

THE Servant of India

Editor: S. G. VAZE.

Office: KIBE WADA, BUDHWAR PETH, POONA CITY

VOL. IV, No. 10.]

POONA—THURSDAY, APRIL 7, 1921.

[ANNUAL SUBSN. Rs. 6.

CONTENTS.

	PAGE
TOPICS OF THE WEEK	109
ARTICLES :—	
Burma Reforms.	112
The Problem in Mulshi Peta.	113
SPECIAL ARTICLE :—	
Trade Union Legislation. [By A Labour Advocate	114
THE REFORMED COUNCILS :—	
The Madras Legislative Council	116
The Bihar and Orissa Council.	117
CORRESPONDENCE :—	
A Comment. By Abdulwalli	119

TOPICS OF THE WEEK.

THE British Government has arranged to confer upon Lord Chelmsford, on his retirement from the Viceroyalty of India, the title of Viscount, apparently as a counterblast against the storm of disapproval which his régime has provoked from the people. By an irony of fate the Viceroy who was instrumental in introducing the most liberal measure of constitutional reforms into India departs from her shores with a revulsion in popular feeling rarely paralleled in recent years. In the matter of reforms, however, his part consisted in signing, under pressure, a report which owed its inspiration to the Secretary of State. If Lord Chelmsford contributed as little to the Montagu reforms as Lord Minto contributed to the Morley reforms, he was less docile than Lord Minto and now and then showed signs of revolt, which however was repressed in the incipient stage. Weakness was his capital defect which produced such disastrous results during the Punjab disturbances. On the question of Indians overseas his strong support of the Indian claim left nothing to be desired, and on the Khilafat question also he exerted as much pressure as one in his position could exert. Personally, he had eminent qualities in him, which showed to their best advantage in the high respect which, despite strong differences of opinion, he felt, and continued to feel towards the end, for the personality and high idealism of Mr. Gandhi.

THERE is to be a shifting of emphasis, and possibly a radical change, in the programme of non-co-operation. It has been decided that the items so long taken in hand, e. g. the boycott of schools and law-courts, should for the present be thrown into the background (we do not know if they are to be

entirely laid aside) in order to concentrate on hand-spinning, temperance, etc.—things which have hung loosely round the movement of non-co-operation, but have no organic connexion with it. We would welcome with unfeigned joy the suspension, if the All-India Congress Committee's resolutions amount to it, of the essential parts of non-co-operation, both in itself and as facilitating co-operation between all sections of the public in the matter of temperance, removal of untouchability, &c. By the way, we miss in the revised programme the uplift of the depressed classes which conduces more than anything else, to the process of self-purification, said to be the underlying principle of non-co-operation. It would also be a crucial test of the real desire of self-purification in non-co-operators, for temperance is likely to be promoted (as indeed it is openly acknowledged by some) more as crippling the resources of Government than as removing a social evil. Let us all make a united effort to throw down the barriers that divide the so-called depressed classes from the body of the Hindus.

AT the last meeting of the All-India Congress Committee the question of offering civil resistance to the repressive orders of Government was considered, and it was decided not to embark on such a movement at the present time, the reason given being that the people were yet too undisciplined to make it successful. This shows clearly that civil disobedience, as contemplated by the non-co-operation leaders is not what may be called a purely conscience movement, each individual breaking laws because he cannot in conscience obey them. In the judgment of the non-co-operators, only the rule of expediency is applicable to these cases of civil resistance and not the dictates of conscience. Indeed, the whole movement of non-co-operation is conducted on that basis, as the very fact that it is intended to be progressive shows. Those items are first selected which in the existing circumstances give the best promise of success, or, in other words, the selection is guided only by considerations of expediency.

ALL this is self-evident, but the stump orator of the non-co-operation creed often loses sight of it. If an innocent student, in resisting his appeals, weighs the advantages against the disadvantages of an abstention from college, he is asked, will you lose your soul in order to gain a little material advantage? The non-co-operationist preacher forgets for the moment that the whole movement has for its basis no higher principle than that of expediency.

and even one who is a non-co-operator may legitimately ask himself whether the particular action recommended to him is in the circumstances desirable or not. Thoreau says in his essay on Civil Disobedience: "I quietly declare war with the State, after my fashion, though I will still make what use and get what advantage of her I can, as is usual in such cases." Considered from this point of view, the boycott of schools was the worst possible choice in the programme of non-co-operation. Students, even those 'inclined to non-co-operation, have every right to the education provided by the State and can avail themselves of it without shame.

* * *

THE impropriety of the choice becomes the more apparent because of Mr. Gandhi's declaration that it is possible to win *Swaraj* even without a single student coming out of school and a single man renouncing his legal practice. If these items of non-co-operation are unnecessary to the winning of *Swaraj*, why make such a frantic effort to push them on, when even on Thoreau's principle we are fully entitled to take advantage of all the public utility services. On another occasion Mr. Gandhi also declared that even if the Government withdrew their concessions in regard to the post, the telegraph, etc., there would not be much detriment to the movement of non-co-operation. If the use of the post and the telegraph and the railways which, in the opinion of the non-co-operators, is equally sinful with attendance in Government schools is unnecessary to the movement of non-co-operation, then why commit this sin for nothing? It will thus be seen that if the boycott of schools is made a principal item in the programme, it is mainly because of the want of appreciation on the part of the framers of the programme of the advantages of education.

* * *

LORD SINHA'S Government have appointed a committee with a strong non-official element on it, to inquire into the question of retrenchment in the current expenditure of various departments of the State. This is a move in the right direction and deserves to be followed by other local Governments. The Madras Government have also sent orders to the heads of various departments to submit to His Excellency before 21st of May 1921, their proposals for the curtailment of the expenditure to the extent of 20 per cent. This is something; but not quite enough. The *Times of India* remarked the other day: "The departments if left to themselves will prove to the nth degree that every pie voted is necessary, then perhaps pour out a libation to economy by sacking a wretched *pattavalla*." Again the proposals for effecting economy, if originating from the departments themselves, will not inspire confidence in the public mind. That is why we insist so much on the desirability of appointing special committees for the purpose with non-officials strongly represented on them. It is a matter of regret that the Government of Bombay should have delayed taking action in this matter.

THE Indian Emigration Bill recently brought before the central legislature seeks to make all indentured or assisted emigration for unskilled or skilled work unlawful. It empowers the Government of India to allow emigration of unskilled labour to such countries and on such terms and conditions as it may by notification specify. Any risk of ill-considered and hasty action on the Government's part is guarded against by the provision to submit such a notification to a scrutiny of both Houses of the Indian legislature before it is issued. As regards the skilled workman, the Bill requires an intending employer to apply for permission to the local Government within whose jurisdiction the port of embarkation is situated and to furnish security for the proper observance of the terms of engagement and the conditions of service. Under clause 17 the local Government is invested with power to satisfy itself that the terms and conditions offered by the employer are satisfactory, failing which it might withhold the permission. In the event of breach of the terms of the engagement, the local Government is given full power even to forfeit the security.

* * *

FOR the benefit of intending emigrants, the Bill provides for the appointment of Protectors to be assisted by advisory committees, whose business among other things will be to cause all the provisions of the proposed Act and the rules made thereunder to be complied with; and to report on the nature of the treatment meted out to returned emigrants both during the period of service and the return voyage. The Bill incorporates a provision for the appointment of agents in the several colonies to keep the Government of India fully informed of all developments, as they affect Indian interests. Any contravention of the provisions of the Act by unlawful emigration or inducements to emigrate will be visited with a maximum fine of five hundred rupees, the offender being liable to arrest by any police officer without warrant. The Bill is thus an attempt to allow emigration only under proper safeguards and ought to be welcomed as an indication of the Government's recognition of their responsibility in regard to the people of India settled in the colonies.

