

# THE Servant of India

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## TOPICS OF THE WEEK.

THE news that the Governor General of the Union South of Africa has vetoed two anti-Indian Natal Ordinances, one depriving Indians of the municipal franchise and the other making it difficult for them to get trading licences in rural areas, is very welcome, as public opinion in this country has become very sore regarding the treatment of Indians in South Africa and Kenya. But it is very much to be regretted that His Excellency did not similarly veto the third Ordinance which empowers municipalities to discriminate against Asiatics in the sale of municipal land. He has allowed it to stand, subject to the condition that if Indians are not allowed to purchase certain lands they should be entitled to purchase other suitable lands. In other words His Excellency has approved of the policy of racial segregation against which both in South Africa and Kenya Indians are so strongly protesting. As the deputation of the Natal Indian Congress which waited last month on the Minister of the Interior at Capetown pointed out, these Ordinances—the third as much as the other two—are a direct violation of the rights hitherto enjoyed by Indians of their inherent rights as British subjects, of assurances and undertakings given by South African Governments from time to time and of the Gandhi-Smuts compact of 1914. The condition imposed by the Governor-General in respect of this Ordinance requires the amendment of the Ordinance by the Natal Provincial Legislature and we shall not be sorry if it refuses to pass the amendment.

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WE have already drawn attention to the curious alliance between Indian Khilafatists and the English die-hards and to the resultant strange spectacle

of seeing Sir Michael O'Dwyer patronizing the Moslem friends of the very people with whom the righting of the "Punjab wrong" is a main political plank. Mr. Marmaduke Pickthall has now delivered an address at Karachi (on the 11th), in which he frankly confessed that "personally he liked the Tory party of England much more" than the Liberals. That of course is in the nature of things, just as it was in the nature of the British bureaucracy to make common cause with Moslem against Hindu, and to despise, with the former, the mere "babudom" of the latter. The big zamindar of India and the big landlord of England are junkers both and rate the feudalistic sword higher than the democratic pen, which after all is the very idea of the Khilafat. These things are now-a-days much forgotten or at least slurred over in a laudable attempt at Hindu-Moslem unity; and Mr. Pickthall has rendered a distinct service to all who wish to know clearly where they are, by saying that he much preferred a Tory like Lord Peel to a Liberal like Mr. Montagu. It is a deplorable fact, but a fact anyhow, that our Moslem friends are not the bulwarks of progress in India. But Progressives both here and in England had better look out for stormy times if ever a bargain between the die-hards and the Panislamists is struck. Yesterday they still asked for "Khilafat and Swaraj"; is it to-day "Khilafat or Swaraj"?

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MRS. SAROJINI NAIDU has thought it necessary, from her sick bed at the Taj Mahal hotel, to put a veto upon a motion in the Bombay Corporation for prohibiting the slaughter of cows as calculated to "adversely affect the Hindu-Moslem unity." She objects to the motion on another ground also: viz., that it is wrong for non-co-operators to seek for Government intervention in any matter whatsoever. This objection, however, has not much force, since Mr. Gandhi himself was known to desire the prohibition of liquor by legislative means if it was possible. The real objection, therefore, lies in the well-grounded fear that any such attempt will "wound the susceptibilities of their Muslim brethren." The unity then does not seem to have advanced much beyond the stage of Hindu tenderly nursing the prejudices of Mahomedan. Nor has the need for communal electorates grown appreciably less as a consequence of the growth of the Hindu-Moslem unity. Col. Wedgwood denounces

the British Government for having introduced communal electorates in India with the sole intention of "preserving dissension," but he forgets for the moment the fact that the Government, in assigning the present number of seats to Mahomedans to be filled by communal election, merely ratified the Congress-Muslim League decision. And the present non-co-operating Congress has adopted the same principle in the election of its own executive in regard to the Moslems. Again, the attempt made by Sir Surendranath Banerjea to do without communal electorates in the Calcutta Corporation is vehemently opposed by Mahomedans, even though the reserved seats which the Minister allows for that community exceed what they can hope to get by communal electorates. So strong is Moslem opposition that it is feared that Sir Surendranath will have to give way and introduce a principle which he abhors. If, then, Hindu-Moslem unity has grown since the birth of non-co-operation, its growth is of such a character as still to render necessary in no less measure a vicious system which is required only where communal jealousies are rampant.

