

# THE Servant of India

Editor: S. G. VAZE.

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## TOPICS OF THE WEEK.

**Malabar Reconstruction.**

THE members of the Y. M. C. A. and the Servants of India Society, working in Malabar for relief, have been anxiously looking forward to take a humble share in the great work of reconstruction which must soon be commenced in that unfortunate district. They have prepared a questionnaire with regard to it which we hope will receive the best attention of all interested in the future permanent welfare of Malabar. The questionnaire, we are told, has been prepared after consulting all shades of public opinion in Malabar and is bound therefore to be fairly comprehensive in its character. It is rightly suggested that the work of moral and material reconstruction is the joint duty of the people and of the Government and that the latter will only gain by the guidance of the former. Any fear or suspicion that the advice and co-operation of the unofficial public will be impracticable and embarrassing must disappear before the fact that since the beginning of the rebellion relief work for nearly half a lakh of people has been undertaken and ably conducted by entirely non-official agencies.

**Treatment of Political Prisoners.**

IN the U. P. Legislative Council Sir Ludovic Porter made the following statement with regard to the treatment meted out to persons convicted under the Criminal Law Amendment Act:—

The leaders have been classed as what is known in England as first class misdemeanants, i. e. they are detained but they are subject to no punishment. They eat their own food, they wear their own clothes, they are allowed to see newspapers and books, they are allowed interviews, once a week or at more frequent intervals at the discretion of the superintendent and they are allowed to write letters once a week. The other men who have been convicted under the Criminal Law Amendment Act,

whether sentenced to rigorous or simple imprisonment, have, as a matter of fact, been undergoing simple imprisonment, though, not on quite the same scale of dietary etc. as the first, but they do no work and practically in their cases also the sentence amounts to one of detention.

In the Punjab Council on January 10 the Hon. Sundar Singh Majithia read to the Council the draft rules regarding special class prisoners, which are reproduced in another column. These rules seem satisfactory, but it rests with the Superintendent of the gaol to decide whom to place in the special class, while what is required, and what was provided in Ireland in regard to Sinn Fein prisoners (as will be seen from the orders quoted elsewhere), is that all political offenders shall be treated differently from the rest. That is the crux of the matter, and on that point the non-official members defeated the Government in the Punjab, by carrying a resolution which embraced all political offenders against the opposition of the executive Government.

**Non-Co-operation among Policemen.**

THE Home Member in the Central Government introduced a Bill in the Legislative Assembly the other day giving greater power than they possess under the existing law to prevent the spread of non-co-operation among policemen. The Bill is modelled on Section 3 of the English Police Act of 1919, which runs as follows:—

If any person causes or attempts to cause, or does any act calculated to cause disaffection amongst the members of any police force, or induces, or attempts to induce, or does any act calculated to induce any member of a police force to withhold his services or to commit breaches of discipline, he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or on a summary conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine, and in either case if he be a member of a police force, shall forfeit all pension rights, and be disqualified for being a member of any police force.

If non-co-operators will realise that when the Police Bill was under discussion in Parliament, it was agreed in all quarters of the House that policemen stood on a different footing from all other services or industrial workers, they will conceivably be more cautious in extending their propaganda among the police. The Home Secretary (Mr. Shortt) declared, on that occasion, "For the police to strike is absolutely impossible!" and his dictum was acquiesced in by all, including Labour members.

and Radicals who objected only on the ground that the section was liable to misuse, which of course is a valid objection.

**Ministers and  
Repression.**

\* \* \*

THE attitude of the Ministers in Bengal towards the repressive policy inaugurated by the non-popular portion of the executive Government has not been superfluously clear. Three possible contingencies can be imagined: (1) the Ministers were not consulted at all before launching out on repression; (2) they were consulted and gave their support to the measures; (3) or they refused their support but did not consider the repression to be so seriously wrong as to require a protest on their part in the shape of resignation. Those who took strong objection to repression argued, when the Council was asked to vote the Ministers' salaries, that, in either of these three eventualities, it was right that the Council should pass a vote of censure upon the Ministers. If the Ministers were not consulted, they deserved to be censured because they did not exercise the right, which was conferred upon them, of being consulted on every important matter of policy. If, on consultation, they gave their support, they must be given the sack because they supported a wrong policy. If, however, they objected, even then they could not but be condemned because they did not consider their objection so fundamental as to call for an open dissociation on their part with a Government which thought fit to adopt such a policy.

**Reputation  
of Responsibility.**

\* \* \*

WHAT exactly was the Ministers' position cannot be authentically known for some time to come. One member—a European—in defending the Ministers, ventured to suggest that possibly they had supported the repressive policy. Another member—an Indian—also anxious to defend the Ministers, promptly denied the statement. It would appear, therefore, that the Ministers were either not consulted, or, being consulted, they took exception to the repressive measures, but did not regard it as a very vital matter. The objectors still continued the demand for a reduction of their salary, on the ground that they had in any case acquiesced in repressive policy. Considering the tone of the speeches of non-official members in the earlier session, the Ministers could reasonably claim that, whatever their personal objection to repression might have been, the Council itself supported or at any rate acquiesced in the Government's policy, and therefore left them no choice but to do likewise. Indeed Sir Nawab Ali Chaudhuri said as much. He said, "The majority of the members then were of opinion that something must be done to protect the law-abiding people. How could the Ministers say on that day anything against the policy of Government?" This is at least an intelligible explanation, but the Ministers were not content with it. They went farther and repudiated all responsibility for the actions of the executive councillors.

**And Surrender of  
Power.**

IN strict theory this is no doubt the case; but a measure of responsibility also attaches, indirectly, to the Ministers, not in regard to the minutiae of government, but in regard to the questions of broad policy. Where the Government resolves upon a policy which is repugnant to the conscience of the Ministers, it becomes the clear duty of the latter to tender their resignation. The Cabinet recognises a collective responsibility in England, and although this responsibility is very much diluted in this country, the Ministers are not altogether free from it where important questions of policy are involved. We are therefore very sorry to see that the Ministers should have made such unqualified statements as the following: that the Ministers had no legal right to be consulted; that they were entitled to disown all responsibility for the action of departments where they were mere advisers, etc. Apart from the inconsistency of the first statement with the second, it is decidedly wrong of the Ministers to surrender any part of the power conceded to them by the Reforms Act in order to extricate themselves from a difficult situation. In some quarters the Act is pronounced a failure on the ground that it has failed to prevent repression in spite of the presence of the three Indian members in the Central Government, and the Ministers in the provincial Governments. If the Indian members or Ministers support repression or at any rate refrain from using the powers that are available to them under the Act for preventing it, obviously repression cannot be prevented; but this failure cannot with justice be ascribed to the Act. We all want a still further advance in constitutional power; but the demand for need it not be based upon the failure of the Act.