* * *

ON February 26 a Bill was introduced into the Legislative Council of Burma for the suppression of brothels, and the report of the Select Committee appointed to consider it has just been published. The policy which was pursued till now in Burma in meeting this evil was that of segregating the prostitutes in certain localities. This system has proved a complete failure. "It has led to no reduction in the number of brothels, but has led, on the contrary, to the open flaunting of vice in the streets where these places are allowed. It is an evil which half-measures only aggravate" That is the experience all the world over. As the Bishop of London said, in moving the second reading of his Bill, Flexner's "Prostitution of Europe" absolutely crushes the idea that you can deal with this evil by

means of licensed brothels, or by inspection. It has been proved in every capital of Europe that venereal disease increases almost in exact proportion to the extent to which this system is introduced and increased." "He describes it as impracticable, as affording unlimited opportunities for police corruption, as giving vice the greatest possible advertisement, and as exposing to moral contagion the children of the poor, who should be the first to be protected by the law of the land from such exposure."

Now the Burma Bill makes brothel-keeping as such illegal. In drafting provisions against souteneurs, brothel-keepers and procurers, the Bill has closely followed the English law on the subject. "Brothel" has been defined as "any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution." It is hoped that this definition will be found sufficiently comprehensive to prevent brothel-keepers and others from evading the provisions of the Act, while not so wide as to lead to persecution and blackmail. It is not the object of the Bill to make prostitution *per se* a criminal offence. As the mover explained:

"The Local Government recognises that prostitution is a very grave social evil, that the prostitute is a focus of the spread of venereal diseases—diseases which are responsible for more death and sickness in this world than perhaps any other, except three or four diseases, diseases with which it is estimated that in large European cities no less than ten per cent. of the population are directly or indirectly affected. The Local Government recognises the seriousness of the social evil, but it does not believe that it is possible to put down that social evil in this country, as it has not been found possible to put it down in other countries, by direct legislation. The first step, in the opinion of the Local Government, is to cut off the artificial sources of supply of prostitution and to save the unhappy victims of the seducer and the procurer."

The Select Committee has recommended the extension of the procurement clause to the whole of Burma in view of the wide prevalence of traffic in girls procured in rural areas. The rest of the Act will apply in the first instance to the city of Rangoon, but the provincial Government is empowered, on the application of any local body, to extend it in whole or part to any local area.

SIR JOHN SIMON has raised two issues about the martial law administration in Ireland which Sir Sivaswamy Aiyer raised about the Punjab in these columns on June 1, 1919: (1) Are officers acting under martial law entitled to create new offences and attach to them new punishments? and (2) Are the authorities entitled to try the accused in martial law tribunals, when ordinary courts could function? It would appear that some test cases would be brought in law courts in Ireland and a judicial pronouncement obtained. The judgment would be awaited with deep interest in this country. *The Nation* holds to the doctrine laid down by Professor Maitland: "Authorities, in time of rebellion, may according to his view, suppress violence with violence, but

'suppose one of the rebels captured, there is no court that can try him save the ordinary criminal courts of the country.'" The military authorities have no power at common law to create any new offences, nor is there any statute law empowering the executive to do so. Under the Restoration of Order in Ireland Act, the authorities "are not allowed to invent new offences, and they are definitely limited, by the wording of the Act, to the punishments which the ordinary law lays down."

"THE Hon. Mr. Srinivasa Sastri," says the *Indian Social Reformer* "has been invited by His Excellency the Viceroy to represent India at the forthcoming meeting of the Imperial War Cabinet in which important questions affecting the constitution and defence of the British Empire will be discussed. No better choice for this responsible position could have been made. The interests of India are safe in Mr. Sastri's hands and his advocacy of them will be such as to impress the sister Dominions by its justice and dignity." Lala Lajpat Rai boils over with rage at Mr. Sastri's acceptance of the Government's invitation. Nothing less is expected of a staunch non-co-operator. But the Lala showed remarkable self-control in restraining the outburst of passion which he must have felt when Dr. Ansari and Mr. Chhotani accepted the Government's nomination and the Khilafat Committee endorsed their action.

AT the meeting of the All-India Congress Committee Mr. Gandhi brought a very hornets' nest about his ears by proposing that those who were not personally prepared to give practical effect to the non-co-operation resolution so far as it was applicable to them should hold no executive office in the Swaraj Sabha. It is not astonishing that the Nationalists saw in this proposal a notice to quit to the whole of their party and that their leaders like Mr. Kasturiranga Aiyangar, Mr. N. C. Kelkar and Mr. A. Rangaswami Aiyengar made a deadset on it. So strong was their opposition that Mr. Gandhi was compelled to defer the Committee's decision on the proposal, though he declined to withdraw it. We deeply sympathise with the Nationalists. They have a right to expect the Mahatma to temper the wind to the shorn lamb. But, unfortunately for them, he lacks the worldly wisdom to realise that strict accord between profession and practice is an impossible requirement in some cases.

A REPRINT of the articles dealing with the medical services in India from the pen of an I. M. S. officer of over thirty years' standing that appeared in this paper towards the end of last year has just been published in pamphlet form and can be had from the Arya Bhushan Press, Poona City, at As. 8 each copy, exclusive of postage charges. As only a limited number of copies are available for sale, it is requested that orders should be booked at the above address without avoidable delay.

BURMA REFORMS.

IN moving the second reading of the Government of Burma Bill, Lord Lytton clearly intimated to the noble Lords that he was not asking them at that stage to approve of the Government's policy even in principle. If he asked them to give a second reading it was merely with a view to its being allowed to go before the Standing Joint Committee on Indian affairs. The rules of Parliament made it impossible to refer a Bill to a Select Committee until it had been read a second time, and it was because this particular Bill required a detailed consideration such as a Select Committee could give that the House was asked to vote upon it. By voting for the motion, the House would not be committed to the principle of the measure, but would only enable a body of experts to make a thorough investigation of the whole question and to judge between the two rival plans of government that were in issue or between either of them and any other alternative project that might be put forward. Nor would the reference of the Bill to a Select Committee curtail in any way the opportunities at the command of either of the Houses to discuss and, if it so chose, to reject the measure. Indeed, the only effect of the Government's proposal was to give to the House of Lords an extra stage in the consideration of the Bill in addition to all the stages which it had under the normal procedure. Lord Lytton also made plain what the practical result of the acceptance of Lord Amthill's motion for an adjournment of the debate would be. He said:—

"Your Lordships would have rejected the principle of this Bill, but you would not have given us any instructions, or any indication of your opinion, as to the alternative course. You would not have directed us to follow the proposals of the Government of India. You would have left us in the position of having either to do nothing at all, or else to proceed with our own policy. Faced with such a situation as that, the Government would have no hesitation. I have told your Lordships that delay, in our opinion, would not be possible. Not having received, and not having had an opportunity of receiving, from Parliament any direction as to any other policy, the Secretary of State would have no alternative but to go on with his policy in the ordinary way under the Government of India Act."

The apprehension to which the Indian Under-Secretary gave expression has come true, and the Government are now reduced to executing the threat held out by them. They must override the Government of India and apply the Government of India Act to Burma by notification. Delay in arriving at a settlement would really be dangerous, in the view of the Government themselves, for, as Lord Lytton said, the effect of it would only be that "the demands made upon you will grow in extravagance and intensity."

