only by the sacrifice of its friends!

6. *United Action.*—Temperance reform concerns all classes, creeds and communities of India. All should work together and in harmony against a foe. However divided we may be on other questions, that should not prevent united action in this fight to protect home and country. The burden of this great cause should be borne by all, the fruits of victory will be too precious for only one or two classes of society to enjoy! Let us pull together, and by God's help great things will come to pass. India will move forward with a new pace after the drink curse is removed.

A. T. HOFFERT.

Bulsar,
Surat District.

HINDU LAW IN THE NEW ERA.* ANCESTRAL PROPERTY.

WE next turn to the question of the joint family and the ancestral property for consideration in the light of modern thought.

It may be remarked at the outset that there is much difference in the conceptions of these matters as viewed from the standpoint of the various schools of law, although each school claims to be of very ancient origin. All the schools profess to derive their tenets from the same original Sanskrit texts, the difference of view being only the result of the commentaries of Yajnavalkya and Jimutavahana. The modern Hindu nation must be at full liberty to accept whichever doctrines appeal to their reason, particularly as all the doctrines are pure Hindu Law as administered in some province or other.

Let us take first the idea of ancestral property. This idea exists nowhere else in the world except in the conception of Hindu lawyers. Its only

significance lies in the relationship of father and his own issue, for admittedly all property in the hands of a Hindu male is self-acquired as regards all the world except his own son, grandson and great-grandson. It is only in relation to his own direct male descendants that the matter has any importance. But this distinction obtains only under the Mitakshara school and not at all under Jimutavahana's Dayabhaga school; for in Bengal the rule is that in the hands of a father all property whatsoever is absolutely at his disposal, quite unhampered by his own issue. This means that in Bengal the term "ancestral property" has no legal significance whatever.

The question, therefore, arises whether there is any sufficient reason for retaining the concept of ancestral property elsewhere than in Bengal. What advantage does this concept bring under the Mitakshara system? The only argument in favour of retaining it that we can conceive of is, that when a Hindu male who has in his hands his ancestral property takes to immoral or profligate ways, and begins to waste or squander away such property, a part of it could be saved from his hands for the benefit of his own sons. If the gentleman is well-behaved and enjoys his ancestral property prudently, his sons have no reason to complain and so they have no reason to seek protection for themselves on the ground of the property being ancestral in the hands of their father. Thus it is only as a protection from the mischief of a father that sons can raise the plea of ancestral property.

This is thus the highest form in which the utility of the distinction of ancestral property could be stated. But there is another side to the shield. For exactly as this plea of ancestral property could be raised as against a profligate father, it could also be urged in favour of a profligate son against a well-behaved father. A profligate son can certainly use this plea to wrest a half of the property from his steady-going father, and the father would under such circumstances be wholly unable to save a half of his property from falling into the hands of his son who may have himself fallen into the hands of unscrupulous people tempting him to evil ways. Thus what under one set of facts becomes a blessing, becomes a curse under another set of circumstances.

But this is not all. Generally we would find that a profligate father who has spent his estate in evil ways, himself colludes with his sons and supports them in their plea of ancestral property in order to obtain back from his own transferees half or more portions of the property transferred by himself to them. Suppose a man contracts debts to engage in a business with great hopes of profit, if the expected profits are realised, his sons do not come forward to make any complaints against the father having obtained moneys on the security of ancestral property to engage in that business. But if unfortunately the profits are not realised, and the time comes to pay off the creditor by the sale of ancestral property, then the sons are loud in their plea that, the property being ancestral, the father could not charge more than his own share. It then becomes a question whether the creditor should suffer on the plea of ancestral property being upheld, or that the sons should suffer by their interests in the ancestral property being deemed to have passed to the creditor. The High Courts in India and the Privy Council also have given so many different rulings from time to time, and the rulings involve such nice questions of law and fact, that it is at any time impossible to predict with certainty whether under a given set of cir-

* Previous articles in this series appeared in the issues of September 9 and 23, October 7, 14 and 21, November 4, 11, 18 and 25 and December 2.

circumstances the interests of the sons did or did not pass by the acts of the father. The cases become complicated in various ways by the father being also generally the manager or *Karta* of the family. Thus such litigation generally assumes the character of mere speculation. We strongly sympathise with the pitiable position in which the money-lender generally finds himself when such pleas are advanced against him by sons wishing to save a part of the property, particularly because in such cases the father himself is generally found to be colluding with the sons in helping them to substantiate their pleas. We certainly think it is against public policy to allow the sons to stand by, knowing as they naturally must that their father is engaging in business, and to let the father represent to the world that he is fully authorised to mortgage or sell the whole property, and afterwards to allow those sons to come forward, as if they were injured persons, and to make all kinds of allegations against their own father, with his connivance, in order to recover a part of the property from the creditor.