**Education in  
Bombay City.**

\* \* \*

WE have seen the scheme for introducing compulsory primary education for boys and girls in Bombay City submitted by the Schools Committee to the Municipal Corporation and which is now before the latter body for their final orders. A ten-year scheme was passed by the Corporation in December 1917 and additional voluntary schools were accordingly opened every year. The number of schools—municipal and private (aided)—increased during the last three years from 335 to 434 and scholars from nearly 39,000 to 49,000. This progress being considered inadequate, the scheme now before the Corporation provides that, during the period of three years beginning from April 1922, all the remaining children not at present in school, numbering no less than 54,000 (37,000 boys and 17,000 girls) ought to be brought to school (by April 1925) under Act No. 15 of 1920. The whole cost, when the last boy and girl will be brought in, is estimated to be Rs. 55 lakhs, Rs. 31 lakhs being payable from municipal funds and Rs. 24 lakhs from provincial funds. The scheme may appear ambitious, but it is certainly not beyond the resources of the Corporation. We wish it every success in its glorious adventure.

### THE CENTRAL BUDGET.

THE Government of India suffered a severe reverse in their encounter with the non-official members of the Legislative Assembly on Mr. Ginwala's resolution that the whole of the central Budget be submitted to the Assembly, not only for discussion but for voting. The Finance Member treated this question in a spirit of pettyfogging criticism and not in that of generous sympathy and wise statesmanship, which is required of every official in India in the present crisis. First, he suggested legal difficulties and announced that the Government had decided to take counsel with the law officers of the Crown in regard to them. To this no possible objection could be taken, but Sir Malcolm Hailey did not rest content with this announcement. He himself argued against the view put forward by Mr. Ginwala that, under the Government of India Act, the Governor General was allowed the discretion to submit the reserved part of the Budget to the vote of the Assembly. Since this point is being referred to legal authorities, it is unnecessary to express any opinion on it here: but the Finance Member having taken up a definite position, adverse to the popular view, it is but right that Indian publicists should refute it with all the arguments open to them. To a layman's mind it is perfectly clear from the very punctuation marks used in section 67(3) of the Act,\* as was pointed out by Mr. Samarth, that the framers of the Act certainly intended that the Governor General's discretion should extend to the presentation of the reserved items in the budget not only to the Assembly's criticism but to its vote. Sir Malcolm also urged that, on this interpretation of sub-section (3) of section 67, it would be inconsistent with sub-section (5).† The latter section merely provides that the non-reserved items shall be submitted to the vote of the Assembly. While it imposes an obligation upon the Governor General in Council to lay before the Assembly their proposals for appropriation of revenue in respect of all items of expenditure not specifically excepted, sub-section (3) deals with the excepted items and says that, in regard to them, the Governor General will have the discretion to submit them to the Assembly's vote or withhold them from it, as he likes. It is difficult to see what inconsistency there is between the two subsections.

If, as we contend, the Governor General has the power, under the Government of India Act, to put the whole Budget to vote, the question is whether it is good policy or bad policy to exercise

\* The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor General otherwise directs. (Here are mentioned the heads of expenditure.)

† The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the Legislative Assembly in the form of demands for grants.

it in accordance with the people's demand. Here, also, Sir Malcolm did not fail to express doubts and raise objections. He seemed to say that Mr. Ginwala's demand was unreasonable in view of the fact that, but two years ago, neither the Congress nor the Liberal deputation supported it. On this point the Finance Member has fallen into an unconscious error. For the Liberals had from the first asked for the introduction of responsibility in certain departments of the central Government, and the Congress also supported it subsequently. With full control over a portion of the central Budget, it goes without saying that the central Legislature would have been able to exercise influence over the rest of the Budget, without specifically asking for it. But now it is to be mere influence all through and no final control. In this position it is not surprising that the Assembly should ask that, when it can at best exert influence and no absolute control, no part of the Budget should be excluded from its scope. In any case, it must be realised that the present resolution of Mr. Ginwala in the Assembly does not go farther than the demand made by the representatives of the Congress or of the Liberal party, but falls far short of it. And by representing it otherwise, the Finance Member gave a wrong lead to the Assembly.

Now, to return to the expediency of acceding to the demand. If the Assembly is merely to be given a voice in the Government's appropriation proposals and not a decisive voice, what harm can possibly result from taking its sense on all of them, instead of a few? The executive Government have in any case the reserve power to restore the vote rejected by the Assembly and go about their business as if the Legislature had voted the money. If that is their legal position in regard to all the items, it is difficult to understand what the Government of India lose by submitting the whole Budget to the vote of the Assembly—to such a vote. But it may be said that, although in theory the Assembly has no final power over any item in the Budget, in practice it has a very real control over all the votable items. This is no doubt true to a certain extent; but if it is, is it not really immaterial whether the Assembly votes all the items or only a few of them? For if it directly controls certain heads of expenditure, will it not, by means of this control, be able indirectly to control the other heads as well? The Government may exclude the military budget from the vote of the Assembly altogether and may imagine themselves to be in a very safe position; but if the Assembly has any serious grievances in regard to the army, all it has to do is to refuse to vote the money on some other department, which is amenable to it. As in England Parliament is able to control all the heads of revenue by reason of the fact that some taxes have to be renewed every year. Even so, because some items of expenditure are subject to its vote, the Assembly can control, though in an indirect manner, even those items which are excluded from its vote. The Assembly can bring about a deadlock by using the

power it has in order to extort from Government the power which it has not. It is impossible not to advert to deadlocks in order to lay bare the implications of the powers already conferred upon the Legislature, although the Finance Member construed such references into threats. Sir Godfrey Fell obviously had these implications in mind when he said, on the occasion of last year's Budget, "I wish from the bottom of my heart that this Assembly had the direct power of voting or refusing to vote the money required for national defence." If the Assembly had the direct power, it would also feel the responsibility. Even without such a direct power, it can exercise the power indirectly; only, in this case, it is apt to exercise it irresponsibly. Sir Godfrey showed sufficient insight to visualise this result; Sir Malcolm did not. We feel sure Lord Reading is conscious of the immense advantage the Government will reap by investing the Assembly with a vote on the whole of the budget and thus bringing home to it a responsibility which from the nature of the case it cannot at present be expected to feel.