Landlords in  
Conference.

If the Taluqdars of Oudh and the Zamindars of Agra had been endowed with a sense of humour we should not have had the pleasure of reading the delicious proceedings of their recent Lucknow Conference, the main object of which was to present Sir Harcourt Butler to the world as the angel of perfection and the Liberals of U. P. as the very opposite of all that is good. The Raja of Jehangirabad who was Chairman of the Reception Committee declared that these survivals of a bygone feudal system—Taluqdars and Zamindars—were the leaders of popular causes in the Legislative Council, though in the same speech he admitted that, but for Sir Harcourt Butler's personal influence, they would not have shown the least concession to the tenants in the Oudh Rent Bill. The President of the Conference held out the terrible threat that when they started their own political organisation they would prove effectively that they alone were the true representatives of the inhabitants of that great province. As to the iniquities of the Liberals—who actually had the audacity to prefer for the Governorship of the province an experienced British politician to an I.C.S. officer and to propose that certain powers of taxation be given to the District Boards—even the varied talents of the distinguished assembly could not depict them with sufficient colour. While these so-called friends of the tenants were seeking to impose on them three-fifths of the proposed taxation "the landlords as real representatives of the tenants were opposing the imposition of this taxation on their tenantry." Who can now doubt the public spirit of the landlords? But the most delicious attack on the Liberals was delivered by the President:

Whenever there was any disagreement between Government and landholders on any agrarian question, the dis-

trict officers and members of the Board of Revenue declared themselves to be true representatives of the tenants and their saviours from the *zulum* of landholders. But those kind-hearted officers have now been left behind and a handful of Moderates have managed to get into their shoes.

One very good feature of the Conference, which for the rest may be treated as a big joke, was that a number of lady delegates were present and one of them made a vigorous speech. Considering the proverbial conservatism of the landlord classes, this is really gratifying.

A Madras  
Grievance.

THE Madras members of the Council of State and the Legislative Assembly have addressed a memorial to the Joint Committee of Parliament asking for a reconsideration of the Meston award, under which the Madras Presidency is required to contribute Rs. 348 lakhs towards the estimated deficit in imperial revenue due to the redistribution of finances between the Government of India and the Provincial Governments as a result of the reforms. Under this award Madras is called upon to bear 35.5 per cent. of the entire estimated deficit against 5½ and 6¼ per cent. of Bombay and Bengal respectively, which is admittedly inequitable. The Meston Committee was fully aware of it, but provided for the removal of the inequality of distribution within a period of seven years, as they wanted to avoid the necessity for fresh taxation, imperial or provincial, merely as a result of the redistribution of the revenues. The award was not expected to satisfy every province and, as a matter of fact, not only Madras and the U. P. but even the favoured provinces of Bombay and Bengal had their own protests to make. Much as one would like to sympathise with Madras, it is difficult to see how the Joint Committee can give it relief, because the Government of India and several Local Governments have had to go in for new taxation in order to meet their budget deficits. The only hope lies in the cuts that the Income Tax may be able to make in imperial expenditure and then we think Madras and U. P. should be treated more favourably than the other provinces.

AT a time of intense political agitation and numerous prosecutions it is not to be expected that all Crown Prosecutors or Courts will clearly remember the difference between sedition and waging war against the King. The judgment of Justices Shah and Crump in the case of Moulana Hasrat Mohani, which was referred to the Bombay High Court by the Sessions Judge of Ahmedabad, should therefore serve as a timely reminder to the executive and the subordinate judiciary. Adopting the words of Justice Heaton in *King Emperor v. Ganesh Damodar Sawarkar*, they pointed out that:

"so long as a man only tries to inflame feeling to excite a state of mind he is not guilty of anything more than sedition. It is only when he definitely and clearly incites to action that he is guilty of instigating and therefore abetting the waging of war."

