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Editor: S. G. VAZE.

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TOPICS OF THE WEEK.

ONE is glad to note that the Moplah disturbances in Malabar are subsiding though atrocities are still reported from the interior. The concentration of the military near the Tirurangadi mosque has not resulted in as much bloodshed as we had feared, and now that Ali Musaliar and other leaders are captured we hope the resistance of the rebels will soon break down. In accounting for this rising, prominence has been given in some quarters to the provocative behaviour of the local police and the agrarian grievances of the Moplahs. The conduct of the police in Malbar and elsewhere generally has not unfortunately been above reproach, but the horrors perpetrated by the Moplahs on their peaceful Hindu neighbours—murders, outrages on women, forcible conversion to Islam—prove their insensate fanaticism to be the real cause of the outbreak. And there can be little doubt that this fanaticism was roused and spread by the Khilafat propaganda which by preaching defiance of law and constituted authority has created an atmosphere conducive to lawlessness.

THE Moplah, it has been rightly said, can as little appreciate non-violence as the tiger can appreciate vegetarianism. He would cease to be a fanatic if he could think of a policy—whether of non-violence or of Hindu-Muslim unity. When on a former occasion we warned Mr. Gandhi against the danger of enrolling under his non-violent non-co-operation banner people who by temperament and lack of culture are utterly incapable of practising non-violence, he compared himself to a skilful miner who was moving in the midst of combustible gases with the help of a safety lamp.

We wonder whether he will now at least begin to distrust his safety lamp. The Moplahs are not the only fanatical Muhammadans in India, though other Muhammadans are not quite so fanatical. But when their fanaticism is kindled by the vigour of the Khilafat propaganda and hatred of Government inculcated by non-co-operation, they can only be expected to do more or less what the Moplahs have done, Mr. Gandhi's earnest remonstrances and Hindu-Muslim unity notwithstanding. And there are rowdies, hooligans and other 'lawless' elements who are using non-co-operation as cover for their criminal propensities. These fanatics and hooligans may be good at destruction but they cannot win Swaraj by soul force.

HIS EXCELLENCY LORD WILLINGDON cannot be congratulated on his having disallowed, in public interest, Mr. S. Srinivasa Aiyangar's motion for an adjournment of the Council in order to consider a matter of urgent public importance, viz. the shooting by police of certain Hindus and Muhammadans on the 29th of August last. The Councillors who could claim to know public interest as well as His Excellency, had passed the motion without any one objecting to it and were about to address a letter of protest to His Excellency when Sir P. Theogaraya Chetty, the leader of the party in power, prevailed upon them to desist. It is no doubt most exasperating to the head of a Government that in the metropolis and under his very eyes a sort of anarchy should be prevailing, as has been the case for some time in the mill-area of Madras as a result of the Buckingham and Carnatic Mills strikes. But that does not justify his shifting the responsibility for it on to innocent shoulders. From the beginning of these troubles His Excellency has misunderstood their causes and attributed them to the 'malignant influence' of non-co-operators. True, some of the office-bearers in the labour unions of Madras are non-co-operators in politics, but their politics had nothing to do with the present strikes and consequent troubles, and their influence has all along been exerted, such influence as they possess, in counselling patience and non-violence. If these labour union officials were non-co-operators in labour matters, they would not have sought interviews with His Excellency, or courted his mediation with the mill-authorities or given him an opportunity of reading a lecture to them. The real cause of the anarchy is the support which the Police and Labour departments of His

Excellency's Government are giving to the Ad-Dravidas and the mills, despite a press *communiqué* disavowing it. That is the clear opinion of Sir P. Theogaraya Chetty, himself a capitalist and a conservative by temperament, who has gone into the subject with a more open mind than His Excellency.

LORD WILLINGDON'S unwillingness to enter into the merits of the dispute and bring about conciliation between the workmen and the managers can only be characterised as pedantic. It is possible to ride the theory of State neutrality in industrial disputes to death, but it does not require a statesman or a Governor to do it. If some ten thousand families of angels were starving there would be no peace in heaven, and labourers nowhere are exactly angels. Neither punitive police, nor the military can vouchsafe peace to Madras, unless the mill authorities are induced to take back to work at least the majority of the strikers. That is the advice of Sir P. Theogaraya Chetty and of every sensible man in Madras. The managers of the Buckingham and Carnatic mills are no doubt very stiff, but we nevertheless believe they will be amenable to the Governor's persuasion. Otherwise the legislature can forge a measure which will teach obstinate capitalists to have some regard for the general good of the community.

MR. W. E. JOHNSON'S visit to Poona was signified by a very pleasant and enjoyable conversation and public meeting at the Desai Sabha. But those who had come in the hope of getting some assistance from the great American prohibitionist, as to how to solve Prohibition difficulties here in India, were unfortunately doomed to disappointment. Mr. Johnson, after only a week in India, of course modestly disclaimed any intention of ability of dealing with the specifically Indian problem. In the U. S. reason for the liquor traffic was so small in comparison with the total revenue that apparently the closing of a few workhouses and jails were, according to Mr. Johnson, sufficient to counterbalance on the expenditure side the elimination of excise from the revenue side. Obviously, here in India, the 93% of, e. g. the present Bombay Presidency revenue is not going to be made up by the closing of a few jails. Besides one rather suspects the somewhat rhetorical sweep of workhouses and jails closed throughout a continent. For instance, the new jail at Birmingham, Alabama, mentioned by Mr. Johnson, as having never been used since Prohibition came in by the time the building was completed. Had that nothing whatever to do with the wholesale migration of Negro labour to the North? The easy assumption of post hoc propter hoc did not carry conviction; all the less so when the speaker tried to make out that the last Presidential election was fought on the sole issue of Prohibition. Even we here in India know that this is an extraordinary exaggeration and distortion of facts, and so though we do not

know about the jail at Alabama or the workhouse at Illinois, we are a little inclined, like the Scotsman, to "halloo doots."

MR. JOHNSON disclaimed that the Prohibition campaign in America was done in the frenzy of a moment, by some sort of religious or sentimental fervour, in the twinkling of an eye. He implied that things could not be done that way: a conclusion that cannot have been very palatable to his N.C.O. hearers. He was emphatic that Prohibition was the result of a century long struggle, that nation-wide Prohibition came after Prohibition in the State had been obtained, and that only after counties had voted themselves dry, and so on. He reiterated that the whole campaign was one of convincing one individual after another, one community after another, until at last a whole Continent went "dry," because its inhabitants had willed it so. All that was needed was to bring conviction to all that oneself would be better off, if drink was altogether suppressed.