#### PRIMARY EDUCATION IN BOMBAY.

THE Chandavarkar Committee, appointed by the Bombay Legislative Council to enquire into the extent of the demand for compulsory education in the various parts of the Presidency and to suggest ways and means for meeting it, has raised a new hope in the mind of the masses, not to speak of the intelligentsia. The Committee made a tour, and took evidence at Bombay, Ahmedabad, Karachi, Belgaum and Poona, and are now drafting their report. The great bulk of the evidence, excepting, perhaps, Sindh and the landlord class in Gujarat was decidedly in favour of the introduction of compulsory education, by rapid stages for boys, and after a short interval, for girls. By compulsory education is meant not the compulsion by local option which is now permitted in Municipal towns only by the Patel Act of 1918, but absolute compulsion, either for boys or children of both sexes, in any particular area decided upon by the Education Minister after full consultation with local officers and representative bodies. Compulsion by local option has evidently been not very fruitful, if it has not proved quite a failure. The large non-Brahman population of the Deccan is thirsting for universal education and willing to be taxed specially for it. Not only that but they believe, rightly or wrongly, that their aspirations for literacy are being kept in check by the Brahman community in general and by Brahman teachers and inspectors in particular. Such is the popular demand at present in the Deccan and Karnatak. It is to be hoped that this will be encouraged and not damped. Our Legislative Council will have to find the money necessary to realise these hopes and to carry the light of knowledge to the smallest village within a reasonable period of time.

The question of making elementary education

universal depends mostly, if not wholly, on the provision of funds. It is true that the Bombay Presidency, as well as other provinces and the Central Government are passing through very bad financial times. Revenue has decreased everywhere, trade is depressed and expenditure—due to higher salaries of officers as well as subordinates, chiefly of the former—has increased enormously and all Finance Members have had a very uneasy time of it. Tax on amusements and racing, higher court-fees and stamp duty, succession duties, tax on Devasthan and other inams, increased cess on land revenue, income-tax on lower incomes than are at present liable to central taxation, income-tax cess, even marriage tax, tax on luxuries—all sorts of taxes were suggested to the Chandavarkar Committee, to be levied by the State and utilized only for compulsory education. On a very rough estimate about Rs. 3 crores are needed for bringing every boy or girl of school-age (6 to 11) in the presidency to school. So if the programme be spread over a period of ten years, the Education Minister wants annually Rs. 30 lakhs more than the preceding year for ten years to come, for this one branch of education only. With the rapid expansion of primary education, secondary, collegiate and industrial education are bound to grow. So an annual increment of the educational budget by about 50 lakhs more for ten years to come, or of 5 crores by 1932, if universal primary education is to be a reality and not merely a pleasant talk, must be met from some source or other.

While on this point, a fact seriously complained of by the rural population, especially of the villages which have no schools (and these contain a large proportion of the total population), may be mentioned. They say, "the Government has been taking the local fund cess from us since the sixties of the last century, and earmarking one-third of it for primary education. But we, the people of the 16,000 school-less villages (out of a total of 26,000) have been simply paying for education for 60 years but never receiving anything—absolutely nothing—in return. Of course, it is not much; it is being very largely supplemented from provincial funds, which again are made up from land revenue which is the main source of supply of the provincial revenue (6 out of 15 crores, total). If this is so, on what principle of equity or justice do you refuse us a primary school, or primary education?" The answer usually trotted out by an unsympathetic officer or politician is that the law does not say that a school shall be provided in every village that pays the education cess, and that schools are provided at many large villages in every district, which alone can be taken as an administrative unit and not a village. This is equivalent to saying, "You shall pay at your village a part of the purchase money for education, but the goods need not be delivered in your village, but 5 to 10 miles away, where you can send your six-year child daily to receive it, if you care." This may sound well in the mouth of a quibbling lawyer, but not of a statesman who

should provide equal facilities for every unit of the nation, howsoever low or humble.

Leaving aside for a moment the question of equity to small villages and of universal compulsion, we may fairly expect that our Minister will immediately formulate a good programme of educational expansion. Even during the war (except for two years) the usual programme of 500 new primary schools every year was kept up. Sir Ibrahim Rahimtulla, in August 1918, laid down his policy of expansion and aimed at providing every village, with a population of not less than 500, with a school. As a result new schools were provided as follows:—

1917-18	387
1918-19	826
1919-20	746

The number of schools provided in 1920-21 is not known, as the report is not yet out, being overdue for 10 months. We do not expect that any appreciable number of new schools was opened in the current year (1921-22), as we were given to understand that "we gave up the programme of expansion for the year, because the money required for it was wanted to be spent in making low-paid primary teachers to a certain extent contented." Now that the teachers have been made contented with better salaries, and nobody grudges them that, the public rightly expects that the programme which was suspended for one year only will be put in hand from April next.

In order to meet the demand for trained teachers, training schools have been opened during the last 2 or 3 years, one in each district, each training about 50 scholars annually. So on that account at any rate there need be no hindrance to the opening of new schools. But we have heard with great regret that six of these schools have been closed since December last, either for want of funds or because more trained teachers could not be employed. Three of these schools were located in the Kanarese Districts of Belgaum, Bijapur and Karwar, and the fact that the percentage of trained teachers in these districts was greater than in Marathi or Gujarati Districts, cannot be an argument for abolishing the schools. But there does not seem to us a shadow of an argument in favour of abolition of the training schools at Godhra (Gujarati) and Mirpur khas (Sindhi) and more so for Mahomedan women's training school for Urdu at Hubli. Mahomedan women teachers are *rara avis* in this presidency, as elsewhere and the Bombay Schools Committee cannot open Mahomedan girls' schools merely for want of such teachers. But let us hope that there may have been some other convincing reason for the abolition of these new training institutions. As no new schools have been opened during the current year, we hope that a larger number than the usual 500 will be opened in the coming year, and we will be satisfied to wait for compulsory education till the Committee submits its report to

the Council, and the Council discusses it and legislates on the basis of their decision.