The present case was concerning Hasrat Mohani's presidential address at the last All-India Muslim League. Justice Crump said, "It does not suggest action here and now or stimulate any one to such action. . . . I hold therefore that the accused cannot be held guilty of that offence."

Safeguard against Martial Law Excesses.

WE commented in our last issue on the declaration of fundamental rights contained in the Constitution drafted by the Provincial Government for the Irish Free State. But in the section dealing with the Judiciary there is another Article—more explicit—which provides a further safeguard of individual liberty. Article 69 says :

No one shall be tried save in due course of law, and extraordinary courts shall not be established. The jurisdiction of courts martial shall not be extended to or exercised over the civil population save in time of war, and in accordance with the regulations to be prescribed by law. Such jurisdiction shall not be exercised in any area in which the civil courts are open or capable of being held, and no person shall be removed from one area to another for the purpose of creating such jurisdiction.

This Article embodies a theory of martial law propounded by writers on constitutional law like Dicey, but not always observed by the authorities in control. Trial by jury is also secured by the Irish Constitution.

Conscience Clause and Psychology.

WE have on several previous occasions referred to the commonsense objection to Christian teaching being given compulsorily to non-Christian children, viz. the psychological impossibility of teaching those who refuse to be taught. The *Challenge* has for some months been publishing weekly very thoughtful contributions from the Rev. Roland Allen on various Missionary problems and in its issue of June 2nd we came across the following pertinent and, it would seem to us, unanswerable passage :

"A Christian teacher," says Mr. Allen, "can no more teach a pupil who does not bring a ready mind and heart to his teaching than a secular teacher can teach mathematics or science to a pupil who refuses to give him attention. No teacher of mathematics would go on teaching a pupil who deliberately declined to accept and practise his teaching, who flatly refused to believe what he was taught. Under such circumstances the teacher would decline to teach. Similarly, a Christian teacher cannot teach a pupil who obstinately refuses to accept his religious teaching of the relation of his subject to the Christian life. If he attempts to do so, if he allows such an attitude, he wrongs himself, he wrongs the pupil, he wrongs the Truth."

Visvesvaraya's Defence.

WHEN Sir M. Visvesvaraya, than whom Mysore has never had a more high-souled Dewan, laid down office, all disinterested Mysoreans were sincerely sorry that his great economic schemes were deprived of his supervision and driving force. No doubt there was a small party in Mysore, including some officials, which had become nervous at his bold ideas and their prompt execution, but it did not count for much because the public had unbounded

confidence in his ability and integrity. When, however, some time after his retirement the finances of the State got into a muddle owing to a variety of causes, it became the easy fashion of his successors, though they had been members of his Government, to throw the whole blame for their present troubles on Sir M. Visvesvaraya's administration. He has therefore done well to issue a dignified statement to the Press which will convince any fair-minded person that he is in no way to blame. His critics allege that he pushed up current expenditure by leaps and bounds and committed the Government to vast capital expenditure on productive public works and industrial schemes which have brought on the present financial *dé-bacle*. Sir M. Visvesvaraya shows that while during the six years of his Dewanship service expenditure rose by Rs. 41 lakhs, in the next three years it rose by Rs. 84 lakhs; that while he financed his productive schemes out of surpluses, his successors depended on borrowed capital; that while he spent on them Rs. 289 lakhs in six years, they spent as much as 394 lakhs in four years; and that if they had not incurred so much expenditure on those schemes in financially lean years the present crisis could have been avoided. As a matter of fact there is no need for the present Government to feel alarmed about the finances of the State, as all the schemes except one have already begun to yield revenue which in the near future is sure to grow so as to come up fully to expectations.

Habeas Corpus in France.