As between the two plans promoted respectively by the Government of India and the Secretary of State, the Indians and the Burmans will have no difficulty to judge. The scheme of the former does not part with an iota of power to the people; that of

the latter would be a real instrument of progress, if the proposals for franchise and division of power come to be conceived on generous lines. Lord Meston's Committee, which considered the Government of India's plan, condemned it outright, "on the ground that it did not give the Burmans any executive or administrative responsibility; that it did not provide the training requisite to fit the people for self-government; and that the Council system similar to what is known as the Morley-Montagu (? Minto) Council system in India, which it sought to reproduce, had not proved so successful in India as to justify its introduction into Burma." The deliberate conclusion of this Committee should be noted that the Government of India's scheme amounts in practice to the introduction in Burma of the Morley-Minto reforms. Nothing offends the student of contemporary affairs so much in the Government of India's letter of March 25, 1920, embodying their scheme, as their hollow pretence that they intend to apply a far more generous measure of reform to Burma than was India's lot under the Morley-Minto Scheme. Look at the grandiloquence of the following passage:—

"Burma has thus never had a Council of the kind which was established in India by the Morley-Minto Reforms. In substance its Legislative Council has conformed to the pre-1909 type. It might therefore appear that the most natural line of advance would be to convert the existing Council into a Legislature in which the elected element would be about as large as the present Legislative Councils of Bombay and Bengal. We have considered, but have rejected, a suggestion to this effect. We think that Burma has deserved, and should, receive a Legislature in which the elected members will have a substantial majority. Nothing less will satisfy the legitimate sentiment of the Burma people or provide that measure of popular control to which, despite their political immaturity, they can fairly lay claim."

A Council with an elective element of 60 per cent. was thus proposed, but at basis of the whole elective system were placed the village officials, who were to return members, through several stages, to the councils. This so vitiated the proposals as to render them thoroughly worthless. The Government of India's letter also speaks of giving constitutional power to the Burmans. As a matter of fact, there is not even a semblance of power, in their scheme and it is well that the Meston Committee has frankly admitted it.

The Secretary of State's pledge cannot be redeemed except by giving Burma as liberal a constitution as that of the major Indian provinces. It would appear that Sir Reginald Craddock is now prepared to introduce direct electorates, as he declared in the Burma Legislative Council in February. Lord Lytton also announced in the House of Lords that the Government of Burma now admitted that, "as a result of the Joint Select Committee's recommendation in 1919, and the Secretary of State for India's announcement in 1920, it is no longer possible to differentiate Burma very materially from the other provinces." Lord Sydenham made as much capital as he could out of the non-co-operation movement and seemed to attribute it to the intense

dissatisfaction created by the application of dyarchy to India. He warned the House that if the system was introduced into Burma it would arouse a corresponding agitation. According to him, the main question to be considered was the one of separation of Burma from India. Burma was being used, he complained, as a milch cow for India, and if she were only rescued from that unenviable position, Burmans would desire nothing else. It would appear that what the indigenous yellow races resent is the yoke of the black Indians, and that the authority of the whites is quite acceptable to them. These contentions it is unnecessary to consider seriously. Lord Lytton declared that the Select Committee would inquire into the question of separation and make recommendations on it, but he warned the House that even if separation were immediately effected that was not going to settle the whole question. The necessity would still remain of granting a constitution to Burma, and the consideration of expediency as well as justice imperatively require that the constitution should be as liberal as that of the Indian provinces.

THE PROBLEM IN MULSHI PETA.

THE Tata Power Company's Nilla Mulla hydro-electric scheme in Mulshi Peta (Poona district) is being stoutly resisted with a united voice by the people of the villages threatened with deluge and the question has assumed a kind of public importance which none of their previous schemes had occasioned. The Government having helped the Company by the acquisition of the lands in question under the provisions of the Land Acquisition Act, the parties in the struggle are now not so much the Tatas on the one hand and the villagers on the other, as the Government and the villagers. That the proposed dam will result in displacing about six thousand people and turning them out practically shiftless from their dearly-loved homesteads and farms will not fail to excite feelings of deep compassion in all but the most hard-hearted. It does not require exceptional imaginative powers to realise the hardships and sufferings this scheme has in store for these poor people. The difficulty of beginning life anew and in strange surroundings, always great, has been accentuated in their case by the fact that their vision has never extended beyond their beloved farms and their families.

The Tatas for their part are evidently not unmindful of the inconvenience they are causing, but it is for promoting the industrial growth of the country and for increasing its national wealth that they have embarked on the venture. The Mulshi Peta scheme is expected to generate and supply 150,000 horsepower of electricity to the industries in Bombay and to release as much as 525,000 tons of coal for other national industries. This is to be welcomed specially at the present time when a coal scarcity is believed to be imminent. The electrification of the G. I. P. and B. B. C. I. Rys. resulting in a more rapid and frequent

suburban service and the irrigational facilities that the tail-water will afford are some of the more important results to be expected from the scheme. That a large part of the capital is Indian and that therefore the profits, if any, will mostly remain in India should be some consolation to the dispossessed cultivators. While the need of such schemes of industrial expansion as a means of adding to our national wealth cannot for a moment be doubted, what is wanted is that they should be carried out with the smallest possible inconvenience to the displaced community.

In this connection a question of great importance has been raised. It is whether an industrial scheme like the Mulshi Peta one could be called a public purpose for the purposes of the Land Acquisition Act. The term has not been clearly defined in the Act nor is there any authoritative interpretation available as to its scope. Those who feel that the provisions of the Land Acquisition Act have been unduly strained in order to make the path of the Company easy might usefully move the Indian legislature to incorporate in the Act itself a clear statement of the purposes for which it should be used. But our purpose is not to discuss the legal aspect of the affair. We only wish to deal with it from the broad viewpoint of public interest. The question of land acquisition in relation to industries was considered by the Indian Industrial Commission of which Sir Dorab Tata, one of the promoters of the present project, was a member. Their recommendation on the point is noteworthy:—

“It should be a *sine qua non* that, in all cases, where land is acquired compulsorily for industrial enterprises, arrangements should be made to offer cultivators or house-owners so dispossessed suitable land in exchange or part of exchange. Such a course will mitigate more than any mere money payment the hardship and sense of unfair treatment caused by expropriation.”

It is clear from this that the Commission lays special emphasis on the grant of land rather than on that of compensation in money in such cases. Now, it is well-known that the rice fields in Mulshi Peta are so fertile that the locality has never been faced with a famine and that it continues to supply rice to this district without any break. If the above recommendation is to be given effect to, the Government must elsewhere find lands of equal quality or give them inferior lands with money enough to enable them to raise their fertility to the level of those they are sought to be deprived of; and try its best to resettle these expropriated farmers on them. As a matter of fact however they seem to have offered so far not more than 33 acres of rice land when the requirements exceed 16 square miles! This only serves to emphasise the failure in its duty on Government's part towards these helpless people. If, as they believe, most of the lands are mortgaged, the compensation that they would pay will only swell the pockets of the money-lenders, leaving these people penniless beggars. Besides their dislike of monetary compensation is prompted by considerations deserving serious attention. Apart from the fact whether the compensation in any

given case is liberal or not, it is undeniable that the procedure of assessing it is extremely dilatory. The case of the villagers affected by the same Company's Andhra Valley scheme may be cited in point. The lands have been submerged by water since 1919; and still no compensation is even yet forthcoming. The whole point of our criticism is this, that while we fully recognise that such large schemes of national importance cannot be carried through without displacing some people, the Government must do all in their power to resettle them in other convenient places, and not turn them adrift with mere money compensation.