A. V. THAKKAR.

## INDIAN RAILWAY COMMITTEE.

(Contributed.)

THE importance of bringing up to a proper standard of efficiency the magnificent railway property which has been built up at great cost cannot be overstated at any time; much less can it be so at a time when there is ahead of us an era of rapid industrial advancement, and it is beyond question that of all the departments of public activity there is not one department on which this advancement is dependent to a greater extent than the department of transportation. Railways are the arteries through which the life-blood of the nation runs, since it is useless to manufacture or produce articles which cannot be carried to places of demand.

### STATE *vs.* COMPANY MANAGEMENT.

Of all the questions dealt with by the Acworth Railway Committee the most important and fundamental from the public point of view is that relating to the State *vs.* Company management of railways. The Indian public have all along been in favour of State management and it is no little satisfaction to us to find that the opinion of independent British members and Indian members of wide, comprehensive and purely national outlook on public affairs is identical. The tax-payer owns quite 6/7ths of the total mileage of the railways in British India, and has the right to decide what agency he will employ in managing his own property. Ordinary intelligence would dictate that railway companies and men associated with them would necessarily give an opinion influenced by an inevitable unconscious bias because of the amount of self-interest involved, and we are entitled to ignore the opinion given by such parties and regard that the opinion given in favour of State management is well-nigh unanimous, supported as it is by five out of the six independent members on the Committee. There need therefore be no question but that the Company management must cease as soon as the State can take over the management. Company ownership and management came into India not as a matter of choice but as a matter of necessity in the circumstances of the time. As circumstances changed, the ownership of railways was gradually taken over by the State and the question before us now is not whether Company management is better than State management, but whether the circumstances now existing make it absolutely necessary any longer to employ the agency of Companies for the management of railways. In other words, the owners themselves have got to decide whether they will manage their own railways or not. If India were not under a foreign bureaucracy, there is no doubt that the question would have been solved by a masterstatesman with a stroke of the pen, but in India the decision lies in the hands of men who

cannot free themselves from their leanings towards people beyond the seas.

#### GOVERNMENT CONTROL.

The question that comes next in importance is that of the machinery designed to control the administration of railways. The whole race is being run for more highly paid posts; the whole treasury of India is at their beck and call; and the only difficulty is to find out appropriate high-sounding designations. When the Railway Board came into existence, great hopes were raised and people thought that in respect of railways at any rate, the Government was going to bring heaven on earth. But this machinery has proved a hopeless failure. In fact, the control has been so bad that it is worse than no control. The Railway Board was brought into existence to run the railway business of the Government of India on commercial principles. There are administrations with mileages varying between the Rohilkhand and Kumaon Railway with its 500 miles and the North Western Railway with, 5000 miles. The administrative machinery for both is practically the same, and the pay of heads of Departments has little relation to the extent of the charge of each. Have the Railway Board done anything to adjust the pay to the charge or the charge to the pay? Have the Railway Board ever studied their own statistics to find out which items of traffic pay and which do not? Have they adjusted rates and fares so as to make non-paying traffic pay and paying traffic pay still more? Have they exercised any control over the innumerable concessions granted by railway administration? Have they transferred the charge for strategic railways from their railway budget to the Army budget? Have they given a definite lead to railway administrations in the Indianization of the services? The statement showing the number of Indian officers on railways appended to the report of the Committee (page 98) is a sad commentary on what the Railway Board have done, or omitted to do, in this matter. Leaving aside the technical departments, there are the Agency, Stores and Printing, Traffic and Audit departments. Why should not some of these departments be entirely Indianized and others to a very much larger extent than at present? What have the Railway Board done to improve the conveniences and comforts of their most paying customer, the third class passenger? We could multiply these questions *ad libitum*. In fact, the Railway Board have done nothing worth the name these sixteen years. It appears to us that it is the railway administrations who have controlled the Board and not the Board the railway administrations, and the Government of India have been supine. We wonder what supervision the Government of India, have exercised on this inactive body to see how far is it approximating to the desideratum. We condemn the Railway Board right enough, but we condemn the Government of India still more. Have the Government of India ever questioned the Railway Board as to why particular lines earn so little and how their earnings

compare with anticipations formed by a body of experts called the Railway Board? Have the Government of India or the Railway Board had any occasion to take railway administrations to task for bad workmanship or bad results in working? Have the Railway Board made any use of the statistics they compile and initiated any reform as a result of a study of the statistics? Have the Government of India ever reviewed the annual Administration Reports issued by the Railway Board in the same way as the Provincial Governments do in the case of Jails, Police, and other departments? What is really wanted is not only a sense of responsibility on the part of the member of any organisation that may be set up for the management of railway affairs, but some one or more at the top with a clear idea of what is expected of a sound management, who will from time to time judge how the body created has approximated to those expectations. Any body that is created must be subjected to close supervision as no system can be devised which can make men work as well without supervision as with it.

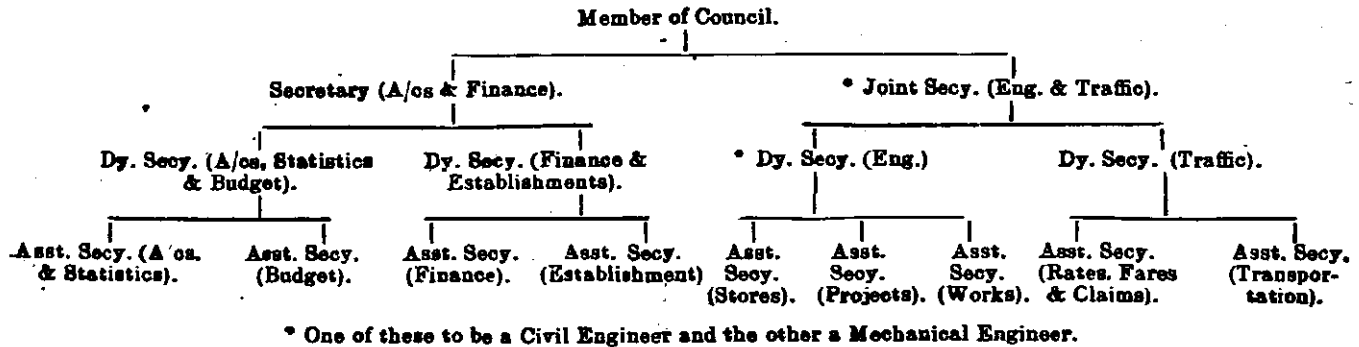
#### NEW ADMINISTRATIVE MACHINERY.