IT is well known that the conception of the police in their relation to the public is not the same in France and on the European Continent generally as in England. In the latter country the police are the servants of the community who, in the execution of their primary duty of the preservation of the public security, wield no powers not possessed by any other citizens. The Continental policemen, on the other hand, are the servants of the Crown or the higher authorities and possess powers greatly exceeding those of other citizens. While, in England, the constable may ask no question of those whom he arrests or is about to arrest, criminal procedure on the Continent is based on the interrogatory system and the police of Germany, Austria, Italy and France are allowed to resort to what in America are popularly known as "third degree" methods in their endeavour to wring a confession of guilt from those whom they accuse. Further, an English policeman must suffer the consequences of any illegal action he may commit, whereas a French policeman, under ordinary circumstances, cannot be prosecuted for illegal action unless permission is obtained from the Government, and even then he enjoys the privilege of special laws (*droit administratif*) administered by special courts regulating the relations of public officials to private citizens. Article 10 of the French Criminal Code gives the Prefect of Police in Paris and the Prefects of the Departments the power, on mere suspicion, to arrest and to interrogate persons and to search houses. Repeated attempts have been made since 1907 to abrogate this Article conferring arbitrary power on the Prefecture, but till recently without avail. On June 22, however, a Bill to the same effect passed the Senate by 245 votes against 41. With the abrogation of Article 10 the Prefects will no longer have the right of search and incarceration without an appeal to the judicial authority, and accused persons will no longer be indefinitely in prison at the discretion of the *Juges d'Instruction*. That is to say, France will at a long last have her *habeas corpus*.

## A CONSTITUTION FOR THE WEST INDIES.

THE Colonial Under-Secretary, Mr. Wood, accompanied by Mr. Ormsby-Gore (an excellent selection), made a tour of the West Indian Colonies last winter with a view of reporting, among other things, on the constitutional changes which circumstances might have made necessary in those countries. His report is now published as a Parliamentary paper (Cmd. 1679), which is described by a writer in the *New Statesman* as "judicious" and which is compared by some, though with less justification, to the Montagu report on the Indian constitution. The need for constitutional development is frankly admitted, but the actual modifications which are suggested seem too cautious. In some of these Colonies there is an elective element—always in a minority—in their legislatures, while others have a purely Crown Colony government in the strict sense of the term, the legislatures consisting solely of nominees of the Governor. The nominated members may be either official or unofficial, and this makes no difference whatsoever, because the unofficial members are as much under an obligation to vote for the Government when ordered to do so as the official. But no Colony possesses responsible government in regard to any branch of the administration, the Executive Council, wherever it exists, being a mere advisory body, whose advice the Governor is free to accept or reject at his discretion. Mr. Wood does not recommend the introduction of responsible government in any of these Colonies, nor of partial responsible government in the shape of dyarchy as in India, for he thinks that "the time is not yet" for either of these advanced experiments, but only suggests the introduction of the principle of elective representation where it is not already in operation and the strengthening of it where it is. The measures he recommends are thus by no means far-reaching, but he emphasises the need of adopting them immediately. "Several reasons combine," he says, "to make it likely that the common demand for a measure of representative government will in the long run prove irresistible. The wave of democratic sentiment has been powerfully stimulated by the war. Education is rapidly spreading and tending to produce a coloured and black intelligentsia, of which the members are quick to absorb elements of knowledge requisite for entry into learned professions, and return from travel abroad with minds emancipated and enlarged, ready to devote time and energy to a propaganda among their own people."

Among the West Indies Jamaica has at present a more developed form of representative government than any other Colony, and Mr. Wood's proposals also go farthest in the case of that Colony. Jamaica's present Legislative Council consists of the Governor as President, five other ex-officio members, not more than ten official or unofficial members appointed by nomination, and fourteen unofficial members elected on a limited suffrage. Thus it will be seen that the elective element is at