So far we have dealt with one set of evils that flow from the doctrine of ancestral property in Hindu Law. But this is not the only evil that results from that doctrine. There are others also. We will develop the point below.

One would think that in Hindu Law ancestral property must be very easy to be identified, but this is indeed sometimes extremely difficult of determination. One strange circumstance is that if A dies and his son B gets all the property under A's will, such property is *not* ancestral property in B's hands! Whether B got it by succession, *i. e.*, by operation of law, or whether B got it under his father's will really ought to make no difference, for B did not at all earn it by his own exertions, but simply got it from his father. Yet the Hindu Law regards all devised property as *not* ancestral, but self-acquired, in the hands of the son. Also if A had gifted his property to B in his own lifetime, it is also B's *self-acquisition*. Lay minds would certainly regard these differences as legal quibblings so long as the property was never self-acquired by B.

Further there is the strange doctrine that even if a man has used only a part of his ancestral property as a starting-point in his business, all the lakhs and lakhs he may thereafter gain in that business by his own skill and industry are also to be regarded as wholly ancestral property. If a man has received his education from ancestral funds, all his earnings during his life are also ancestral property in his hands. The Courts have tried to define what that education should be, what it must have cost to the ancestral funds and other cognate matters. But the result has always been very uncertain. To-day, the law is that if a man purchases a Derby ticket with a rupee from ancestral funds and that ticket brings in a lakh of rupees, all that money is absolutely ancestral property and the sons of that man could claim their own share. The Privy Council was so much pestered by the sons in one case that they denounced what had been laid down as a startling proposition of Hindu Law, *viz.* that if a member of a joint Hindu family receives any education whatever from ancestral or joint funds, he becomes for ever incapable of acquiring by his own skill and industry any separate or self-acquired property. In one instance such eminent judges as Parsons and Ranade could not agree as to whether the property in dispute was in law ancestral or self-acquired upon a given set of facts. We state all this simply to

show the practical confusion that has resulted in the Hindu Law from this conception of ancestral property.

We shall refer to one more disturbing factor in this connection. If a son was born after the property descended to his father from the grandfather, such son ought really to have no vested interest in the property as against his father. But that is not so. For the rule is that it is immaterial whether the son was born before or after its acquisition by descent provided it vested in him some time. This latter proviso has given rise to further hair-splitting with which we need not trouble our readers here. We hope we have indicated clearly enough all the vexed questions that gather round the doctrine of ancestral property, which, in passing we may remark, is not held to apply as strictly to moveables as to immoveables.

To sum up, we fail to see any positive benefit which renders it incumbent upon us to retain the concept of ancestral property under the Mitakshara system. We do not find that Hindus under the Dayabhag are in any way worse off by the absence of that concept in Bengal. We do not therefore see any reason whatever why it should not be totally abolished from the Mitakshara provinces also, so as to put all Hindus under a uniform law and declare them absolute masters of all the property that comes into their hands, whatever may be the channel through which it goes into their hands.

LEX.

A LETTER FROM LONDON.

(FROM OUR OWN CORRESPONDENT.)

LONDON, November 18.

INDIAN AFFAIRS IN LONDON.

THE British Committee, which is now largely composed of young Indian Nationalists, and a few members of the British Labour Party, is naturally looking more and more to Labour support for its propaganda. It is calling a Conference on the subject of "Labour and India's Struggle for Freedom," in a leaflet bearing portraits of Mrs. Sarojini Naidu, Mr. George Lansbury, Mr. J. M. Parikh, Mr. B. G. Horniman, and Mr. Syud Hossain. The occasion, which is "not to be missed," is Saturday, December 11, when the above speakers will discuss the following resolution:—

"This Conference, representing London working-class organisations, sends its greetings to the people of India and wishes them well in their struggle for political and economic freedom. It protests against the scandalous conditions of poverty under which millions of Indians are forced to live as the result of exploitation by Capitalistic Imperialism, and denounces the tyranny of British rule, as exemplified in the Rowlatt Act, the Seditious Meetings Act, the Press Act, and similar legislation, as well as in the recent horrors inflicted on the people under Martial Law regime. It particularly condemns the failure of the British Government to dissociate itself adequately from the acts of frightfulness committed by the military and civil authorities in the Punjab, in April, 1919, and against the breach of faith with the 75 million Mussulmans of India involved in the terms of the Treaty with Turkey. It pledges itself strenuously to oppose the recommendations of the Army India Committee, which have as their object the establishment for Imperialist purposes of a large Indian Army, maintained and manned by the Indian people, but controlled not by them but by the British War Office, and demands the withdrawal of all Indian troops from Mesopotamia and other places outside India. It notes the decision of the Indian National Congress no longer to co-operate with the existing British administration in India, and declares its recognition of the full right of the Indian people to self-determination."