Having accepted that the present machinery in spite of its enormous cost has proved inefficient, we shall now proceed to consider what should be set up in its place. We readily agree that there should be one department in charge of all means of communication, and that at the head of each department there should be a member of the Executive Council. This member must be an Indian, as no European can take that national view in respect of this Department which an Indian can. The Committee have themselves recognised that it is not necessary that this member should be a railway man by profession. We do not see what material difference there will be between the duties of the member of Council for Communications and the Chief Commissioner recommended by the Committee, in so far as the Railways are concerned. We therefore see no reason for the appointment of the Chief Commissioner. So far as we can make out, the Committee's recommendation is that the Commissioners and their staff should be at the headquarters of the Government of India and that they should go on tour from there in their respective geographical areas. This is an arrangement which cannot by any means be regarded as businesslike. We have no faith in experts in technical matters remaining at headquarters only to advise the head of the Department in administrative matters while the actual field of their work is elsewhere. The proper place for experts is the actual scene of their work. The three Divisional Commissioners suggested by the Committee should have their headquarters, say, at Bombay, Lahore and Calcutta instead of on the hill-tops of Simla. They could of course visit the central Administrative headquarters periodically, but to make them part and parcel of the central machinery is not advisable. For the staff at the headquarters of the central Government we would not spend more than, or for the matter of that even



as much as, what is spent at present. When we look at the list of the headquarters establishment given at the beginning of the classified list published half-yearly by the Railway Board we are surprised at the inadequacy of the staff provided. The reason obviously is that no less than Rs. 1,50,000 being spent in payment of salary to the three members of the Board, little is left for the provision of an adequate Secretariat staff. For instance, the traffic side has all along been poorly represent-

ed at the headquarters of the Government of India, at any rate until the recent appointment of Mr. A. M. Clark; while the Financial and Accounts side has been represented by staff responsible to the Finance Department and it is to remedy this latter defect that the Committee has recommended, and in our opinion rightly, that the Railway Department should have an Accounting staff responsible to itself. We would therefore propose that the Central organization should be as in the chart given below:



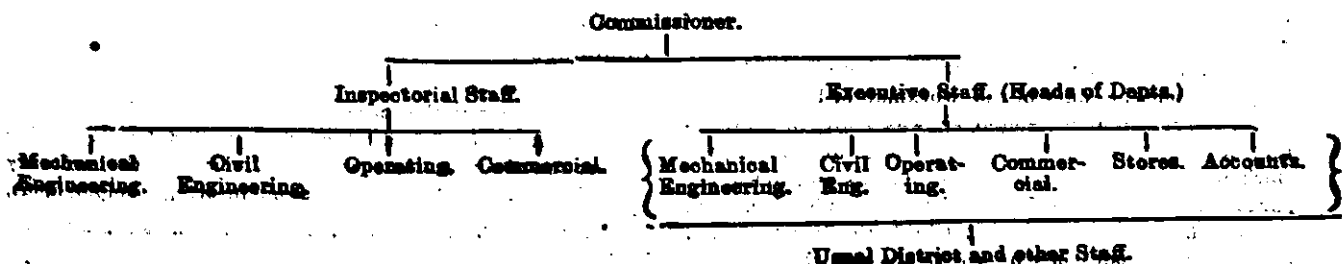
THE DIVISIONAL COMMISSIONERS.

We shall now deal with the local administrative arrangements. The arrangements of parcelling out the railways amongst three Commissioners in the manner suggested by the Committee is most unsatisfactory even as a basis. What we would prefer is that the whole of the railways be divided into three convenient groups, the Southern comprising the Bombay railways and the Madras railways; the Eastern comprising the Calcutta railways and the Railways in Assam and Burma; and the Western comprising the Karachi railways, the Oudh railways and the metre-gauge railways in the North, like the B. & N. W., the R. & K. railways and those in the West like the J. B. railway. There are at present in India no less than thirteen railway systems, each having its own agent drawing anything from Rs. 2,000 to Rs. 4,000, with a large staff of subordinate officers in what is technically called the Agency department, involving an annual expenditure estimated at close upon Rs. 25,00,000. There are in other countries railway systems embracing a mileage from 10,000 to 22,000 under one single management. The business done by these managements is immensely greater in volume than an Indian system of the same mileage at present does or is likely to do for a long time to come. The railway systems of the description we have given are to be found in Canada. If it is possible in other countries for one administration to manage railways having these lengths and this vast amount of business, it ought certainly to be possible in India for at least an equal mileage with a far less amount of business to be worked by a single administration under the direct control of a Divisional Commissioner. In several other countries, e. g. England, steps are at present being taken to regroup railways into big, and yet manageable, units with a view to securing a large saving in overhead

charges. The need for drastic economy in India is just as great as if not, greater than, in other countries; and there appears to us to be no reason why the charges of the Commissioners should not be based on such eventual grouping of the railways in India. When the Company management ceases it would be possible, with such a scheme in view, to abolish the existing Agency Departments and thus effect a saving of Rs. 25,00,000 per annum. The heads of Departments like the Civil Engineering, Mechanical Engineering, Transportations, etc. could then correspond direct with the Commissioners of the Divisions. The idea of an agent is necessarily associated with Company management, and as his name indicates this individual and all his staff can be doing little which is not for the most part mere post office work. The scheme we have outlined would, of course, involve the delegation of larger powers to the Executive heads of departments.

The Committee have proposed a large number of Directors in charge of the different departments. We are against this big Directorate of no less than six all-India officers touring perpetually right round India and Burma. Instead we would give, as assistance to each territorial Commissioner, four Inspectors who will be what may be called the eyes and ears of those Commissioners. We see no necessity for a whole-time touring officer in charge of Accounts, whether as an all-India or Territorial officer. The Inspector's duties will be to inspect the railways in their Divisions and report to their Commissioner. They will have no executive powers over the railways, such powers being exercised solely by the Commissioners on the reports of the Inspectors.