present in a standing minority and, as above explained, it is not necessary to distinguish between official and unofficial nominated members. Mr. Wood now proposes to transform this minority into a majority by reducing the number of nominated members. According to his proposal, the Legislative Council will in future be composed, besides the Governor, of six official, five nominated unofficial and fourteen elected unofficial members, and the nominated unofficials will also be free to vote as they like. The unofficial members being thus placed in an effective majority, and there being no responsible government, it is proposed to give to the Governor, in order to enable him to discharge his responsibility to Parliament, a reserve power for use only in extreme emergency. Where the Governor certifies that a matter is one of "paramount importance in the public interest," he is to be empowered to "disqualify all adverse elected and unofficial votes and declare the motion carried by the votes of the five ex-officio votes only (voting as he directs)." There is also to be a change in the constitution of the Privy Council, as Jamaica's Executive Council is called. It consists of three ex-officio members, together with such other persons, not exceeding eight, as may be named by the King. At present there are only three ex-officio members. Mr. Wood now proposes that this body should consist of six official members (including the Governor), two nominated unofficial members of the legislature, and four elected members of the legislature, the last named to be selected by the Governor from a panel of seven chosen by the elected representatives. In order to assess the value of this reform, however, we must bear in mind that the Privy Council of Jamaica, as the Executive Council of other Crown Colonies, is only an advisory body. Taken as a whole, the proposals purport to give to the popular representatives some power of criticism and check over official acts, subject always to the proviso that the Governor's decision is to prevail in matters accounted by him of "paramount importance," but they profess to give no share to the people in the responsibilities of government. It can thus be easily imagined how backward these reforms are compared to Indian reforms, though the former are characterised by Sir Sydney Olivier as "very liberally conceived." In this connection the London correspondent of the *Hindu* says: "Dyarchy is turned down (in Jamaica), not because it is an obstacle to democratic control, but rather (if one reads between the lines) because it would carry Jamaica and the other Colonies too rapidly toward that goal. It is pointed out that in India dyarchy is mainly of value as a temporary device for training the elective element in the task of administrative responsibility, a device which is to be gradually superseded as experience is gained. In Colonies which have attained or are attaining to political consciousness, the inclusion of the elective element (so it is held) would provide the Colonial Government and representatives of the

But at the present time, in the absence of fact and figure to the contrary, it seems clear that the mixture of races in all social intercourse is not advisable. Why, even in India, the caste system prohibits general social intercourse between members of the same nation, while there is obviously no common social law for and the life between the Hindu and the Mohammedan. How, then, could orientals expect to mix, or even live in harmony, with occidentals? How could devotees of the eastern religions hope to assimilate, or be assimilated by, members of the Christian religion? These questions in themselves suggest a principle with which to govern immigration, and that principle has as its logical outcome the "White Australia" policy. And until the original premises that evil results follow the mixing of colours in social intercourse is proved wrong, then the "White Australia" policy, in the mind of the average person, is a logical and necessary law, a bulwark against future trouble, a legacy of good for the coming generations. And perhaps we can close this section with a quotation from an Indian writer who freely admits that only good and not evil must be the resultant of the abolition of racial isolation, a statement, however, which to the present writer's mind is but another meed of support for the logical character of the "white" policy. Says Dr. S. V. Ketkar in his "Indian Economics": "When two different civilisations meet, one of them tries to displace the other." (Page 48.) That is just what Australia knows will happen if eastern civilisation comes to reside cheek by jowl with her own, and, because of her paucity of people, Australia fears that the result of such a meeting will be disadvantageous to herself.

Sir F. D. Lugard has laid down a splendid ideal conception of the true inter-relation of colour in these words: "Complete uniformity in ideals, absolute equality in the paths of knowledge and culture, equal opportunity for those who strive, equal admiration for those who achieve; in matters social and racial a separate path, each pursuing his own inherited traditions, preserving his own race-purity and race-pride; equality in things spiritual; agreed divergence in the physical and material." Verily a splendid ideal, but only an ideal, as national and international history will readily show. And in the face of the stern logic of the records of the past and of human nature itself, who in this world, save the most impossible idealist, could ever hope that such a conception of colour-relation would ever become a reality.

Our third article will outline the average Australian's real attitude to this "White Australia" policy, apart from politics and science.