Is that all that is needed in India? If it was, Mr. Johnson ought to restrict himself to addressing the depressed classes and the Anglo-Indian community; to convince and exhort them, that they ought to demand Prohibition in their own interest. To address concourses of people who have never tasted drink in their life and are not likely to do so in future, exhorting them to prevent drinkers by force, legislative or physical, from indulging in drink, that we submit, is clearly not the way in which Mr. Johnson's movement became victorious in his own country. Convince all, except a negligible minority that Prohibition is desirable, and no doubt the universal desire will result in universal Prohibition. However, in India, the desirability of Prohibition will not be realized, merely by the fact of people resolving to do without drink for themselves. That is all that was needed in America.

BUT under the Indian social system some thing else is needed, and that is the willingness on the part of the non-drinkers to pay 25% higher taxes, in order that drinkers may have Prohibition. That is the kernel of the Indian problem. In Bombay Presidency out of a taxation of Rs. 10 per head, Rs. 2 is tax, and yet only 10% of the population drink. So the task to which Mr. Johnson, if he wishes to be helpful, and Prohibitionists generally, must devote themselves, is not only to implant in drinkers, who belong to the poorest classes, the desire for Prohibition, but simultaneously to make non-drinkers who form the bulk of the well-to-do, ready to tax themselves heavily, yet voluntarily, not for their own direct benefit, but for that of the drunkards. In America the appeal was to the self-interest of the drinker, in India it has got to be to the altruism of the non-drinkers. That is the problem in a nutshell. And Mr. Johnson's suggestion of workhouses in Indiana will obviously not take us very far towards a solution of it in India.

THE VICEROY'S SPEECH

LORD READING'S opening speech to the joint sitting of the two houses of the central Legislature, in which he passed under review all the principal events of the past few months and indicated the Government's policy to meet the situation arising out of them, was conceived, we are happy to state, in a spirit of wise statesmanship. On this occasion one would naturally expect the head of Government to define his attitude towards non-co-operation, and though this movement is, for the moment, completely overshadowed by the Moplah outbreak, it is clear that the Viceroy is not inspired by any vindictive feelings towards it. It would appear that his policy is to let the movement go on unfettered so long as it is free from violence of any sort and to interfere with it only when it imperils the public peace. Such an attitude of forbearance combined with an earnest attempt to make the most of the reforms must give a quietus to the movement as nothing else will. The Viceroy's reference to the disturbances on the West Coast, which in their gravity surpass every happening within recent years, show that Lord Reading can be depended upon to preserve his judicial temper even when faced with a crisis. He has linked up the present outbreak with the perivivid outpourings of Khilafat propagandists, but who can doubt that the appeals to the religious fanaticism which such persons make, when addressed continually to ignorant and excitable mobs like the Moplahs, can only end in violence? Those who lead public movements must know that what may be quite unexceptionable when uttered to enlightened audiences becomes extremely dangerous when uttered to unlettered and undisciplined crowds, and they must be prepared to hold themselves responsible for what every reasonable person can anticipate as a probable consequence of such preaching. In Malabar it is well known that the local Mahomedans have been worked up to a fever-heat of excitement, and it was but right of the Viceroy to warn the leaders of the movement against the likely results of a general campaign of civil disobedience conducted among such people.

On the other hand, the Viceroy seems to be resolved to give a fair chance to the reforms. On the question of widening and amplifying these reforms, Lord Reading has given no indication of his mind, but one may fairly infer from what he has said that he will give a generous interpretation to the existing statute and concede power to the extent it is permissible for him to do within its limits. And he has been able to point to what is indeed a rich harvest gathered in the first session of the Indian Legislature—the repeal of the Press Act and most of the other repressive laws, the overthrow of the mischievous portions of the Esher Report, the laying down of a right military policy for India, and so forth. In connection with the latter, the announcement of the erection of an Indian Sandhurst at Dehra Dun and the throwing open of

all arms of the Indian Army to Indians is tantamount to happy. One would no doubt wish that the Viceroy had been able to decide, on the other resolutions passed by the Assembly in regard to the Army, such as the proportion of Indians to Europeans in the fighting strength. But all these questions will come up before a sub-committee of the Committee of Imperial Defence in their hearings upon the military expenditure, and a decision on these has thus to be deferred. If however, the Government comes to right conclusions on this matter, we have no doubt that it will go a long way in removing the present incubus of the Army. It would also be wished that the Viceroy had been in a position to announce his decision regarding the martial law prisoners whose cases he is examining. Their release on such an occasion would surely have had a quieting effect on the situation which is so full of disquietude just now. But we are not without hopes on all these matters, rather trust that the expectations aroused in the public mind will be realised in full.

With regard to the conclusions of the Imperial Conference, the Viceroy gave the assurance that he would do his best to obtain a recognition of Indian status of equality from South Africa, which has for the present stood out against it. Such a recognition will now come, if at all, as a result of direct negotiations between the Union Government and the India Government, and we have at least the satisfaction to know that at this end, our interests will be in the keeping of one who can be trusted to represent matters with the utmost force. There is, again, the question of the application of the Conference's resolution to Kenya, Fiji and other Crown Colonies. Here also we may confidently look to the Viceroy to strive his very best to secure for domiciled Indians equal status in fact as well as in name. The Munitions case affair has ended in the only right way by the member in charge of the Department, tendering his resignation, and the Government accepting it. But the part of the speech to which the closest attention of the public will be drawn is undoubtedly that in which the Viceroy promises to remove all inequalities which obtain at present between the procedure governing the trials of Indians and Europeans. We have a definite announcement that legislation will be initiated next year with a view to giving effect to this promise.