TRADE UNION LEGISLATION.

NOW that Government fully realise the need of legislation giving facilities for the organisation of labour and affording to it a measure of protection, it behoves those who are interested in labour to formulate constructive proposals which will secure the end in view without inflicting any injury upon the other classes of the community. The model which Mr. Joshi suggested, *viz.* the Trade Disputes Act of England is, in the view of Government, open to objection. It is necessary that the knowledge of the provisions of that Act should be widely diffused, so that a general discussion on the merits of that Act and any other rival plans that may be suggested will be possible. I propose in these columns to consider the objections which are urged to the Trade Disputes Act and state the opinions which competent critics have formed of that measure, in order that the reader may be able to judge for himself as to the suitability or otherwise of such an enactment in Indian conditions. But before I do so, I must give a brief history of the trade union legislation in England, and I do so below mostly in the words of the authorities concerned on the subject.

COMBINATION LAWS.

In their early days trade unions had to struggle against the ban of common law and repressive statutes. They were organisations which interfered with the perfect freedom of relationship between employers and employed and the free course of trade, and they were regarded in common law as criminal conspiracies on the ground that their very object was the restraint of trade. Conspiracy in law means combination to violate the rights of another, and the fact that its object is to violate a right constitutes it a criminal act and makes it subject to a claim for damages on the part of the person whose right has been violated by the act so committed. The common law was thus described by Mr. Justice Groce in 1796:—

"In many cases the agreement to do a certain thing has been considered as the subject of an indictment for a conspiracy, though the same act, if done separately by each individual, without any agreement among themselves, would not have been illegal as in the case of journeymen conspiring to raise their wages; each may insist upon raising his wages if he can; but, if several meet for the same purpose, it is illegal, and the parties may be indicted for a conspiracy."

In addition to the common law doctrine of conspiracy, the Combination Acts of 1799 and 1800 expressly prohibited any sort of combination of workmen. The law was freely used to checkmate strikes and to ward off the demands of labour for better conditions. In 1824, the various statutes were repealed and the common law on the subject of conspiracy was so far modified that combinations for the purpose of raising wages or limiting hours of labour were no longer criminally punishable. Reaction followed upon this and various outrages were committed which were attributed to the relaxation of the combination laws. The following year therefore another law was passed repealing the Act of 1824, but it nevertheless allowed combinations to exist for the purpose of raising wages and shortening hours of labour.

The Act of 1825, while abolishing the Combination Laws, made violence to person or property, or threats or intimidation, or molestation or obstruction with a view to interfere with masters or servants a criminal offence. It was at first thought that these forbidden acts were physical or mechanical acts, but by construction they were held to include the act of persuading in a peaceable manner. Accordingly, in order to meet this objection, a declaration was made in the Act of 1859 giving to labour organisations the right to exercise the faculty of persuasion. It provided that no person should by reason merely of his endeavouring peaceably, and in a reasonable manner, and without threats and intimidation, direct or indirect, to persuade, be deemed guilty of molestation or obstruction within the meaning of the Act of 1825, or should, therefore, be subject to prosecution or indictment for conspiracy. Still doubts arose upon the construction of the Act and hence the Criminal Law Amendment Act of 1871 was passed, which repealed both the previous enactments and provided that certain specific things should be offences:

"1. Use violence to any person or any property. 2. Threaten or intimidate any person in such a manner as would justify a justice of the peace, on complaint made to him, to bind over the person so threatening or intimidating to keep the peace. 3. Molest or obstruct any person in manner defined by this section with a view to coerce such person."

Thus the molestation or obstruction must be done with the view to coercion—that is, interfering with the free will of another. But then we have a definition of what molestation is:—

"1. If he persistently follow such person about from place to place. 2. If he hide any tools, clothes or other property, owned or used by such person, or deprive him of or hinder him in the use thereof. 3. If he watch or beset the house or other place where such person resides or works, or carries on business, or happens to be, on the approach to such house or place, or if with two or more other persons he follow such person in a disorderly manner in or through any street or road;"

but the whole thing is with a view to coercion.

CONSPIRACY.

As to conspiracy, the Act provided that—

"No person shall be liable to any punishment for conspiring to do any act on the ground that such act restrains or tends to restrain the free course of trade, unless such act

is one of the acts specified in this section, and is done with the object of coercing as hereinbefore mentioned."

This Act therefore sought to abolish the doctrine of conspiracy and define what acts connected with trade disputes were criminal and what were not. But later decisions of the court revealed the fact that trades unions were not completely free from the law of conspiracy. Baron Pollock is reported to have directed the jury that if several workmen combined not to work with a particular person and refused to work for an employer unless he dismissed that workman, that would amount to a conspiracy at common law. This point was put beyond doubt in the Conspiracy and Protection of Property Act of 1875. In moving this Bill in the House of Lords the Lord Chancellor said: "Under the existing law (of 1871), if one man broke his contract that would not be a crime, while if—say 50—broke their contract that at common law would be regarded as a conspiracy. Under this Bill it would not be a conspiracy." The third section of the Act provided:

"That an agreement or combination of two or more persons to do, or to procure to be done, any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy, if such act as aforesaid, when committed by one person, would not be punishable as a crime."

CIVIL DISABILITIES.

Thus the law of conspiracy was completely eliminated in its criminal aspects, but the law had "seldom, if ever, been applied for the purpose of criminal prosecutions, its applications having been limited to the enforcement of certain civil disabilities, which grievously affected the interests of trades unions."* Being tainted with illegality, these unions were unable to protect themselves against the dishonesty of their officers or to enter into any binding contract. The Friendly Societies Act of 1855, which was the first attempt to relieve trades unions of some of their disabilities, had a clause giving societies "not being illegal" the benefit of certain remedies against defaulting or dishonest servants. But a judgment was delivered in 1866 declaring that the trades unions could not prosecute an official who had embezzled funds, for the reason that those funds might have been applied for the purpose of maintaining strikes. An Act was therefore passed in 1870 empowering trades unions with the summary means of proceeding against their defaulting officers. Still several other grievances remained. These bodies could enter into no binding contract with any third person. Their Secretary could not recover at law the salary which might be due to him for his services; nor could the union maintain an action against their banker for money deposited on their account; while, if they rented premises for the purposes of their society, in case of dispute with their landlord, they were without any remedy at law. All these disabilities were removed by the Trades Union Act of 1871.

The Home Secretary, in introducing the Bill,

* Mr. Bruce, the Home Secretary, in the House of Commons. Feb. 14, 1871.

explained (and the explanation is very important as will appear in the sequel):

"The Bill did not propose to legalise what might be called primary contracts—such as agreements not to work or not to employ—and no person will be entitled to sue for benefits to which he is entitled, under a contract with a trade union. If such contracts were enforceable, our courts of equity might be called upon to enjoin masters against opening their works, or workmen from going to work, or discontinuing a strike; whilst our county courts would have to make decrees for contributions to strikes, or to enforce penalties from workmen who had felt it their duty to resume employment. It was not proposed to place trades unions therefore, in all respects on the same footing as friendly societies."

This point arises in connexion with the Trade Disputes Bill of 1906, and it is noteworthy that Mr. Frederic Harrison who served as a labour representative on the Royal Commission on whose recommendations the Bill was based concurred with the above view. The Commission asked themselves this question: is a law required "by which trades unions would be enabled to sue and to be sued by members, to recover their contributions or fines, and be made liable to members for the benefits assured?" and answered it thus:

"We are inclined to believe that the time has not yet come, if it ever comes for any such statute. . . . We are far from seeing any certainty that such an act is even ultimately desirable. Trades unions are essentially clubs and not trading companies, and we think that the degree of regulation possible in the case of the latter is not possible in the case of the former. All questions of crime apart, the objects at which they aim, the rights which they claim, and the liabilities which they incur are for the most part, it seems to us, such that courts of law should neither enforce, nor modify, nor annul. They should rest entirely on consent."