H. GEORGE FRANKS.

#### RAILWAYS AND THE BUDGET.—I.:

THE portion of the Budget for the current year submitted last March to the vote of the Assembly was made up of 63 demands, the size of the dif-

ferent demands varying from the paltry sum of Rs. 8,000 for Baroda Cantonment Police to the huge sum of Rs. 73.92 crores for a part of expenditure under Railways. There was another demand under Railways of about Rs. 30 crores—the two together thus amounting to Rs. 104 crores out of a total grant of Rs. 164 crores.

It is ridiculous that while the expenditure of Rs. 60 crores should be spread over 61 demands, the expenditure of 104 crores involving varied questions of great magnitude and greater complexity should be offered in only two demands. It should be quite possible for Government to re-group and re-classify the heads so that the disparity between the size of individual demands may not be so pronounced as it is now. The demands under Railways might then be split up somewhat as under:—

Interest on debt; Interest on capital contributed by companies and annuities in purchase of railways; Surplus profits paid to companies, sinking funds, subsidized companies, and miscellaneous railway expenditure; General superintendence; Claims for compensation; Operating expenses; General charges, etc.; Ordinary maintenance; Unclassified expenditure including carriage of Rev: stores, rebate payments, etc.; Fuel; Programme Rev: Expenditure; New lines; Lines in progress; Rolling stock; Staff quarters; Collieries; Additional trucks; Machinery; Other new works on open lines.

The order of precedence of the demands also leaves much to be desired, since out of the two demands regarding railways, while one comes on for discussion when the members are still fresh, the second, and in many respects the more important of the two, comes on towards the fag-end of the Budget discussion, when the patience of the Assembly is tiring out, or the risk of the guillotine becomes more and more imminent. Under the present arrangement, the railway budget partakes so much more of the nature of a general discussion than of the voting of grants, that the real object of placing the demands before the Assembly is practically frustrated. The motion for the largest reduction is taken up first, the members in whose names the smaller reductions stand, raising their own points during the discussion on the first motion. The result is that members speak on a variety of subjects relating to railways, and it becomes impossible to focus the attention of the Assembly on any particular point or points, and at the end of this motley discussion few can remember exactly what was said on the different matters dealt with, and much less can they come to any intelligent judgment.

There is no department of Government which comes in contact with so large a portion of the population of the country, which spends or earns such a large amount of money, which exercises such an enormous influence on the moral and material well-being of the country, which touches life at so many points and which throws such a

large liability for recurring expenditure on the general taxpayer; and yet the huge sum of 104 crores was voted away in less than 2½ hours. It is to the interests both of Government and the public that the activities of this department should come under closer and fuller scrutiny at the hands of the Assembly, and in order that this desideratum may be achieved it is necessary to look for any possible improvements in the present system conducive to the Railway Department receiving adequate and fuller attention than it did during the last Budget debate.

The number of days allotted for the voting of grants is too small and might with advantage be increased from 5 days to 10 days, which will still be less than the statutory maximum of 15 days. With the demands re-grouped and re-classified and the debate spread over 10 days, the disadvantage and disappointment due to the closure being sprung upon the Assembly, or to the guillotine having had to be applied under rule 47 of the Indian Legislative Rules will be minimised, while the monotony and strain due to the debate taking place on consecutive days might with convenience and comfort be relieved by arranging the debate on alternate days.

Having indicated some of the possible improvements in the arrangement of the demands, we shall now proceed to notice some of the matters which, on a scrutiny of the Railway Budget, suggest themselves for consideration.

#### UNPRODUCTIVE INVESTMENT.

The Budget provides for a loss of Rs. 85,000 in the working of the Aden Railway, apart from the interest charges on the capital cost of the line. There is no information available as to why this line was built at all. The fact, however, remains that this is one of those numerous railways in which money has been uncommercially invested by a commercial department. One gathers from the "History of Indian Railways," a Government publication, that there are no less than eleven other railways in which Rs. 30 crores has been infructuously sunk, throwing a recurring loss on the taxpayer of about Rs. 80 lakhs every year. There might also be several other such lines, but their earnings are not separately recorded and any attempt at the discovery of the true position of lines like the Gondia-Chanda Railway is thus rendered impossible. It is necessary that the unproductive investment in railways must be stopped, and for this purpose the Legislative Assembly, before voting any money for new railways, must assure itself of the direct remunerativeness of the railway proposed; and if it is proposed to construct any railway which is not likely to pay its working expenses and interest charges, it must not be allowed to be constructed out of railway funds, unless the interests which will be directly served by it make up the loss. The dozen railways which are now working at a loss were probably all estimated to yield revenue at least sufficient to cover working expenses and interest charges, but

the fact that these railways are working at a heavy loss shews bad estimating.