CRIMINAL PUNISHMENT OF WORKMEN

The Bombay Chamber of Commerce, in expressing an opinion on the Workman's Breach of Contract Act, say that "they know of no Act in England under which a workman can be compelled to work under penalty of imprisonment." Indeed there is no such Act in England; there has been none since 1867 though before that time even ordinary breaches of contract of service were regarded in that country as criminal offences and punished as such. In that year, however, the system of imposing cri-

minal penalties on workmen for failure to perform the contract was abandoned and contracts of service were put "on the footing of a civil bargain, the breach of which should render the party liable to pecuniary remedies, but not to penal punishment." From this general rule were then excepted certain "aggravated" breaches, which continued to be treated criminally till 1875, when the exception was swept aside and certain definite breaches of contract alone were made criminal. These were included in the Conspiracy and Protection of Property Act, sections 4 and 5, and embody all the provisions of the English law on this subject. A person who breaks a contract of service, knowing that the probable consequence of his so doing will be to endanger human life, or to cause serious bodily injury or to expose valuable property to destruction, commits a misdemeanour (section 5); so also the man in the employ of a municipal authority, etc. when the probable consequence of his breach of contract will be to deprive the city, etc. of their supply of gas or water (section 4). Except for these two specified breaches of contract, all others are treated in English law as civil offences, giving rise to a civil remedy. The Act of 1875 placed master and servant on a footing of perfect equality, so that, corresponding to section 5, the Act contains another section, *viz.* section 6 which deals with neglect on the part of the master to provide food, etc. for his servant as a criminal offence and attaches a penalty to it. The law in India has no such provision, and we may therefore give here in full the section which establishes reciprocity as between employer and employee in England. It runs as follows :

Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall on summary conviction be liable either to pay a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding six months, with or without hard labour. (Section 6 of Statute 38 and 39 Vict. c. 86.)

If serious injury to person or property caused by a workman's breach of contract is to be treated as a crime and punishment to be awarded to the workman on conviction after summary proceedings, it is but fair that a similar injury caused by an employer's breach of contract ought also to be treated as a crime and punishment awarded to the employer after similar proceedings. And this equality is fully recognised in the English law; but the Indian law is grossly partial to the employer—treating what are essentially civil offences on the part of the employee as crimes, and what are crimes on the part of the employer as civil offences.

It is unnecessary to examine in detail the provisions of the Workman's Breach of Contract Act, but those relating to the specific performance of the labour contract and imprisonment may be considered at some length. The Act as passed in 1859 authorised "a magistrate, on complaint of the employer and on proof of the receipt of an advance

and wilful neglect on the part of the workman to fulfil his contract, to order the workman either to return the money advanced or to perform the work contracted for, as the employer should require, and, on default, to sentence him to imprisonment with hard labour for a term not exceeding three months."* That is to say, under the old Act the option rested with the employer whether to demand the repayment of the advance or the performance of the contract, and the magistrate had to order one or the other as the employer might decide. This was altered in 1920, and the magistrate was given the discretion to pass either kind of order as he thought fit. Now considering the fact that the main object of the measure was to protect the employer from pecuniary loss on account of the advances made to the workmen, one would have thought that it should be enough if the employer were enabled to compel the refund of the money advanced, especially as enforced labour for the performance of the work contracted for was not, generally, what the employers would themselves desire. "There was little use in making a man work against his will."† Yet, when the Hon'ble Mr. Sarma moved last year an amendment that the workman should not be held to the fulfilment of the contract when he offered to repay the whole amount of the advance and half as much again by way of damages, the Government did not see fit to accept the proposal. Now compare with this the law in England. There the doctrine of the specific performance of the contract was in force till 1875; but enlightened opinion strongly condemned it. The general feeling on the subject was well expressed by Mr. Lowe when he remarked as follows in speaking on the Employers and Workmen Bill: "Was it not monstrous that a Court should claim to compel a man to do a particular thing for a year? It would be introducing a principle of slavery utterly inconsistent with the genius of our laws and institutions, and for which no precedent or parallel could be found in the law of England."‡ This principle was got rid of in the Act of 1875, except in cases in which the labourer himself elected to return to his master's service, instead of paying damages to which he had rendered himself liable. "If, instead of an order for damages being made against him, the man said he was willing to come under an obligation for the specific performance of the contract, and was willing to give security to that effect, then the Court might order specific performance. If he failed to fulfil the contract, and if either he or his surety did not pay the sum mentioned in the order, then (the Act provided) he might be sent to prison for one month."§ Thus, no man could have an order for specific performance made against him except by his own consent, and imprisonment was abolished as a punishment for a breach of contract of service except by way

* Mr. Currie in moving the Bill in the Imperial Council September 11, 1858.

† Mr. Harington, Imperial Council, September 11, 1858.

‡ House of Commons, June 23, 1875.

§ The Home Secretary, Ditto.

of confinement in a prison allotted to debtors. "There was to be no imprisonment whatever, except that kind of imprisonment which resulted occasionally in County Courts where a debt had not been paid by a person against whom a judgment had gone, as to whom the judge came to the conclusion that he had the means of paying, but did not choose to pay. In those cases, and those cases only, the petty sessions or the County Court was to be allowed to commit the defendant to prison, not as a criminal, but as a debtor, subject to the checks and safeguards existing in regard to ordinary cases of debt in the County Court."¶ The contrast that exists between the law in England and the law in India on this subject will thus be manifest. Whereas in England the Court has not the power to order the specific performance of the contract if the workman chose to go away, in India the Court has this power; and whereas in England imprisonment is done away with altogether in civil breaches of contract, it persists in India in both of its forms, rigorous and simple, in breaches which are dealt with by the Legislature as criminal but which are in fact merely civil offences. Again, we may add parenthetically that the English Act of 1875 gives the Court power to cancel the contract altogether if it deems fit to do so; but the Court has no such power under the Indian Act of 1859.

HOME RULE AND THE DEPRESSED CLASSES.

SOME are Home Rulers by conviction and some are Home Rulers by policy: the writer of this article professes to belong to the first category, though, having in mind the present day history of Egypt and Ireland he feels great sympathy for those who belong to the second category. That being the case it will be realised that the present article is not called forth by any rejoicing in the truth it contains, but is inspired solely by the desire that the remaining stumbling blocks in the way of the effective realisation of one's convictions, and of another's policy, should be removed as speedily as possible.

To a convinced believer in Home Rule therefore it comes as a shock and a disappointment to realise that a very large section of the people, known by the suggestive title of "Depressed Classes" (would not "Suppressed Classes" be more fitting?) not only have no love for Swaraj, but on the other hand are positively opposed to it. As a life-worker among these unfortunate people—though my "life" in this respect is only 7 years old at present—I cannot hide the truth of this statement, much as in my zeal for Home Rule I should like to do so. They one and all have a positive fear and dread of the day when Swaraj shall be granted to the "public" and are in some cases petitioning the authorities that this day shall never come. It is an interesting side-light on the condition of these people to notice that in speaking of the "public" they do not include