We give below a chart showing the local arrangements of the staff under the scheme we have advocated:



## WORKMEN'S COMPENSATION FOR ACCIDENTS.

### III.—THE ACTS OF 1897 AND 1900.

THE Act of 1897 abandoned the principle of employers' liability and substituted for it that of workmen's compensation. That is to say, the object of the Act was not to punish the employer for any default that he or his agents might have committed, but to relieve the workman and make the employer merely the channel through which this relief should reach him, although the employer might not have been responsible even in the most distant manner for the accident that had occurred. It did not matter how the workman received injury, whether it was to be ascribed to the employer or whether it was from its nature unavoidable. The Act imposed upon the employer an obligation of paying compensation in every case of accident occurring in the course of employment. There was only one exception: when the accident had resulted solely from the workman's own default, he was not entitled to any compensation. The provision in regard to this ran as follows: "If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall be disallowed." It seemed quite reasonable that no liability for compensation should attach to an employer if he could prove that the accident was due entirely to the workman's own wrong-doing, but it was pointed out at the time of the passing of the Act that although, under the employers' liability system which had been discarded in the new enactment, it was fair that the employer should not be liable in such circumstances to make good the injury, under the workmen's compensation system, there was nothing wrong in making the employer pay compensation even when the workman was entirely responsible for the accident. For the workman or his dependants did not need relief the less when the accident was caused by himself than when it was caused by others. The need for relief remained the same in either case, and the State, in adopting the new principle, had in mind only the relief of distress and not the moral liability of the employer. Mr. Augustine Birrell has put this point very clearly in his "Law of Employers' Liability":—

"An accident occurs down a mine or in a factory, the insurance office, which in 9 cases out of 10 will have to pay, must in a good many cases inquire into the cause of the accident. Astute persons will be employed to look up witnesses and to take proofs—in fact, to get up a case. True it is that the *onus* will be on the employer, that is, the insurance office, to show that the accident was only attributable to the misconduct of the workman, and I readily admit that in most cases it will be very difficult to shift this *onus*, but in those cases where it is shifted, it will become the duty of the workman or his representative to prove that the employer was guilty of contributory negligence, since if he or they can establish this, the workman was not solely to blame. Is this not, to use the phrase employed in the House of Commons by Mr. Burt, to leave the door ajar and to let in both litigation and law? If people could only be got to see that the new dog-

ma has not got a moral basis at all, they would recognise how inexpedient it is, even in a small number of cases, to mix up two different systems.

The Act applied to employment in or about a railway, a factory, a mine, a quarry or engineering work and to employment about any building which exceeded about 30 ft. in height and was being constructed or repaired by means of scaffolding, or on which machinery was driven by steam, water or other mechanical power. It was supposed that all the more dangerous trades in which accidents were frequent and serious were included in this list. The classes who were excluded from the scope of the Act were agricultural labourers, seamen and domestic servants. In the view of many persons competent to judge, many of the accidents occurring in the course of employment would thus be provided for. Mr. Birrell expressed the opinion that the greater number of the accidents which annually occurred in the industrial ranks would fail to be compensated under the provisions of the Act, and Sir Charles Dilke declared that in dealing with the main trades the Government would be dealing with the vast majority of accidents. He said:—"In Germany there were 18 millions of people who were insured, but practically out of that number only those who were employed in coal mines, factories, railways, and buildings had any accidents. About 13 millions out of those 18 millions had practically very few accidents indeed. Agriculture and forestry, employing millions of people in Germany, had almost disappeared from the lists so far as accidents were concerned. If this new departure was taken, they would soon have to level up the trades excluded and make the system general." It was calculated that nearly one-half of the labouring population was comprised within the scope of the 1897 Act. (*Vide* Sir Matthew White Ridley, House of Commons, March 21, 1900.)

The scale of compensation has already been given. The cost was thrown entirely upon the trade. The State said to the employer in effect:—"When you enter upon a business you must consider this compensation is as much a trade charge as is now the provision which you are called upon to make for the repair of machinery. You at present have to put aside every year a certain sum for the repair of the inert machinery, which is a factor in your business. Now the human element in the business has to be considered, and in the case of accident what reparation you can make must be made as a charge upon the business."\* The risk of compensation must be regarded as much a part of the cost of producing the article as, for instance, insurance against fire or even the cost of materials. Mr. Chamberlain thus calculated the incidence of the burden:—

I believe that coal-mining is the most dangerous industry. Even in that case the maximum cost of the liability is not likely to exceed 1 p. c on the wages (a half-penny per ton of coal). But when you come to the ordinary industrial manufactures and engineering employment,

\* Mr. Joseph Chamberlain, House of Commons, July 15, 1897.



such as the textile manufactures of Yorkshire and Lancashire, the cost is very much less than that, and I believe it will be measured by 15 or 25 p. c. on the wages, and I say that not without some inquiry into the subject, because I have been favoured by large manufacturers with the whole returns for years past of accidents which have taken place in their works, and I have made calculations in regard to the different forms of industry, and I believe it will be found that in a well-regulated factory the cost will really be very much less than anything hitherto supposed.

Although the cost of compensation falls in the first instance on the employer, it does not necessarily mean that he is not able to shift part of the burden upon the workman by reducing the latter's wages or upon the consumer by raising the price of his goods. It will depend upon the circumstances of the market if he can do so. When the Workmen's Compensation Act was passed it was feared by the workmen that the cost would ultimately fall upon them. As a matter of fact, the German experience was that, after compulsory insurance against accidents was introduced, the rate of wages had advanced in Germany as in other countries. But even if it should all come from the pockets of the workmen (which has not happened in any country), it would be, as Mr. Asquith said, in speaking of the Act (on May 3, 1897), "a prudent and far-sighted course" for them to tax themselves for the purpose of obtaining better compensation for industrial accidents. In England, the employer really paid the compensation and the 1904 Departmental Committee declared, on the evidence placed before them, that "hitherto the pecuniary burden imposed by the Acts upon the employer had not been excessive."