REGISTRATION.

The Act also enabled trades unions to register themselves. The Commission's recommendation was that the registration of these societies should be made compulsory and that their rules and accounts should be made public; but, under the Act, registration is optional. Unions which elect to do so are given many privileges, such as the right to hold property in the name of trustees, to hold their officers to account, etc. The obligations of registry relate principally to the making of annual reports to the Government, the filing of copies of their rules, etc.

The Act of 1875 which provided that conspiracy in relation to trade disputes should not be regarded as a criminal offence was generally thought to have abrogated the law of conspiracy, but it was held by judges that all that it did was to take away the criminal character of the offence of conspiracy, but to leave it in all respects subject to civil action as an offence. Therefore, even after 1875, the law of conspiracy still prevailed, though it was no longer to be enforced in criminal, but only in civil, courts. It was finally extinguished by the Trade Disputes Act of 1906, which was based in its civil aspect on the principle established by the Act of 1875 in its criminal aspect. The latter Act declared that the character of an act committed by a trade union within the purview of the criminal law should de-

pend on the consideration whether it was criminal or not, assuming it to be the Act of an individual. The Act of 1906 declared, in regard to the applications of the civil law, that that act shall be right or wrong, shall be lawful or unlawful, according as it would be lawful or unlawful, judged on the assumption that it has been committed by an individual and not by a combination. It enacted that:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

And further:

"An act done by a person in contemplation or furtherance of a trade union shall not be actionable on the ground only that it induces some other person to commit a breach of contract of employment, or that it is an interference with the trade, business or employment of some other person to dispose of his capital or labour as he will."

Another important change made by the Act of 1906 was that the principle of the non-suability of trades unions was clearly established. Till the Taff Vale case arose in 1901 it was supposed that for wrongs committed in strikes only the individual wrong-doers could be made responsible. But the decision in this case showed that a trades union could be sued in tort for acts done by its agents and that its funds might be liable to damages that might be awarded. This judgment was annulled by the provision in the Act that:

"An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union, shall not be entertained by any court."

The law of picketing contained in the 1875 Act was also amplified by the new Act, conferring upon trades unions the right of persuasion. It was provided that:

"It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working."

A LABOUR ADVOCATE.

THE REFORMED COUNCILS.

THE MADRAS LEGISLATIVE COUNCIL.

[FROM OUR OWN CORRESPONDENT.]

Madras, April 2.

THE GOVERNOR.

OUR Legislative Council has been sitting almost continuously for the whole of this fortnight. Nine days were allotted for the discussion of the budget and they were fully occupied. Before, however, I deal with the budget discussion I should like to mention a few points of general interest in connection with the Council. H. E. Lord Willingdon has been almost a constant visitor, sometimes accompanied by H. E. Lady Willingdon. Nor has he been a passive spectator. He has been known to send for Government members and sometimes for the president and hold long consultations with them. While the presence of the Governor on rare and important occasions could be taken as a compliment by the M. L. C.s, his constant

presence can only be a source of embarrassment to them. Many members voluntarily or involuntarily turn their eyes towards the Governor's gallery before voting. In being so much in evidence there, he is exerting an influence which is similar to what he was able to do as President of the old Council and is thus going against the very spirit of the Reforms. He has created such a bad feeling that one hears it said that, having opposed the Montagu-Chelmsford Reforms scheme, Lord Willingdon is denying Dyarchy its best chance, so far as it lies in his power. This much is certain, that he has left the best of his reputation at Bombay. He is believed to be easily led by one Member of Government or other and not particularly keen on any great question.

THE DEPUTY PRESIDENT.

There has been quite a breeze between him and our Deputy President over the latter's right to vote according to his conscience. His Excellency appears to have told him that being a salaried official of the Council he should either not vote or vote only with Government, i. e. the Justice party. Dewan Bahadur Kesava Pillai is rather an old hand and appears to have told H. E. that at his age he could not give up his principles. In other councils the Deputy Presidents had been voting independently and in one council at least the Deputy President had been criticised for talking too much and that rather excitedly. In accepting office, Mr. Kesava Pillai maintained, he had not abdicated his rights as elected member of the Council. He was not a Government party man and had been unanimously elected Deputy President. He had all along differed from the Justice party and it was not true that all non-Brahmans were of that party. In the end he made it perfectly clear that he has resolved to assert his independence. I do not know what the officials think, but all shades of non-official opinion are agreed in resenting this kind of interference on the part of His Excellency. It is also believed that he should have moved in this matter only through the President of the Council.

A NEW PARTY.

The papers announced recently the formation of a new non-Brahman party under the name of the 'Independent Party.' It consists of non-Brahmans who, before the election results were known, had refused to identify themselves with the Justice party. Dewan Bahadur M. Krishnan Nair, late Dewan of Travancore, is reported to be its leader. Some twelve names have been announced as forming its nucleus and eight more are reported to have joined it. Mr. Kesava Pillai's name has not been announced, but he is believed to be one of them.

A RUMOURED RESIGNATION.

Your readers are aware that our Council has appointed three Parliamentary Secretaries. One of these is Dr. Subbarayan, Bar-at-law and Zamindar of Kumaramangalam. He is a member of the all-India Congress Committee and a strong nationalist, though not a non-co-operator. His accepting office under the present Ministry was a great surprise to all that knew him. There is, therefore, no wonder in the rumour that is abroad that he is not able to pull on with the present Government and is going to resign before the Government moves to the hills. As a member of the opposition he will be of great use. I sincerely hope and wish that the vacancy created by his resignation will be filled by the appointment of Mr. M. C. Rajah, who is a member of the Depressed Classes. In some quarters objection is taken to this suggestion on the ground that he is a nominated member; but, so far as I am aware, there is nothing in the Government of India Act to prevent a nominated member from being appointed as Council Secretary. Mr. M. C. Rajah has shown strength and capacity and is quite able to take care of himself and of his community. Should he be made Secretary it will go a long way in the anti untouchability direction.

THE BUDGET.

You have rightly pointed out in the editorial notes that our budget is a very disappointing one. We have been robbed of the fruits of the Reforms which came to us in the shape of increased resources. The Indian Services, though the most highly paid in the world, passed in great hurry and secrecy proposals for enhanced pay and allowances before