The Conference is to be called from London Labour organisations, co-operative, industrial, and political alike, and the appeal to participate deals

first with a statement that "the military autocracy of British Imperialism is being boldly and widely challenged," and refers to the adoption of non-co-operation by the Congress in protest against the breach of British pledges with regard to the Turkish Treaty, and then against the Amritsar and other Punjab atrocities. There is then a reference to the general unrest among the workers of India, who "are looking forward to the British Labour movement to help them". The proposals of the Esher Committee with regard to the employment outside India of the Indian Army are next hostilely criticised. It is of interest to note that among those who have written to the Committee favouring the Conference are Mr. Arthur Henderson, the Executive Committee of the London Trades Council, the Secretary of the London Labour Party, the London Organizer of the Co-operative Union, the Organizing Secretary of the London Division of the Independent Labour Party, and the Chairman and Secretary of the Communist Party. I wonder how the other delegates will get along with the representatives of the last-named body, which has been refused affiliation to the Labour Party. However, it is just as well that wider circles of people in this country should have their interest and sense of political responsibility aroused in Indian affairs. The Indian point of view, however it may be expressed, cannot be too frequently stated.

THE TASK OF THE I. C. S.

A very distinguished gathering enjoyed the hospitality of the Edinburgh University Union a few nights ago, when Mr. A. F. Whyte, the newly appointed President of the Indian Legislative Assembly, and President of the Union in 1904, was entertained to dinner. Among those present were the Lord Provost, Principal Sir Alfred Ewing, who recently expressed such friendly sentiments for Indian students at the opening of the Edinburgh Indian Students' Hostel, Sir J. A. Hope, M. P., and several of the professors of the University. Mr. Lloyd George sent a special letter of regret. In reply to the toast of his health, Mr. Whyte paid a tribute to the part played by the Scottish Universities in the life of India in the past. Now, however, they had arrived at a turning point in the relationship between this country and India. The task which has been laid hitherto on the Indian Civil Service had been no easy one. It had been discharged faithfully through many difficult times. The times to come would, perhaps, be more difficult, but would give opportunities for faithful service. The service of India to-day demanded greater ability than it had ever demanded before. It demanded not only executive capacity and efficiency in administration, but also certain higher political qualities, qualities which he might almost call diplomatic in the best sense and which one did not ordinarily look for in a purely administrative service. He hoped that those who had influence with the rising youth of the University would put before them the fact that the opportunities of the Indian Civil Service were greater and richer than in the past, greater and richer because they were more intricate and difficult. He hoped that the stream of faith and service, which had gone out of Scotland to India in the past, would flow as freely as ever. The men who went out would go knowing that they went to a task of co-operation rather than one of administration. If they could send out the young men with that spirit animating them, the difficulties which faced the Government and the people of India in the future could be faced with a free and open mind. It is of interest to note that Mr. A. R. Malik welcomed Mr. Whyte on behalf of the Indian students of the

University and offered their best wishes. Whilst I am on the subject of Indian students at Edinburgh, I may be allowed to mention that the newly-elected vice-president of the Majlis is a South African born Indian student, named D. Morgan Nursoo, who modestly declined the presidentship. Mr. Nursoo was one of the bravest and most self-denying of the patriots who took part in the historic passive resistance campaign in South Africa under Mr. Gandhi.

CONFIDENCE IN MR. MONTAGU.

Whilst, under the instigation of Mr. Rupert Gwynne, the Cambridge Union passed a vote of censure upon the Government's administration of Indian affairs under Mr. Montagu by a majority of 13 out of a total of slightly over 400 voting, in spite of the attempt of Mr. Oswald Mosley, M. P., for the defence, when the only two Indian students who participated in the debate made an acrimonious attack on Mr. Montagu, the Oxford Union last week also discussed a resolution expressing confidence in the Indian policy of Mr. Montagu. The attendance was small, it being Armistice Day, and the proceedings were, I understand, inconclusive.