#### ONE WAY OF ECONOMY.

The Assam Bengal Railway is expected to bring in net earnings amounting to only about Rs. 29 lakhs against Rs. 60 lakhs due on account of interest charges on the capital invested, giving a net loss of about Rs. 31 lakhs. It has already cost the country Rs. 18 crores in capital cost and Rs. 9 crores in interest charges (vide Answer given in the Legislative Assembly on January 16 to Question No. 133). The line involves an annual recurring loss of anything from Rs. 30 lakhs to Rs. 40 lakhs. It is not understood why this line was not selected for dismantling during the war instead of the 7 lines mentioned in para. 9 of Chapter II of the Railway Administration Report for 1920-21. In any case it is incumbent on Government to enforce every possible economy or retrenchment, however small, in the working of this railway.

One of the several departments of this railway which lends itself for such treatment is the Agency Department. The expenditure of this department is about Rs. 1,15,000 per year. The only other railway which spends anything like this amount on its Agency Department is the Oudh and Rohilkhand Railway (Appendix B to the Budget for 1921-22). One would imagine that the identity of the figure of Rs. 1,15,000 suggested considerable degree of correspondence between the position of the two railways; but it is not so. A glance at the figures published by Government shows that the position is far from being identical. The O. & R. Railway has a length of 1600 miles; the Assam Bengal Railway has only 1000; the gross earnings of the O. & R. Railway are three crores, those of the A. B. Railway are only one crore; the net earnings of the O. & R. Railway are 137 lakhs and of A. B. Railway only 19 lakhs. The O. & R. Railway brings in a gain to the State of Rs. 100 lakhs, while the Assam Bengal Railway not only does not bring in a gain of a pie to the State, but actually costs the taxpayer an amount of no less than 40 lakhs every year. With these facts it is obvious that it is commercially criminal to spend so large an amount as Rs. 1,15,000 on this one Department alone.

So far we have shown the advisability and necessity of effecting a reduction, howsoever small. It will now be shown that such reduction is fully practicable. The Agent of a railway is like a Governor of that railway. The Governor of a province needs no special staff of his own to deal with questions going up to him from the different Departments, and yet the Agent even of a losing railway must have a large staff to deal with questions sent up by his departments! The Governor of a province is at some distance from his departmental offices, the Agent of a Railway has almost all the offices under the same roof. Has the Viceroy a special office staff to deal with questions going up to him from the different departments? Has even the Hon'ble Mr. Innes,

electorate with a stage of advance which dyarchy was designed to give in India."

Other Colonies need not detain us long. Some of those which had pure nominee Councils heretofore are now to have, if Mr. Wood's proposals are given effect to, some amount of elective representation. In the Windward Islands, for instance, the Legislative Council had no elected representatives at all. Grenada's Council consists of six official and seven unofficial members, all nominated; St. Vincent's of three official and four unofficial, all nominated; St. Lucia's Council is composed as the Governor may for the moment direct, but no provision is made as yet for elected representatives. Similarly in Trinidad the Legislative Council consists of ten official and eleven unofficial members, all nominated. It is now proposed that the Legislative Councils in all these provinces will have a proportion of popularly elected representatives. Dominica, one of the Leeward Islands, is also considered by Mr. Wood to deserve to have election substituted for nomination, but since it is federated with other islands, which are thought to be undeserving as yet of this gift, Dominica also has to go without it. No recommendation is made in regard to British Guiana and Barbados, though, measured by the Crown Colony form of government, their constitution is fairly advanced. In the former colony, the Combined Court, which has the power of imposing taxes, contains (besides the Governor who is ex-officio President) seven officials, eight elected, unofficials and six financial representatives, who are also elected. In Barbados there is a House of Assembly composed of twenty-four elected members. It would appear that Mr. Wood proposes an advance in the constitutional status of the West Indian Colonies in exact proportion as the peasantry thereof is emancipated and self-supporting. This grading is not open to objection, but reforms could have gone farther where the peasantry has attained emancipation and provision could have been made for emancipating it where it is not.