In 1900 the Workmen's Compensation Act was extended to agriculture. The reasons that were advanced for excluding small farmers from the 1897 Act were two: first, that the Act was avowedly experimental and second, that the pecuniary position of small employers like small farmers or the holders of small workshops was little removed from that of the workmen themselves and that therefore they ought not to be made liable to compensation. But after three years' experience the Legislature felt no hesitation in including the industry of agriculture among the industries in which accidents were compensated. The Home Secretary could say at the time: "We have learned a good deal since then (1897), and whereas we then introduced a new principle which frightened a good many employers of labour, it has now been found that it is possible to meet the liability by a comparatively light premium for insurance, and it has been proved beyond controversy that a very considerable boon has been bestowed by Parliament upon the working-men of this country who came within the provisions of the Act." As the question of bringing agriculture within the scope of the law being framed by Government is likely to arise in this country, it will be useful to quote here the observations made by Mr. Asquith while speaking on the Act of 1900:

As the unanimity with which this proposal has been received this afternoon has been contrasted with the very different greeting which was accorded to it only three years ago, may I remind the House that at that time the arguments which were urged against the inclusion of the agricultural population within the scope of the law were two—first, that accidents in agricultural employments were, relatively speaking, very few; and, secondly, that the farmer is, as a rule, a man of comparatively small means and that, therefore, to him the burden of even a single accident would be a serious matter. It was pointed out at the time that these two arguments to a very large extent neutralise one another, because if the number of accidents were very small the burden on the farmer would be proportionately small. . . .

I am very glad that the second of the two arguments I have mentioned has been frankly abandoned this afternoon, and as regards the first argument, as to the comparative rarity of accidents in agricultural employments, I hope and believe it is now generally recognised that it does not matter in the least to the injured man whether he belongs to a trade in which the percentage of accidents is 50 or 1. The case of a man who has lost his finger or leg and thereby his means of livelihood, is equally hard, whether he belongs to a trade in which there is an accident every day in the week or only one day in the year. I could never see that there was any element of justice or common sense in so distinguishing between different branches of our industrial population. I am heartily glad to see the manner in which this Bill has been received by the House, and I trust we shall not stop here, but proceed to apply the principle of this measure in other directions, so that the whole of our working population may be included within the scope of the law.

This was done in 1906, but for the moment the Act extended the benefit of compensation to some 1,700,000 agricultural labourers.

A LABOUR ADVOCATE.

## WITHOUT COMMENT.

### POLITICAL OFFENDERS.

#### TREATMENT ACCORDED TO THEM IN IRELAND.

THE Irish Government on April 20, 1920, issued a statement to the press, defining the status of, and the treatment to be accorded to, the Sinn Fein prisoners, in regard to whom a crisis had occurred on account of their hunger-strike. The statement embodied the following provisions in respect of the treatment to which persons arrested and imprisoned would thenceforward be entitled when in custody:—

The general principle which has been adopted, and which is now enunciated in detail, is, that persons arrested and imprisoned for political offences, shall be treated as political prisoners, and shall be entitled to be differently treated, both as regards the place of confinement and treatment therein, to persons arrested and imprisoned for ordinary criminal offences.

It is also thought desirable, in order to avoid possible future misconception, to state that the following offences shall not be deemed to be political offences, even though the motive for such offences may be, or may be alleged to be, a political motive:—

- (a) Homicide, assault, or similar offences, against the person.
- (b) Burglary, house-breaking, larceny, malicious damage, cattle-driving, or similar offences against property.
- (c) Riot; carrying, keeping, or having firearms, ammunition or explosive substances; unlawful assembly (as defined by Common Law or by Statute, but not an assembly rendered unlawful merely because it is a meeting of a political or

suppressed association); speaking or writing words inciting or encouraging persons to commit any of the offences set out at (a), (b), or (c).

All persons committed to prison for a political offence, who have not been tried, shall from the time of their commitment be granted the special ameliorative treatment set out in Schedule A annexed hereto.

As soon as arrangements can be made, after a person is committed to prison for a political offence, he shall be detained in a place of confinement in which ordinary criminals are not detained, and shall, on reception into such a place, be entitled, in addition to the ameliorations in Schedule A, to the further ameliorations set out in Schedule B.

Prisoners bound over to keep the peace and be of good behaviour, and who have been committed to prison in default of giving sureties, shall be dealt with as prisoners who have not been tried, and if the offence disclosed in the warrant is a political offence, shall receive the treatment of a political prisoner who has not been tried, and if the offence disclosed in the warrant is not a political offence, shall receive the treatment of an ordinary untried prisoner.

Prisoners who have been tried for a political offence before any Court and have been convicted, shall, unless sentenced to penal servitude, undergo their imprisonment in a place in which ordinary criminal prisoners are not detained for punishment. They shall be entitled to the ameliorative treatment of untried political prisoners as set out in Schedule A and B, except that they:—

(i) Shall not be permitted freedom of movement within the precincts of the prison or association or conversation between prisoners, save at such limited times during each as the Governor shall consider reasonable.

(ii) Shall not be entitled to more than one visit per week from one person.

(iii) Shall only be entitled to write and receive one letter per week, except under such special circumstances as the Governor and the Visiting Committee shall consider reasonable.

[ Here we have omitted a few paragraphs.—Ed. ]

#### SCHEDULE A.

- (i) Shall be kept apart from other classes of prisoners.
- (ii) Shall be exempted from a bath on reception.
- (iii) Shall be searched only by an officer specially appointed for that purpose.
- (iv) Shall be allowed to occupy a room or cell furnished with suitable bedding and other articles, in addition to, or different from those furnished for ordinary cells.
- (v) Shall be allowed at own cost the assistance of some person appointed by the Governor to relieve the prisoner from the performance of any unaccustomed tasks or offices.
- (vi) Shall be allowed unconvicted prisoners' diet, or to supply at own cost own food, subject to the under-mentioned restrictions as to supply:—

Due notice to be given beforehand.

Food to be received only at such times as are fixed for that purpose, and to be inspected, if considered necessary by the officers of the prison.

Not to receive or purchase during the 24 hours more than one pint of malt liquor, fermented liquor, cider or wine.

- (vii) Shall be entitled to wear own clothes.
- (viii) Shall be exempted, if desired, from hair-cutting and shaving.
- (ix) Shall be allowed, at own expense, to have supplied such books, newspapers or other means of occupation other than those furnished by the prison, as are not in the opinion of the Governor of an objectionable kind.
- (x) Shall be exempted from obligation to work.
- (xi) Shall be allowed to write one letter daily to relations or friends, and to receive one letter daily, and to write and receive such additional letters for special reasons as the Visiting Committee shall approve.

(xii) Shall be permitted to smoke, unless forbidden by the medical officer on medical grounds.

#### SCHEDULE B.

- (i) Freedom and movement within the precincts, and association and conversation between prisoners between the hours of 9 A. M. and 6 P. M. subject to orderly behaviour.
- (ii) Two visits a week by one person on each occasion will be allowed.