themselves in that expansive term; centuries of depression, or rather again I say suppression, have made them feel themselves cut off even from the "public" though in numbers they form by no means an insignificant proportion of that all-inclusive title. Sixty million people out of 315 millions not forming part of the great public! Now these people have vague historical recollections of their sufferings in pre-British days. They have none too pleasant present day experiences in their dealings with the "higher" castes. They feel that if bribery and corruption is so prevalent despite the keen detective eye of the British *Raj* it will be inconceivably worse when that is removed. No, bad as their condition undoubtedly is at the present day they feel it will be ten times worse when they are left in the hands of those who, they feel, are their hereditary enemies, historically, politically and religiously. Even when one tries to explain that in the 20th century things cannot happen that happened even in the 19th, let alone the 15th and the 10th, and that the national leaders are broad-minded and not bigoted men, the more educated among them say, No, Swaraj for the Hindus means Swaraj according to the Vedas and the Laws of Manu, and according to them too we are dead and damned for ever and ever: we can *never* rise to the privileges of the "twice born". I hope in this short paragraph I have said enough to shew the premises of this article, viz, that the Depressed Classes representing over 60 million souls, or 20% of the total population, almost *en bloc* are opposed to any idea of Swaraj. I would say more, but that I believe it is a fact well known in India, though in the Moderate camp not sufficient attention is given to its eradication, and in the Extremist camp it is glossed over by vague phrases and vaguer promises.

Now how are we to deal with this evil, an evil which I believe is *the greatest hindrance* to the realisation of Home Rule at the present day? I candidly admit that in our eagerness to obtain Home Rule we do not pay sufficient attention to it, and I respectfully urge that greater endeavour be made to remove this greatest of all hindrances. Thirty centuries of error cannot of course be removed in thirty days, yet this evil should be tackled, and according to our eagerness and earnestness helped along in no small measure by the avalanche of the political world of the present day, so shall our success be sure and speedy. There are three things essential if this evil is to be eradicated:—

(1) A more emphatic pronouncement by all National bodies, but especially by the Congress, that Swaraj shall be equal, equitable and just, truly representative of all sections of the nation—that the large Depressed section (a minority it is true) shall not be voiceless and voteless: that Government shall not be specially for the benefit of the Muhammadans (or Turks!) or the higher castes of Hindus, but shall be for Indians as Indians without respect of religion or caste. Along side with this for the consolation of the Depressed Classes we need a distinct understanding that *Begar*, so nearly

¶ The Lord Chancellor, House of Lords, July 26, 1875.

eradicated under the British *Raj*, shall not be re-introduced in any form whatsoever, and that bribery and corruption in whatever service it may be found shall be dealt with mercilessly and without respect of persons. Together with these affirmations there should be a more sincere endeavour to carry them into practice. I mention the Congress in particular because it is the names of the famous leaders of the Extremists that are mentioned with most fear and trepidation by the Depressed Classes.

(2) An organised campaign of teaching and enlightenment among the Depressed Classes: this I believe can most effectively be undertaken by ourselves, not because we hold a monopoly of teaching and enlightenment but because our approach among the depressed classes is easier and less suspicious. This should have two main objects:—(a) With kindness and tact to shew them the futility of pleading that Swaraj should *not* be granted when the British *Raj* has in its famous announcement of Aug. 1917 promised it, in stages and with certain limitations at first it is true, but the ultimate goal is guaranteed. Moreover this ultra-conservative attitude on the part of the Depressed Classes now will only lead to more misunderstanding and persecution, and they are simply making for themselves enemies "muft" as the Urdu expression is. (b) To inculcate a true national spirit among the Depressed Classes, to make them try and realise that they are men after all, and as men and natives of India (may the day soon come when Indians shall glory in that word "native" instead of thinking of it as a word of reproach!) they have certain fundamental rights the same as other men—the right to live, the right to work for a living wage, the right to look another man in the face without cowering. We must teach them to respond to kindness: alas! at the present time owing to their sad history they are more ready to respond to blows and browbeating, and they frequently misunderstand kindness altogether. Above all, get them to take a pride in their nation—India, and to realise that they have duties to perform for their nation as well as privileges and rights to obtain from their nation. We must teach them not to be afraid of Swaraj, but to welcome it, to help in its realisation, and to prepare themselves for taking a fitting and proper part when it shall have become an accomplished fact.

(3) The promulgation of education among the Depressed Classes. In this we shall have to meet a lot of opposition, not the least being from the people themselves, and yet it is one of the most fundamental and essential prerequisites of the realisation of Home Rule. An illiterate enfranchised populace is a national danger: an unenfranchised illiterate populace is a national evil and shame; hence our aim must be a literate enfranchised populace. Governments, Local and Central, should do all in their power to aid endeavours of education among the Depressed Classes! It is a difficult work, often a thankless work, and it needs and surely claims any and every encourage-

ment from the powers that be—and the powers that more and more are to be. Moreover, individually we should do all that lies in our power to emphasise among the Depressed Classes the duties of parents in seeing that their children receive an education, and the privileges and blessings that follow in the train of a good education.

Of course I am a Christian Missionary, and I make no bones about it; I am teaching in the Depressed Classes the principle of Freedom, Justice and Equality taught by my Lord and Master, and I believe in so doing I am helping in the best way I can these depressed and suppressed people to take a fitting and manly part in the evolution of their great nation of India.

Let these and other means be taken to overcome the prejudice against and opposition to, Home Rule so quietly prevalent among the voiceless masses and let us all be prepared to give the Depressed Classes their proper position in the Nation, and let us prepare them to take their essential part in Home Rule, then shall we come speedily to the natural goal of our national ideals and aspirations, and in a united, contented, self-governing India we shall see our convictions realised and our policy approved.

P. N. BUSHILL.

Note. "Home Rule" has different meanings to different people: to the writer of the above article it means "Dominion Home Rule."

THE NEW FACTORIES BILL.