the Reforms could come into force. The Provincial Services were not slow to follow in their footsteps, and lastly the really needy subordinate ranks made good their claim for enhanced salaries. The result is that for any development in education, sanitation or any other object for material or moral improvement, new taxation has got to be resorted to. Our Ministers, as you have pointed out, have failed to put their impress on the budget, and I must say in the budget discussion the Council did not achieve any better success. No less than four hundred resolutions amending the provisions of the budget were given notice of, but, except in a few cases, the discussion lacked earnestness and information, and in those few exceptions what gave life to the discussions was communal rather than public spirit. Proposals for reduction were made mainly because the bulk of the higher appointments were held by Brahmans, and when the Minister promised to consider the claims of the other communities the motions were withdrawn. In every department a lot of "duty allowance" is given to officers high and low in consideration of their doing 'arduous or dangerous' work. Mr. M. Ramachandra Rao and several other members made vigorous attacks. How ridiculous the defence of Government was will be gathered from the Revenue member's remark that the duty allowance was given to Settlement Officers, because they had to work in dangerous surroundings and unpleasant company, on account of which peculiar circumstance a number of officers had lost their lives, and it was therefore necessary to offer some temptation for taking up this work. Of course, the work of every department was similarly 'arduous and dangerous' and therefore the majority of the Council generally voted in favour of the duty allowance. Communal considerations came very much to the fore when discussing a proposal to disallow increment in salaries for District Munsiffs. Mr. K. Srinivasa Aiyengar, in replying to the criticisms of the *Justice* party, gave the interesting information that the number of Vakils enrolled in the Madras High Court was 1703, of whom 1129 were Brahmans, 348 non-Brahmans, 8 Muhamadans and 26 Christians. The appointments made were in the following proportion: Christians 1 to 6, Muhamadans 1 to 2, non-Brahmans 1 to 9, and Brahmans 1 to 10. He said: "He could state with confidence that there could be no abler and more conscientious set of officers which this Government or any other Government could possess" than the District Munsiffs of Madras. Refusal to give them increment would not solve the question of Brahmans and non-Brahmans.

No keen fight was made over Minister's salaries. It is not surprising that here too as in most other provinces, their salaries should have been made equal to those of the Executive Council Members.

Our Province has retained the Publicity Board unlike some other provinces. Mr. Gwynn, our Publicity Officer, has done his business as well as any I. C. S. officer could be expected to do and appreciations of his work were forthcoming from all sides. But he is going on long leave very shortly, and though Dr. Gilbert Slater is said to be his successor, it is feared that he will not equal Mr. Gwynn in energy or in keeping touch with various shades of opinion.

RUSSELKONDA SAW-MILL.

Perhaps the most lively discussion was that which was raised on the Russelkonda Saw-Mills. It seems that before the Reforms came into force, the Government had entered into a contract with Messrs. Parry & Co. and undertaken to give them a building for installing a saw-mill in the profits of which the Government was to share. The District Board of Ganjam had applied for permission to work the scheme, but was refused. The Government Member pleaded that as the contract had already been entered into, Government will be liable to be sued in case the contract was not fulfilled. The Council was in a mood rather to be sued and pay damages than to pass the budget provision for the proposed building, and when the matter was put to vote, Government was defeated. But Lord Willingdon has restored the grant under the extraordinary powers that he possesses. This restoration is resented very much by the public. It has intensified the feel-

ing of dissatisfaction which all parties except the *Justice* party have against His Excellency.

THE BIHAR AND ORISSA COUNCIL.

[FROM OUR OWN CORRESPONDENT.]

PATNA, April 2.

THE EXECUTIVE COUNCIL.

A GOOD deal of public interest is centred round the proceedings of the Bihar and Orissa Legislative Council. This is but natural in view of the special conditions in which the great constitutional experiment is being worked in that province. For one thing, the political progress of the province has been remarkably rapid during the nine short years it has been in existence, and for another, it enjoys the unique distinction of having an eminent Indian at the head of its administration. This advantage derives additional value from the fact, that Lord Sinha who has taken no mean part in the shaping of the Reforms realises full well that much of the success of the scheme depends on the smooth and harmonious working of the several parts of the administrative machinery. The exercise on his part therefore of the extraordinary powers vested in the Governor under the Reforms need not be apprehended by a legislative council acting with a due sense of responsibility. His Excellency has on the contrary given sufficient evidence of his desire to allow the people to make full use of the rights and privileges conferred upon them by the Act. It is thus that we find Bihar to be the first province to have two standing committees attached to the reserved and transferred departments, as recommended by the Joint Select Committee. But while he may be trusted to leave nothing undone to ensure a fair trial for the Reforms, the same cannot unfortunately be said of the higher authorities who are responsible for the personnel of his executive council. The departure in Bihar's case from the recommendation of the Joint Committee insisting on an equal number of Indian and European executive councillors irrespective of the nationality of the Governor has created serious doubts in the public mind as to the good intentions of Lord Chelmsford's Government, and it is being openly asked if, in the face of such discriminations to the detriment of an Indian of unquestioned eminence and loyalty of Lord Sinha, all their protestations about their so-called changed angle of vision are to be taken as betokening a real change of heart. Another anomaly—and this, it has to be confessed, is of Lord Sinha's making—has complicated the situation still further. It is regarded as extremely unfortunate that he should have selected one of his executive councillors to be president of his legislative council. This is clearly against the spirit of the Act and is surprising as coming from him. It should be understood that what the Biharees object to hear is not the person but the arrangement itself. Against Sir Walter Maude they have nothing to say; he is an amiable gentleman and is generally popular. What they deplore is the president the arrangement involves. Nor can considerations of economy in public expenditure which are supposed to have influenced Lord Sinha's decision in this case induce them to regard the arrangement as in any way satisfactory. In that case there would have been no dearth of deserving men with sufficient public spirit to do the work without expecting any return. Failing this, the people would not have been found behind hand in putting their shoulders to the wheel.

BUDGET GRANTS

Our budget has been discussed and Government demands for grants voted. It would be interesting to make a passing reference to some of the more salient facts in connection with these debates. The budget calculates a revenue of Rs. 4,70,86,000 and an expenditure of Rs. 4,89,05,000, the deficit of a little over 18 lakhs being met out of the provincial balance. The increased duty on country spirit and *Bhang* is expected to add to the excise revenue, though people are not wanting who prophesy a fall in the same as a result of non-co-operators' activities. Thus while the income under this head is expected to come upto 150 lakhs, the expenditure may not exceed 94 lakhs, leaving a large surplus for being expended on schemes of public welfare. Greater provision for education than last

year has been made in the budget, though it must be confessed that it is not all that it should or could have been. It therefore came in for strong criticism at the hands of Hon'ble members in the course of the debate. A brief reference to other criticism levelled at the budget may here be usefully made. Dissatisfaction was expressed that the Forest department beyond paying its way hardly leaves any margin for being utilised on works of public utility and the proposal to raise the process fees by 30 p. c. was criticised as making justice still more costly. The increase in court fees is under consideration; and a Bill will shortly be introduced to give effect to Government's intention. This will further aggravate the difficulties of the genuinely aggrieved parties in the matter of getting justice. If the high cost of justice succeeds in checking the litigious tendencies of the people, it will be acclaimed as a blessing in disguise. In regard to the agriculture budget, it was pointed out that more is spent, on research than on practical training which is the great need of the situation and the suggestion was thrown out that every primary school should have a class for giving practical instruction in agriculture. About its financial effect I am not in a position to say anything, but if it is given effect to there can be no doubt that it will materially help the agricultural progress of the province. The increased provision for the supervisory staff of the co-operative department is expected to result in closer supervision of these bodies and was severely criticised. Now it is a well-known fact that while friendly advice and help from the department is not unwelcome, every official attempt at creating a centralised administrative system in the department is sure to be resented. Some popular representatives scented some such attempts in the increased co-operative budget and did not make any secret of their feeling in the matter. They even suggested that a portion of this expenditure should be made available for medical relief. The present method of dealing with the Budget by the whole House is unsatisfactory and leaves much to be desired. There is hardly any provision in the rules for its study by such of the members as are in a position to master its details and the suggestion to send it next year to a sub-committee has therefore much to be said in its favour.

POLICE GRANT.