### DRAFT RULES UNDER SECTION 60 OF THE PRISONS ACT, 1894.

Special class prisoners shall be classified as such by the Superintendent by reason of the nature of the offence and the antecedents of the offender, including his social position, education and standard of living.

The Superintendent shall, so far as possible, allot to special class of prisoners sentenced to rigorous imprisonment such tasks as may be suitable.

If any special class prisoner who is sentenced to simple imprisonment elects to labour, the Superintendent of the jail shall allot to him such task as is suitable to his station in life.

Every special class prisoner shall be permitted to provide his own clothing. The clothing may be conformable to the ordinary style of dress of the prisoner, but shall not offer facilities for suicide or escape; and shall provide a means of identifying the wearer as a prisoner.

A special prisoner shall receive a special dietary which shall be prescribed by the Inspector-General of Prisons with the previous sanction of the Local Government provided that no such prisoner shall be entitled to a diet on the special scale unless he pays the additional cost over that of the ordinary prison diet prescribed for European prisoners.

The food of special class prisoners shall be separately cooked and in separate cook-houses from that of other prisoners.

Special class prisoners shall be permitted to use their own cups and plates and bedding.

Special class prisoners shall, if possible, be confined separately from convicts of other classes either in cells or in association wards with other prisoners of the same class, but this rule may be varied by the Superintendent for sanitary or other sufficient reason. Such reason shall be recorded in writing.

Special class prisoners shall take such exercise daily in the open air as the Medical Officer considers necessary and under such regulations as the Superintendent shall prescribe.

Every special class prisoner shall be permitted to sleep in the open in summer, and separate latrine accommodation shall be allotted to them, of such a type as may ensure privacy.

Every special class prisoner shall be allowed to have an interview with his friends and to write and receive a letter once a month during the term of his imprisonment, provided that the exercise of this privilege shall be contingent on good conduct and may be withdrawn or postponed by the Superintendent of the jail for bad conduct, or for abuse of the privilege.

Special class prisoners may be given a light in their cells or ward till 10 P. M., and, if there is a jail library, may be allowed books from it on such conditions as the Superintendent may deem necessary.

Any act of misconduct on the part of a special class prisoner shall render him liable to the forfeiture of any or all of the concessions allowed by these rules for such period as the Superintendent may deem proper, in addition to any other punishment to which he may be liable under the Jail Code.

The Superintendent shall cause an abstract of the rules relating to discipline and conduct, rewards and punishment affecting prisoners to be placed in each cell or ward.

## TOPICS OF THE WEEK.

Telegraph  
Training Classes.

A CORRESPONDENT writes:—Hitherto training classes were attached to Government telegraph offices for the purpose of giving training to would-be telegraphists, who were allowed stipends. These classes are now being abolished, and in their place Government are asking the managers of some private schools to open telegraph classes in connection with their schools. It is well-known that for many years past there are such classes in the Lawrence Military Schools at Sanawar (near Simla) and Ootacamund and that the Government have given an undertaking to give employment to 12 pupils taught therein on a starting salary of Rs. 80. Similar classes are now opened in Calcutta and one is being opened in the Education Society's High School at Byculla (Bombay) at the instance of the Government, who have also promised to give the loan of the services of instructors and other facilities. All these schools, which have been singled out by the Government as centres of training in telegraphy, are European and Anglo-Indian schools, and no Indian school has been so far selected in the Bombay Presidency. The injustice involved in this arrangement is patent, and it is to be hoped that the Government will take speedy measures to redress it by inviting Indian schools also to have telegraph classes. If the present arrangement is allowed to continue, it would result in cutting off all future recruitment of Indians in the telegraph department. It behoves also the managers of Indian schools to apply for the extension of a privilege to them which is being exclusively conferred upon Europeans and Anglo-Indians at present.

Underground Rail-  
way and Bombay.

THE Bombay Municipality have reported to the Bombay Government asking them to build an underground twin-tube Railway from Grant Road Station to Church Gate Station and the bandstand, thence taking a semi-circular curve along Mayo Road into Apollo Street, Fort North and passing by Victoria Terminus and along the Eastern Avenue to Parel Road near the Medical College, and along Bellasis junction and Bellasis roads to finish the round at Grant Road Station. The Government asked the opinion of the Corporation for an underground railway South of Church Gate Station only, in reply to which the big project of a circular railway from Grant Road Station southwards, about 8 miles in length, has been prepared by the Special Engineer of the Corporation, and estimated to cost Rs. 264 lakhs. If this is approved and constructed, we shall not be surprised if the actual cost would be twice this amount. However desirable an underground railway may be in itself in a city like Bombay, where is the supreme necessity of undertaking such a costly scheme now, when several other schemes are hanging fire or not making as much headway

as they should? The Government has undertaken a very heavy work in the Bombay Development Scheme, estimated to cost about 36 crores, and all the money required for it has not yet been found. The Sukkur Barrage Scheme across the Indus, a very profitable and inviting irrigation project, has not yet been financed, the suburban railways are not yet electrified, and in the meantime this project for a novel railway has been sprung upon us. We are sure neither the Government of India, nor the Government of Bombay, can find a single pice for this proposal of no great urgency in these days when it is very difficult to make two ends meet and additional taxes are staring us in the face. If quicker transport is immediately required, would not a surface electric tramway be better and cheaper?

AN interesting case of passive resistance has been reported from far-off Bulgaria. The occasion was a recent enactment of the Government abolishing three characters from the Bulgarian alphabet. This was resented by the Sofia University which decided to break the new law and suffer the consequences. A speech was accordingly printed with the old characters with the result that the Minister of Education got angry with the University. With a view to force the recalcitrant institution into obedience he "sent an official to the University with instructions to close with the Government seal the Secretary's and Treasurer's rooms." The Senate of the University at a hastily convened meeting decided upon sending an ultimatum to the Minister to the effect "that unless the seals were removed to-day the Rector himself would do so." This had the desired effect on the Minister who ordered the removal of the seals. Mr. Gandhi might take the unctious to his soul at finding other countries using his methods of political warfare; that may or may not be a ground of satisfaction. The real point however is: whether the passive resistance in question succeeded in getting the old characters of the Bulgarian alphabet reinstated. The information available so far is silent on the point, which probably means that the law continues to be in operation. Further developments had better be awaited.

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