THE Washington International Labour Conference of 1919 passed a number of draft conventions and recommendations concerning mainly the adoption of the principle of an 8-hour day and a 48-hour week, the prevention of unemployment, women's employment before and after child birth, the minimum age of children, women's and children's employment during night and in unhealthy processes, and the establishment of Government Health Services. India, as an original member of the League of Nations was morally bound under article 405 of the Treaty of Peace to bring up the recommendations or the draft conventions for legislative enactment or other action "in no case later than eighteen months from the closing of the session of the conference." It will be seen that some of the draft conventions and recommendations, such as those regarding unemployment and employment of women before and after child-birth, are new to India; and Government could not but defer their consideration to a later date until the whole question was carefully considered. In the last sessions of the Indian Legislature, they adopted such of the recommendations and draft conventions as, they thought, required no previous investigation or were ready for adoption. It is not my purpose today to examine or criticise the choice the Government of India made in selecting for adoption or postponing the consideration of, the draft conventions and recommendations. What I am con-

cerned with, is to see how far the Indian Factories Bill in March last, was affected by the adoption of the Washington draft conventions and recommendations. The only draft conventions that bear on the Indian Factories Bill are those that limit the hours of work and fix the minimum age of children. The Washington Conference accepted and recommended to the industrially advanced countries the principle of an 8-hour day and a 48-hour week, a principle that had figured more and lingered longer in the minds of the workers of the world than any other industrial topic. Owing to her climatic conditions and her industrial backwardness, India was put in the list of the "special countries" for which the conference recommended a 60-hour week. The Commission that sat to consider and fix the hours of work in the case of "special countries," made "a very urgent request" to the Government of India, to consider "the possibility of adopting, in the light of standards accepted in other countries, a modified definition of 'factory', which would reduce the number of workers required to bring a factory under the scope of the act." Mr. N. M. Joshi, India's Labour representative at the Conference, presented an amendment to the report of this Commission to the effect that (a) the word 'factory' in the convention to be applied to India should mean any industry worked with steam, water, or other mechanical power or electrical power and employing not less than 10 persons, (b) the hours of workmen employed in factories should not exceed 54 a week and (c) children under 14 should not be employed more than 30 hours a week. Unfortunately, the time at the disposal of the Conference was too short to allow any careful consideration of this amendment; and Mr. Joshi, instead of running the risk of its failure in the hurry of the moment, prudently contented himself with presenting the amendment to the Conference with a short and reasoned statement of his object in bringing it forward. It will be seen that the Government of India did not see their way to incorporate this important amendment in their Washington Conference resolutions. As regards the minimum age of children, it is interesting to note that Miss Margaret Bondfield of the British Workers' Delegation moved an amendment to the Commission's report on the minimum age of children that children under 12 should not be employed in Indian factories working with power and employing more than ten persons. It was passed amidst applause by 39 votes to 29 in spite of the opposition of the Government of India's representative. They, however, ultimately accepted this amended convention subject to two reservations, viz., "it shall not apply to factories employing more than 10 but less than 20 persons unless the Local Government so directs," and "transitional regulations shall be made regarding children between the ages of 9 and 12 already lawfully employed in factories."

The new Indian Factories Bill contains a number of other modifications besides those that are made in order to embody the provisions of the

draft conventions and recommendations, as far as it was possible to give effect to them immediately. The principal features of the bill, as given in the statement of the Objects and Reasons are:—(1) The provision of further protection for children by raising the maximum and minimum ages, reducing the hours in the textile factories, providing for intervals of rest, and inserting additional safeguards in respect of certification. (2) The limitation of adult hours in all classes of factories by daily and weekly maxima, with lengthened intervals of rest and more stringent provisions for weekly holidays. (3) A considerable extension in the definition of factories, and the enunciation of principles to regulate the grant of exemptions from the provisions of the Act. Let us examine these changes more closely and see how far they go to satisfy the demands of the public.

It is gratifying to note that the invidious distinction made by the Factories Act of 1911 between the textile and non-textile factories has been done away with; and that the electrical generating and transforming stations and indigo, tea and coffee factories are brought within the scope of the Act. An appreciable improvement has been effected in the definition of a "factory" by lowering the limit of the minimum number of persons, required to constitute it, from 50 to 20. But, I am afraid, this improvement falls short of the actual requirements of the case. It is recognised on all hands that it is the small factories that stand in greater need of inspection, supervision and improvement than do the large ones. The Factories Commission of 1885 had not only brought out this fact more clearly than anything else but had actually proved with the help of facts and figures in its possession that more abuses invariably prevailed in smaller factories than in the larger ones. It had therefore been suggested that all the factories employing not less than ten persons should be brought within the scope of the Act. In the recent debates on the Washington Conference resolutions, the Government of India admitted that small concerns had more abuses than large ones; but they opposed Mr. Joshi's motion regarding the further reduction in the limit of the minimum number of persons to ten on the simple ground that the Local Governments would not be able to cope with the increased amount of work as they had not got a sufficient inspecting staff. This is a very lame and unconvincing argument. In the first place, it is not impossible to increase the inspecting staff so as to make it sufficient to cope with the increased amount of work. The financial burden will not be too heavy to become unbearable. In the second place, the plea that the inspecting staff is insufficient, is no reason why the serious abuses in the small factories should be deliberately allowed to go on unnoticed and unchecked and should not be brought under the authority of the law. I certainly believe that the mere inclusion of these small factories in the Act will go a great way to check some of the abuses prevailing there.

Another argument advanced on behalf of the Government against Mr. Joshi's motion, referred to above, was that "the large factories are largely around big towns, and the matter of their inspection is relatively simple, their books are well kept and the labour is classified, so that the question of providing the necessary inspection in the case of large factories is relatively inexpensive." "But", continued Sir Thomas Holland, "when we come to small factories, especially in outlying parts of India, the cost of inspection runs up enormously." "Here," to quote the apt words from a memorandum submitted by the Social Service League on the Factories Bill, "convenience and economy seem to have weighed with Government more than desirability and necessity." When once you recognise that there are abuses in small factories, it is incumbent upon you to remove them at any cost.

It might be argued that the Local Governments had been vested with power to bring under the Act all the factories employing more than ten and less than twenty persons if they thought it necessary to do so. In this connection it is necessary to point out that similar power to reduce the limit of persons in factories from 50 to 20 is already in the hands of the Local Governments; but during the period of more than eleven years it was hardly used. Taking, therefore, the past as a guide for the future, I do not think it desirable to vest any longer such a power in the Local Governments. The Indian Legislature would, under these circumstances, do well to change the definition of a "factory" so that all those factories having ten or more persons would be brought under the authority of the Act.

The Act of 1911 removed a serious defect in the old Act in the matter of granting age-certificates to children. The certifying surgeon had then no power to refuse a certificate to a child if he thought that it was physically unfit to work in a factory. The present Act gives him this power; but it is inadequate in that he has still no power to revoke any certificate, already granted to a child, if it is found that the child was no longer fit for employment. The new bill seeks to give this power to the certifying surgeon and tries to make his power really useful and effective. The changes proposed to be made in section 8 of the present Act which are intended to prevent persons who do not possess proper qualifications from exercising the powers of a certifying surgeon, are happy.

A distinct advance over the present position has been made by the bill by increasing the daily period of rest from half an hour to a full one hour in the case of adults and by the provision of a new and separate sub-clause which gives every child working more than five hours a period of rest of not less than half an hour. The Government themselves have confessed that experience and investigation have shown that an interval of half an hour is inadequate for refreshment and rest. It is not, therefore, necessary to dilate upon this point any further.