During the discussion on Government demands for grants after a reduction of Rs. 10,000 had been secured in travelling expenses under the head "Excise," Rai Bahadur Dwarkanath called attention to the publication in the Excise supplement of the C. I. D. gazette of the outrageous extract extolling the virtues of drinking by opposing the whole of the excise grant. The Excise minister's policy is unexceptionable. While all peaceful methods to promote temperance would have his sympathy he would naturally discountenance everything which has even the remotest semblance of violence. Under the circumstances we must accept his assurance that the publication of the objectionable paragraph was unauthorised and took place through oversight. The police grant was reduced by Rs. 19,718, which was required for building a saloon for the Superintendent of Police, E. I. Railway. The superintendent who is supposed to be travelling for nearly half the year on inspection duty was so far using the saloon lent by the E. I. Railway Co. having expressed its unwillingness to do so in future the provision of the amount in the budget became necessary. I am however glad that the Council refused to pass this item; for if it had done so, there would have been no end of like demands in future. If the Superintendent of Police requires a whole saloon to himself, how can the Collector of a district and numerous other officials whose duties are far more exacting do without it? Objection was taken to another small item under 'Political' making provision for the conferment of titles on the ground that as the Viceroy was responsible for the conferring of titles the central Government should be asked to bear the expenses of printing sanads and certificates, etc.; but it was not pressed.

The Council, out down, somewhat unreasonably I think a grant of a quarter of a lakh by Rs. 10,000, provided under the head Public Health. This was necessary for defraying the expenses of the scheme of a sanitary survey of the province,

which originated during the executive councillorship of Sir Ali Imam. The survey parties were doing good work by way of finding the medical requirements of villages and diffusing sanitary knowledge among the rural population by means of lectures. The reduction of the grant is sure to cripple this good work to an appreciable extent and as such should not have been made. It should be remembered that the work of spreading sanitary knowledge is at least as important as the provision of medical help. It is a matter for satisfaction that this point of view appealed to the Council when it rejected Maulvi Hafiz Narul Haque's motion for the omission of Rs. 14,240 provided for a publicity campaign in order to explain to the people the benefit of sanitary habits. But by far the most important debate on proposals for grants, was the one that centred round Maulvi Muktear Ahmed's proposal to reduce the provision of Rs. 2,45,000 for water supply by one lakh.

GRANTS TO DISTRICT BOARDS.

In this connection it has to be remembered that the same member had already succeeded in carrying the Council with him in regard to another of his proposals to reduce the provision for metalled roads, in spite of strong ministerial opposition. This had the effect of putting up the back of Mr. M. S. Das who on the present occasion made a strong appeal to the Council to allow some discretion to the minister, who he recognised was after all their servant. The whole amount appeared to him to be the irreducible minimum necessary to enable him to fulfil his obligations towards municipal and district board areas, and he in effect challenged the Council to straightway recommend to His Excellency the Governor to advise him to resign his office if they find him unworthy of their confidence rather than make a too frequent exhibition of their want of confidence in his judgment by the roundabout way of rejecting in part or whole the proposals on which he had expended much anxious thought and a good deal of careful deliberation. This dignified rebuke coming at the close of a clear explanation as to the way the amount was proposed to be spent on schemes of urgent public welfare had the effect of awakening the Council to a realisation of the consequences of its action and the amount was allowed to remain intact. According to present plans, a sum of Rs. 45,000 is required to enable the Government to meet its obligations to District Boards which are in the habit of receiving one half of the cost of their water supply schemes to the limit of Rs. 3,000 for one single board, from the Government out of the remaining two lakhs, one was provided in the budget with the object of taking in hand the Puri Water Supply Scheme as soon as the necessary arrangements to raise the whole cost of eighteen lacs required for its completion by means of a terminal pilgrim tax were completed; the remaining one lakh being needed to help in the execution of water supply schemes in municipal areas. The demand of Rs. 33,000 for the Publicity Bureau gave the members a welcome opportunity to vent their dissatisfaction with the way its work is being conducted, mention was made in the discussion of several leaflets issued by the Bureau which were not only not harmless but were regarded as positively harmful. No wonder that the Council desired its discontinuance rather than its continuance under such conditions. Things would be very different if the Board concerned itself with such questions as the promotion of temperance, the awakening of the sanitary conscience of the people, etc. The motion to omit the Publicity Bureau grant was eventually lost; but it served the very useful purpose of focussing attention on the several defects in its working.

Want of sufficient funds for educational and medical schemes led the Council to explore all possible avenues of economy in public expenditure and the appointment of a retrenchment committee is the result. Attempts were made to induce the Council to entrust the duty of suggesting economies to the standing committees which Lord Sinha has taken the earliest opportunity of constituting. But those who brought forward these arguments failed to grasp the fact that the work of these committees was to be of a purely advisory na-

ture and that they could not pry into matters not directly referred to them.

NON-CO-OPERATION CIRCULAR.

Prominent attention was drawn to the Bihar Government's circular on non-co-operation by proposing an adjournment of the House. I for my part fail to see why it should have attracted so much notice. In the first place it is a private circular by a provincial Government to its officers, issued perhaps under higher orders. In the second place, why should even a Government be denied the right of using all its resources in self-defence to combat a movement which admittedly aims at its paralysis? What is really incomprehensible to me is why non-co-operators of all people should trouble to bestow even a momentary thought on such a move on Government's part. But this is by the way. The issue of the circular is unfortunate and comes at a time when the movement, now in its last days, might receive an indirect fillip as a result of any repressive action on the part of Government. The correct policy is to ignore the movement altogether unless there are signs that it may develop into violence. It is a pity the Government have decided upon a departure from that wholesome course of action.

The rejection of Mr. Sastri's resolution on firearms in the Council of State has so to say paved the way for the passage of another resolution on the subject in the Bihar Council. The latter prohibits the use of firearms before local leaders are consulted as to the necessity for their use. The fact that the resolution was sympathetically viewed by the Government gives reason to hope that it is the intention of Lord Sinha's government to take the people into its confidence to the fullest extent compatible with Government's primary responsibility of peace and order.

CORRESPONDENCE.

A COMMENT.

TO THE EDITOR OF THE SERVANT OF INDIA

SIR,—I am a close and constant reader of your journal, and I must say I love its sober and dignified tone though I am thoroughly opposed to the views it inculcates. I am really charmed with your earnestness when you in your issue of 10th March ask us—the non-co-operators—in your short note on the six conditions for attaining Swaraj enunciated by our Mahatma, if it is "not the duty of those who do not believe in the possibility of these conditions being fulfilled to dissociate themselves from the non-co-operation movement and thus purify and spiritualise public life." My reply to your question will be in the form of a counter question, and it is this: Do you believe that Swaraj can be attained without some of these conditions being fulfilled? People of your way of thinking never dream of making violence a plank in their scheme of reconstruction. The first of our conditions, i. e., cultivating the spirit of non violence should, and, if I am not mistaken, is, a common condition in both the schemes, yours as well as ours. If you consider it impossible while believing it to be necessary, then the sooner we say goodbye to all our schemes the better. The position will be like this. We cannot attain Swaraj through violence. Freedom from violence is unattainable. Swaraj must, therefore, remain an unrealised dream. The same thing can be said about the last two conditions, i. e., Hindu-Muslim unity and ridding Hinduism of the curse of untouchability. No sane man can believe that you can attain Swaraj for India without bringing about unity between the two big communities, Hindus and Mussulmans, as well as between the high-born Hindus and the untouchables.

It strikes me as very amusing that such an intelligent and able section of the Indian community as the one represented your journal should consider it an easy job to change by constitutional means the character of the British nation and make them surrender their power to you, while in the case of Indians they are so powerless in bringing about any change in them as to give it up as an impossible task.