Professor A. Barriedale Keith, in view of the possibility of inter-Imperial constitutional affairs coming up informally for discussion at the Imperial Conference that has been summoned for next June, has raised a very important matter in the course of a letter to the *Times*, basing himself upon the Aga Khan's articles attacking the Esher Committee's Report. After declaring that in his opinion no action should be taken upon the recommendations that have aroused so much controversy both here and in India until the whole matter had been referred to the Indian Legislative Assembly, he says that if the Assembly shares the views of the Aga Khan, the Government should defer to its judgment, unless it considers that this is impossible consistently with the safety of India itself, in which event it would be entitled to override the Assembly so far as was necessary for the security of India, but not merely to facilitate a wild policy of Imperial adventure. He goes on to make a very remarkable and important pronouncement, which, in view of the great weight that so eminent a constitutional authority should carry, will doubtless be well pondered in official and non-official circles alike. He says:—

"The pledge of 1917 to India is open to two interpretations: the first, adopted by Lord Esher's Committee and the majority of my colleagues on Lord Crewe's Committee of 1919 contemplates a period of indefinite, but prolonged duration before the Legislatures of India exercise any real control over important issues. The other—and, I hold, the only just interpretation—gives the British Government a responsible period in which it must employ its best efforts to render Indians capable of effective self-government. From the outset, I contend, the co-operation of the Legislature should be asked on every issue, and they should be overridden only in the last resort. The policy of Lord Esher's Committee, on the other hand, is to remove once and for all the control of the Indian forces from the power of the Assembly. A frank policy of co-operation with the Assembly is the only method by which to secure permanent relations of unity between Great Britain and India; the plan of reluctant yielding to pressure will merely play into the hands of the extremists, and repeat in the case of India the fiasco of Ireland."

QUESTIONS IN PARLIAMENT.

Wednesdays in the House of Commons are taken up first with questions on Indian affairs, in spite of Sir Clement Kinloch-Cooke, who would rather ignore them in favour of trifling Admiralty matters. Last week and this Mr. Montagu was bombarded with questions from right and left. Colonel Yate made the deplorable *faux pas* of asking under what authority instructions had been

issued by the Government of India forbidding all officers and officials to subscribe to the Dyer fund. He was promptly referred to Rules 3 and 22 of the Government Servants' Conduct Rules. He then wanted to know why the sentence upon Pir Mahub Shah had been remitted and whether that on Zafar Ali Khan would also be. Sir Henry Craik asked whether in regard to the Pir's release, the administration of Sind had not been over-ruled by the Governor of Bombay and whether the Administrator of Sind had not been subsequently removed from office. Mr. Montagu retorted that he did not propose to concern himself with these allegations. The responsibility was that of the Governor of Bombay and he did not intend to interfere beyond expressing approval of his action and accepting responsibility in the House. A supplementary question by Major Glyn gave Mr. Montagu the opportunity of explaining that the situation in Sind had improved materially, and of urging the House to realise how difficult it was to answer questions of that kind. If he refused to answer them, suspicious-minded people thought that the action had been promoted from India. If he answered them, there might be an impression that he was throwing over those who acted on their own responsibility. Then came Col. Yate, with the inevitable attack upon Mr. Gandhi, which led Mr. Montagu to remark meaningfully that ignorance and fanaticism were very dangerous things whether in India or on the benches in that House.

INDIAN STUDENTS IN ENGLAND.

Yesterday, Major Glyn suggested that a students' inquiry bureau should be opened here for the help of Indian students, and Mr. Montagu referred him to 21, Cromwell Road and the Indian High Commissioner's Office. Major Glyn thought that the bureau should be established at the India Office, but Mr. Montagu thought that it would not be a wise course to identify the bureau too closely with the India Office, and Sir J. D. Rees inquired pleasantly whether the right hon. gentleman did not know that these Indians objected to being officially grandmothered.

THE INDIAN SITUATION.

Mr. Lajpat Rai's immunity from criminal prosecution by the Government of India next came up for discussion, and Mr. Montagu declined to interfere with the discretion of that Government in the matter. Similarly with a series of provocative questions by Mr. Rupert Gwynne on the action taken to restrain Mr. Gandhi and his associates from "stirring up further sedition in India." Mr. Montagu was quite content to leave such matters without interference to the Government of India and the Provincial Governments, in whose judgment he had complete confidence. He did not propose to dictate from London the measures that ought to be taken in India to preserve peace and order. This, in his opinion, would prove to be a very dangerous step for him to take. Next Mr. Gwynne wanted to rake over the garbage heap of the Punjab once more, but Mr. Montagu appealed to the House not to revive these memories, as it would be hostile to the maintenance of order in India. Several of the Labour Members are on the war-path in bringing to the notice of the House of Commons the details of repressive legislation in India. Thus, anxious inquiries have been made of Mr. Montagu as to the character of legislation permitting deportation, giving powers of search, regulating public meetings, and relating to printing and publishing and imprisonment without trial. A long catalogue was forthcoming, upon which members interested will doubtless cogitate.

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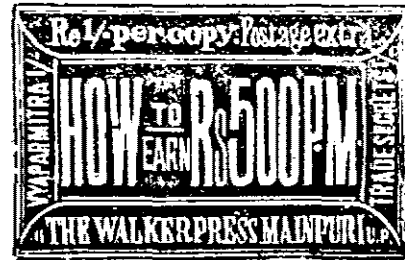
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