In chapters six and seven of the Act, relative to

notices, registers and rules, some very desirable modifications have been made. Many of them are a corollary to the new provisions inserted in the bill regarding the limitation of the hours of work. For example, the new provision of keeping a register of all the persons in the factory, and not of children alone as at present provided, another register of the hours of work of all the operatives, a third one of the period of rest,—all these will go to make the administration of the other provisions in the bill more efficient and up-to-date. A new section has been added which gives power to the Governor-General in Council to make rules for the adequate disinfection of wool used in factories which may be infected with anthrax spores—a provision obviously made to give effect to the Washington Conference resolution. The present scale of fines intended to check the violation of any provisions of the law was laid down in 1891 and has been found to be utterly inadequate. The bill has, therefore, increased this scale with a view to make the breaches of the Act as few as possible.

R. R. BAKHALE.

THE WORLD OUTSIDE.

WHEN the Armistice on 11-11-18 stopped the "Great War," the stopping, as we have since learnt, went much against the wishes of the Fochs and all the rest of the professional militarists, who were apparently only just getting into their strides. It is an open secret that to-day already the frightfulness of that last war could be "knocked into a cocked hat" by the super-frightfulness which science has since placed into the hands of the War Departments of all the "civilised" Powers. At the very time of the Armistice, American ingenuity had just perfected a new gas, Lewisite, and was actually manufacturing it for immediate use at the Western front. This gas, we read in a remarkable book (published by Dutton and Co., New York), was invisible:

"It was a sinking gas, which would search out the refuges of dugouts and cellars; if breathed, it killed at once—and it killed not only through the lungs. Wherever it settled on the skin, it produced a poison which penetrated the system and brought almost certain death. It was inimical to all cell-life, animal or vegetable. Masks alone were of no use against it. Further, it had *fifty-five times* the 'spread' of any poison gas hitherto used in the war. An expert has said that a dozen Lewisite air bombs of the greatest size in use during 1918 might with a favourable wind have eliminated the population of Berlin. Possibly he exaggerated, but probably not greatly. . . . Now we have more than a hint of a gas beyond Lewisite . . ."

How jolly the next war will be, to be sure! And the "Next War" is the title of the book we have been quoting from. It is written by a late war correspondent, Mr. Will Irwin, who knows what he is talking about, and who also seems to combine in a rare degree hard commonsense and lofty idealism. Mr. Irwin, of course, comes to the conclusion that there never need be any "Next War," but that there will be one as sure as sure can be, unless the League of Nations is made a

reality. But in the alternative the "Next War" bids fair to wipe out Western Civilisation:—and a good job too, perhaps, if all that such "Civilisation" means, is everlastingly a "Next War."

YET it is the "Next War" and nothing but a next war, that rules the activities of all Western Governments. The thing is a monomania with them, an obsession. How else explain the recent passing by the House of Commons of the Admiralty programme, which provides the immediate spending of thirty million sterling on four "capital ships"? Consider: here is the whole of a country, convulsed by a paroxysm of "anti-waste"; cutting down 20% of all Government departments, renouncing every programme for building and "reconstruction" generally, starving education and every kind of productive public work; in other words, on the plea of the necessity for stringent economy, ruthlessly reducing the standard of life below the low level of pre-war years. Here is a country, where holders of the V. C.—officially certified "heroes"—are reduced to utter destitution, as came out dramatically in a case only the other day. Yet, when the Admiralty comes asking for capital ships at a trifle of £8,000,000 a piece, four to be laid down at once, twelve to follow later—not a man jack in the whole of Parliament, who dares to raise as much as a whisper against it! Pray consider further that the existing British Navy is so obviously a match for all the European navies put together, now that Germany and Russia are out of the running for a generation at least, that nobody even takes European navies into account as in any way a menace. Then what remains? Japan and America. Now the commonsense fact of war with these countries is—(1) If England went to war with Japan, she could count on an alliance with America: hence no bigger English Navy is now needed; or (2) if England went to war with America, she would find Canada and Australia ranked against her too: in fact, the British Empire would cease to exist and England would have committed suicide. In which case, also, no bigger navy is needed.

THIS mid-summer madness, however, is even still worse. For two of the leading naval experts of the day, Rear-Admirals Adair and Sueter, who represent all that is most up-to-date and far-seeing in naval science, have, from a purely technical point of view, declared themselves against the building of any capital ships at such a time of transition in naval technique and strategy, as the present is, and have not hesitated to declare the proposed expenditure of £30,000,000 as so much wasted money. Yet in the face of all this, the money was voted without a murmur. And why? The versatile Mr. Churchill, who was in charge of the debate, blandly admitted the technical uselessness of capital ships—but, he said, unless we build these four ships at once, America and Japan will each have a greater number of these ships than ourselves, and where will English naval prestige be then? Could

ineptitude and fatuousness go further? X has useless things, therefore I too must get these useless things, and in greater number than X, if X is not to despise me. What a logic, what wisdom wherewith the nations are ruled now-a-days! And that sort of thing goes down with the present House of Commons, of course. But at least India should know and realise what things are done and how they are done: India, which is presently going to be tapped for some trifling millions on a brand new naval policy, seeing that her military expenditure is so negligible! What the representatives of India will have to get settled first, when they will be asked to vote this money, is, whether this naval display is meant as a means of safeguarding India or whether its purpose is merely one of "prestige"; and secondly, if not a mere piece of bluff, whether the proposed measures really will effect what they set out to do, viz. ensure India's safety. Let them insist to know the exact "how" and "why" and not be put off by the professional mystery-mongers. But above all, let them beware of becoming accessory to the madness of a policy which will tell us that the prestige of India is enhanced by nothing as much as by wasting her resources!