Some of the objects put forward by Mahatma Gandhi as conditions precedent to the attainment of Swaraj are so noble

and elevating in themselves that they are worth striving after irrespective of the result they are promised to bring forth.

You may not believe in the spinning wheel. You may have your own view regarding the usefulness of the Congress organisation, but you, as an Indian and a patriotic Indian, cannot put aside such objects as Hindu-Muslim unity and the course of untouchability by calling them impossible tasks. Even if the achievement of these is impossible, an endeavour in this direction is worth making.

There is such a thing as prejudice, and no one can claim to be free from it. It is quite possible that your remarks in the note above referred to may be the outcome of your prejudice against our movement. We are not infallible. There may be mistakes in our schemes, but to brand the above mentioned conditions as an impossibility appears to me as something akin to prejudice. To be prejudiced is not a heinous crime. Human nature is prone to it. But to have an open mind is certainly a better and higher quality.

Now my final answer to your question is that those who "do not believe in the possibility of these conditions being fulfilled" should not only disassociate themselves from the non-co-operation movement, but also hold themselves aloof from Indian politics and thus "purify and spiritualise public life."

ABDULWALLI.

Assistant Secretary,
All-India Muslim League.

27, LaTouche Road,
Lucknow, March 12.

[Mr. Abdulwalli has missed the central point of our note, no doubt owing to the Editor's inability to make things clear. Swaraj is promised to us within eight months, provided that we fulfil certain conditions; these conditions, though they appear simple enough to Mr. Gandhi, are to our mind by no means easy of fulfilment, and they are impossible to be fulfilled within eight months. What is now happening is that the people remember the promise of Swaraj, but they have no lively recollection of the proviso on which it is made contingent. We know of many non-co-operationists, who in their sphere guide this movement, who share to the full our misgivings and yet who repeat the formula of "Swaraj within eight months," knowing full well that the promise can safely be made since impossible conditions are attached to it. We shall take leave of our correspondent to say that such a proceeding does not appear to us to be quite honest. It would tend to purify public life if prominent politicians ceased professing doctrines in which they have no faith and openly dissociated themselves from them, though this course would involve them in much obloquy. If Mr. Abdulwalli has not heard of leading Nationalists who will make a private confession that they do not believe in non-co-operation, all we say is that he is more fortunate in his experience than some of us happen to be. That Mr. N. C. Kelkar defends himself in a court of law which by the creed of non-co-operation he is required to taboo or another well-known politician from Poona, Mr. Lavate, like Mr. Kelkar himself on an earlier occasion, waits in a deputation upon a minister, praying for the redress of certain grievances, is typical of what is happening all over. It would be unjust to regard these incidents as particularly glaring lapses on the part of those individuals. It would be a service of a very high order, not perhaps to the movement of non-co-operation, but to the cause of truth, to purge the movement of the insincerity that is invading our public life, by preaching to the people to speak out their inmost thoughts. The efforts of non-co-operators, such as they are, to remove untouchableness, to promote unity, to encourage indigenous industries, to reduce litigation, to preach continence, to nationalise education, we unreservedly welcome, and, in common with all so-called co-operators, will do all in our power to second. As to the opponents of non-co-operation holding aloof from Indian politics, some non-co-operators are already doing all that lies in them to hound them out of public life, but we never thought our correspondent would approve of such a course of action.—Ed.]

GOOD SEEDS.

We have the best seeds in India,—both vegetable and flower—suitable to our climate. Sow the right kind of seeds at the right time and save disappointment.



As Good as
can be grown!
Best seeds
for Indian
Climate!!

Large descriptive catalogue with numerous illustrations free on application. Mention this paper when writing.

PESTONJEE P. POCHA & SONS,
SEED MERCHANTS, POONA,
Bombay Presidency,
INDIA.

“NATION-BUILDERS”

A New Socio-Political Comedy in 3 Acts.

By Mr. S. M. MICHAEL.

Dealing with burning social and political questions of the day. It is full of wit and humour. It will make you scream with laughter. It will give you food for thought. Price As. 8.

Apply to:—

Mr. S. M. Michael, 1/2 A West-cott Road,
Royapettah, Madras:

or to the Manager,

Aryabhushan Press, Budhwar Peth,
POONA CITY.

FOR terms of Advertisement, please apply to the Manager, SERVANT OF INDIA, Kibe Wada, Budhwar Peth, POONA CITY.

READY FOR SALE.

A reprint of the articles

ON

Medical Services in India.

BY

AN I. M. S. OFFICER,

Price As. 8 Postage extra.

In convenient form. Only a limited number of copies available for sale.

Please order your requirements at once from:—

THE ARYABHUSHAN PRESS,
POONA CITY.

Dr. BAILUR'S MEDICINES.

HIVA-JWAR.
Ague pills.
Price As. 8.
Per bottle.



BALAGRAHA
CHURNA
Epileptic powder.
Price Re. 1.
Per bottle.

As for our catalogue for other medicines & Particulars.

Liberal commission for Merchants.

Dr. H. M. BAILUR,

Dispensary, BELGAUM.

CUT ME OUT

and mail me, with your name and address, to
Good Luck Co., Benares City.

I will bring you, per V. P. P., one **COSSI SILK SUIT** length for Rs. 12 only. These pieces are economical, hard wear and handsome ever made.

Test them any way you please—Why not give it a trial?

Name.....

Address.....

Currency Reform in India

BY

Prof. V. G. KALE,

Price Re. One.

Copies may be had from booksellers or:—

The Aryabhushan Press, Poona City.

AWARDED A FIRST CLASS CERTIFICATE BY THE SOUTH INDIA AYURVEDIC CONFERENCE AND EXHIBITION,

SIDDHA KALPA MAKARADHWAJA

THE WONDERFUL DISCOVERY IN THE MEDICAL WORLD.

FOR ALL "ACUTE" AND "CHRONIC" DISEASE.

Prepared Scientifically by Ayurveda Ratna Pandit N. V. Srirama Charlu, Ph. D. Sc. and Ayurveda Valdy N. Narasimhacharia, Retired Sub-Registrar.

This unparalleled and Ancient medicine is prepared in exact accordance with Aurvedic and Western Modern Principles carefully tested and Standardised by expert analysis and found to be an unrivalled Elixir for the general prolongation of life, and particularly a guaranteed remedy for Nervous Debility, Skin Eruptions, Eczema, Vertigo, Loss of Nerve Power, Vigour, Memory and Appetite, Depression of Spirits, constant Mental Misgivings, want of spirit and energy. Melancholia, Rheumatism, Gout, Paralysis, Insanity, Hysteria, Dropsy, Diabetes, Piles, Asthma, Consumption, Dyspepsia all Uterine complaints, and all sorts of Urethral Discharges, Acute or Chronic, of all kinds and all men and women's ailments, etc. This is the only safe and reliable remedy for all diseases resulting from youthful indiscretions and loss of Vitality. It imparts New life and Energy, by increasing and purifying the blood. It contains such valuable ingredients as Siddha, Makradhwaja, Mukta Suvarna, Loha and vegetable drugs. This can be taken also as a tonic by every one of either sex, without any restriction of Diet Season or Climate. Complete Directions are sent with the Phial one Phial of 60 pills (for a complete cure) Price Rs. 10 (Ten) only. V. P. Extra.

Apply to:—AYURVEDA RATNA PANDIT N. V. SRIRAMA CHARLU, Ph. D. Sc.

The Madras Ayurvedic Pharmacy,

"Telegraphic Address"—"KALPAM," MADRAS.

POST BOX No 151 MADRAS