IT is pretty melancholy to think that it is thus that England keeps the seventh anniversary of the Great War's commencement, out of which she emerged not merely as undisputed mistress of all her enemies, but almost of the whole world. That country, of all countries, needs to spend £200,000,000 on useless display, to maintain her "prestige"! Well may Germany smile: Germany, the down-trodden, the pulverized, the throttled, starved, bullied "ex-enemy"! True, she is all that, yet Germany alone of all nations has kept the anniversary in a jubilant mood: elated not by military glory, past or future; not by fata-morganas of a passionate revenge on all her enemies; but by the exultation which comes to a man who has awakened from a nightmare, who at a long last has pierced through the illusion which enthralled him in its mad terror for so long and brought him to very death's door. Oppressed as never before, yet the soul of Germany to-day feels free from the phantoms that in turn are haunting her victors—free from the fears of conscription, of armies and navies, of Empire and of colonial adventures, of wars and rumours of war, free from the chimera of Prestige! On the anniversary of her entry into the war a remarkable phenomenon swept the whole of Germany: the watchword was "No More War"—not "The Next War" as in the countries of the Allied and Associated Victors—and under this watchword not only the two Socialist parties, not only the Trade Unions and Pacifist Societies, but, most significant of all, the Ex-Servicemen's Leagues took part in anti-militarist parades, demanding no more "next war," denouncing all military reaction, and upholding the Republic and its peace policy. In Berlin, the processionists

numbered 100,000 and with their flags of black-red-gold (the German republican colours) and of simple red they smothered the statues of the Hohenzollerns outside of what once had been the palace of the "All Highest War Lord."

SELECTIONS.

KENYA COLONY.

CLAIMS OF THE INDIAN POPULATION.

The following letter appeared in the *Times* of August 15:
 Sir,—Your leading article on East Africa in the issue of the 11th inst has, in its concluding paragraph, some remarks on the Indian question in that region to which it is necessary to give a brief answer.

You recommend an authoritative Commission. Let me point out that the main difficulty is not one of detail, but one of principle. No Commission can settle the principle, if it has yet to be settled—of equality of races in East Africa. This has, however, long been settled. If it were not so, the recent pronouncement of the British Prime Minister, at the opening of the Conference of Dominion Premiers and representatives of India should have put it beyond doubt. If that be not enough there is the resolution of the Conference itself, which far transcends in authority any Commission that may be appointed. That resolution accepts the principle of full rights of citizenship, on terms of equality, to all British subjects lawfully resident in any part of the Empire. The only region excepted is the greater part of the Union of South Africa. The colony of Kenya is within the general rule. You speak of local opinion in East Africa and South Africa as being opposed to the views of the Government of India. To bring South African and South African opinion into the consideration of this question is a fundamental error. That it is made frequently is regrettable, but cannot be a justification. As to the opinion of East Africa, your dictum ignores the opinion of the Indian settlers, who admittedly are more numerous, have done more for the colony, and have lived there several decades longer than the European settlers.

The opening of the Highlands to Indians, you lay down would be a breach of faith. This, again, is an assertion for which the main authority is its iteration. Of evidence there is very little forthcoming. In 1908, Lord Elgin promised the grant of Crown lands in the area exclusively to Europeans, despite the protests of Indians. This grant has now been completed, and the only 'pledge' of which there is record fulfilled. In the same despatch Lord Elgin undertook that there should be no legal bar against a race as such, as it was against the British spirit. But in 1915, under the martial law regime when the Indian community could not effectively protest, and without the knowledge and consent of the Secretary of State for India or the Government of India, the Secretary of State for the Colonies sanctioned an ordinance by which the sale of lands in the area, if by a person of one race to a person of another race, required the previous permission of the Governor, and the Governor was instructed to refuse in every case where the buyer was an Indian. This was a breach of a pledge to the Indian community, as well as a violation of the British spirit. Against this invidious distinction the Indian settlers in East Africa, the people, and the Government of India, and the Secretary of State for India have never ceased to protest. It is a bad ordinance, has led to plenty of trouble, and must be at once rescinded.

As for the same franchise for both communities, it is not only theoretically sound, but practicable and expedient. Its grant, you say, would be resisted to the uttermost, presumably by the European settlers. I really hope you do not mean to give a threat of that kind the imprimatur of your assent. It would be surprising if you did. The British Government cannot be turned aside from its proper course by such an attempt on the part of any section of its subjects, nor allow it to be transferred that privilege to any other section, and paying, especially in a manifestly unjust case, the price of a peace policy. In Berlin the peace policy

The native races ought not to be ignored. In their uplift the Indians will be found both willing and ready to cooperate. Probably they will be more efficient in their kind of work than the Europeans, as they can understand the natives better and mix more freely with them. It is not right to use the native races as a mere argument to resist the just claims of the Indian population, as though the Indians were to be classed with the native races, but not with the Europeans. This is a pretension which cannot for a moment be allowed.

Yours obediently,
 V. S. SRINIVASA SASTRI,
 Carlton Hotel, Aug. 12.

ENGLISH LAW ON BREACHES OF CONTRACT OF SERVICE.

We give below extracts from the speech which Mr. Asquith made in the House of Commons on June 10, 1875, in moving the first reading of the Employers and Workmen Bill (1875). Before the passing of the Master and Servant Act (1867), as I can make out, the state of the law was this—the relation of servant and master and that of master and servant was by no means the same. With regard to any action which a servant had to take against his master, he must begin invariably by legal summons; on non-appearance he might have a warrant against his master; an order for payment of wages might be with or without costs; if that order was not complied with it might be followed by a distress; and if the master had not sufficient goods to satisfy the demand he might be imprisoned. When we come to deal with the action of the master against the servant the law assumes a very different complexion. A summons was not necessary; there might be a warrant in the first instance. A summons or warrant went against the servant not simply for breach of contract, but for any misconduct in the execution of the contract. The penalty was that he might be sent to prison for three months, and in the first instance the wages might be abated; or he might be discharged from his contract. So that the law, before it was altered in 1867, was in this state—the remedy against a master was entirely civil, but the remedy against a servant was entirely criminal. In the case of a servant he might be arrested on a warrant and taken to prison if necessary before the case was heard, and when it was heard he was not allowed to give evidence in his own defence; whereas, if he brought a charge against the master, it being a civil matter, the master was entitled to give evidence against the servant. There were certain other evils. A case might be heard before a single justice in his own private house; imprisonment was the only punishment which could follow, and there was no fine in this state of things, which is a very important consideration. In this state of things, there is no doubt that servants took great exception. To inquire into the subject the House appointed a Select Committee, of which the noble Lord the Member for Reading (Lord Elotho) was Chairman. That Committee reported that the state of the law was unjust and arbitrary, and they recommended certain alterations—the inquiry should be in public; and it should be before two justices, or one stipendiary; that there should always be a summons before a warrant; and that instead of imprisonment being the necessary punishment a fine should be imposed in the first instance, and then distress, followed by imprisonment. They also reported that there might be an order made for the specific performance of contract; that in an aggravated case of injury to person or property a servant might be sent to prison and that he should be allowed to give evidence in his own defence. A great number of these recommendations were embodied in an Act which was passed in the following year. There was to be a public trial before two justices; there should be a summons in the first instance before a warrant; and the party be allowed to give evidence in his own defence. Power was given to justices to order the fulfilment of a contract, or shall it be a ward of court, and then followed in the same statute a provision to the effect that where compensation would not meet the circumstances of the case there must be a fine, and that if it failed to do what was ordered there must be a fine, and if it failed to do what was ordered there must be a fine.

impairment. The 4th clause had given rise to much discussion. It provided that where the conduct complained of had been of an aggravated character, and had not been committed in the bona fide exercise of a legal right, and if it appeared that the case was not a fit one for pecuniary compensation or other remedy, then a man might be sent to prison. That was the Act of 1867, which is added to the Act. (Feeling that there were still objections to the Act, the Government appointed a Commission.) I will read one or two paragraphs of the Report showing the conclusions to which the Commissioners came on cases of aggravated breach of contract. But, first of all, I should state that this is the unanimous Report of the whole Commission, without any single exception; for, although there is a separate Report from the Hon. Member for Stafford (Mr. Macdonald) at the end of the Report, his Report is entirely in accord with the rest of the Commissioners on this point.

"That the mere breach of contract such as was contemplated by the 9th section of the Act should be divested of all character of criminality, and we therefore recommend that the power of the magistrate to impose a fine under that section, when compensation cannot be assessed, should be taken away. If the complaining party has sustained or will sustain loss, compensation can be assessed. If he has not, he has no claim to damages, and the infliction of the fine can only operate by way of punishment, which presupposes a criminal act, and not a claim of damages arising from a breach of contract."

The Commissioners then went on to say:—
"But for the reasons we have already given, we cannot advise that imprisonment in the last mentioned form should be done away with, although we think that the servant should be sent to that part of the prison in which persons imprisoned for debt are confined, and not to a common gaol. And the jurisdiction here conferred should in our opinion be limited to matters arising specifically out of the contract entered into between the parties."

On this particular there is no difference of opinion whatsoever—namely, that in all ordinary cases of breaches of contract between master and servant, the whole of the old law, so far as it is coercive, shall be swept away, and that they shall be treated simply by a civil proceeding. I now come to that part of the Report which deals with breaches of contract of an aggravated character. The Commissioners state:—

"Some of our number, feeling the force of the objection founded on the anomalous character of the law by which breach of contract is treated as a criminal offence, and thinking that a sufficient remedy can be found for the prevention of breach of contract, though of an aggravated character, are of opinion that it would be better that it should be dealt with as falling within the civil rather than the criminal law. To those Members of the Commission it appears that it would be sufficient if power were given to the Magistrate to imprison such as we have pointed out, to commit to prison for a longer time not exceeding six months in the event of the compensation he may award not being paid, the prison being a civil prison, and without hard labour. The other Members of the Commission impressed with a sense of the serious mischief which may result from such aggravated breaches of contract, are of opinion that the present law exists under the 14th section, but subject to the provision hereinafter proposed of having such cases tried by a jury at the option of the party aggrieved, should be maintained."

The Commissioners submitted both those views for consideration to the House of Commons, and the House has decided between them. I will, therefore, shortly state what the decision of the Government is, with respect to cases under the 14th clause. . . . We propose on this head (i. e. on the 14th clause), first of all, that whatever the crimes may be, committed by persons engaged in this kind of employment, those crimes should certainly be specified distinctly in the Act of Parliament, and not left to the discretion of the magistrates to make one a crime and another not. Therefore, we propose to present to the House two separate and independent Bills, one dealing with all such matters as are mentioned in the

treated criminally, and the other with all that ought to be dealt with civilly. This was a matter on which a great number of witnesses had been called, not merely before the last Commission, but before the Committee which sat in 1865. I apprehend there is no doubt whatever on this point—that wherever there is what is called a general public danger to the State or a large body of the community, arising from the neglect of duty to perform a contract, such neglect may be looked upon as a crime. What we then propose is that whenever a workman is employed by a municipal authority or a public company, upon whom is imposed by Act of Parliament the duty of supplying any city or other place with gas or water, and that workman wilfully and maliciously breaks his contract of service, knowing, or having reasonable cause to believe that the probable consequences of his doing so, either alone or in combination with others would be to deprive the inhabitants of that city or place or a great part of them, of gas or water, such a breaking of contract shall be considered as a special offence. Such a workman will be placed by that provision in the same category as the police force, seamen and railway servants. There is another class of crimes to be dealt with. There are in the Malicious Injury to Property Act two general clauses—51 and 52—which enact that anyone wilfully and maliciously committing injury to the property of another shall be guilty of an offence the degree of which shall vary according to the amount of damage done. Take, for instance, the case of any man who wilfully with his hands strikes a blow at any property belonging to another, and inflicts an injury to that property maliciously and aware what the consequences would be, that offence falls within the existing law. Now, a man may do precisely the same injury with his feet as he does with his hands when he walks away from his work, knowing at the same time that injury to the property will ensue. We, therefore, propose to place such an offence in the same category as that where a workman strikes a blow at property with the hand and injures it. These two crimes, we think, may be put under the criminal law. When we come to consider other breaches of contract, we think they ought to be brought under a different system. We think that the same system, regarding the various attempts to modify the existing law, which is now in force, and oppressive, we may in other breaches of contract between master and servant, do away with all criminality and proceed only civilly as between master and servant. That, I think, ought to be the principle of the inclusion of all parties concerned. We propose that this kind of contract shall be dealt with as a civil proceeding, with all the incidents of civil proceeding. . . . To order specific performance is not possible. There is, however, one way in which a good many of these cases may be met with equal justice to both parties. A servant is brought up for having broken his contract. I am not speaking of strikes, but of the ordinary cases of breach of contract, as, for instance, when a servant goes away for a week without permission. He is brought before the Court which can assess damages, but it may often be better for the servant to go back, and we think it would be well to give to the Court the power of saying, "My good fellow, the best thing you can do is to go back, and if you will undertake to do so you will hear nothing more about the matter; but if you do not, with security or without, then, of course, we shall assess the damages and as your security or you do not pay you will have to go to prison." It is perfectly correct for the man to do what he pleases, and that if he pleases he can go towards making an order for specific performance.

TOPICS OF THE WEEK
The acceptance of Sir Thomas Holdich's resignation of office gives Lord Reading an opportunity for recommending an Indian to the post. It is undoubtedly an office to which only an Indian could do full justice. Among persons who may be thought of for the place we would mention Sir M. Visvaswara, Sir Ibrahim Sahinatulla and Lala

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