## THE TRUTH ABOUT THE "WHITE AUSTRALIA" POLICY.

### II.—TWO APPARENT CAUSES.

BEFORE proceeding to discuss the two usually stated causes of the "closed door" policy of the Commonwealth of Australia, let us amplify, or re-state, the essentials of our last week's article. In brief, it was shown that there are really three "White Australia" policies—the theoretical and constitutional one, the practical one actually in operation, and the one as it exists in the mind of the average Australian. This must be clearly recognised before the difficulties which confront the removal of the barrier can be realised. Moreover, it is candidly admitted by the writer that the very term "White Australia" is an unfortunate one, for, naturally, it presents an immediate affront to

every son and daughter of the Empire who happens to have a different pigment working out through his skin. But this "name" misfortune is, however, only a question of language and not feeling, as far as the Australian's attitude to Indian is concerned, for we repeat our assertion of last week that racial hatred or colour antipathy toward the members of the Indian family does not exist in the minds of the majority of Australians.

A study, either cursory or detailed, of the extensive literature which has come into being during the past two decades as a result of the policy under present discussion, suggests to the ordinary reader who has never visited or lived in Australia that political and scientific (or social) reasons alone are responsible for and are verification of this closed door policy. The present writer, however, from a varied and lengthy personal experience, does not agree with this conclusion and so in the articles that will follow he will outline and substantiate a third and far more important reason, or principle, or argument, which seems to exist automatically or hereditarily in the mind of the average resident in that youthful child of the Imperial throne. But the writer also feels that a short study of the other two "general" or "ordinary" reasons should form part of the full discussion and also form a background for the less popular and less known economic reason. Hence this article.

#### IS IT A POLITICAL REASON?

Strategically—which means politically—Australia lost the war. As a result of the peace councils, the map of the Pacific has been changed to Australia's disadvantage, providing, as one writer has excitedly put it, "for a possible foe plentiful harbours within a three days' sail of her coastline". Who is that "possible foe"? Ask any Australian, and if you gave him one hundred guesses, only his last guess would be India. With the term "White Australia" there is always in Australia inseparably linked the term "Yellow Peril", and it is to the north-east and not the north-west that Australia's eyes are continually turned. Just before leaving for the Imperial Conference, the Commonwealth Prime Minister, Mr. W. H. Hughes, very well outlined the fears of his political bedfellows when he said: "We are five million people with a vast continent, capable of infinite development. Within a few weeks' sail there is the bulk of the population of the world overcrowded. We have said we would retain the continent for ourselves. In the circumstances, this banner of the 'White Australia', in which the overwhelming bulk of Australians believe, is a very arrogant boast. How long will this banner fly unless behind it are massed the legions of the Empire, and unless it is ringed about by the protection of the British Navy?"

And surely Mr. Hughes knew that India is part of "the legions of the Empire," thus directly intimating that his fears lay elsewhere. And verily they might. Take your map of the world,

lay your finger on Australia, and then notice how this practically empty treasure-house lies encircled with nations whose lands are admittedly dangerously overcrowded. Could there be anything else but fear in the hearts of the leaders of that land? And when it is realised that India is only a tiny link in that chain of "coloured" peoples, it must be admitted that Australia's fears as materialised in the "White Australia" policy are, *to say the least*, certainly not the results of fright towards India. As a matter of fact, there lies in the Australian mind the conviction that India is as vitally and emotionally concerned in the preservation of the Empire as is Canada or South Africa, and hence Australians never look upon India as a possible enemy but rather as a friend.

In a word, Australia fears Japan more than any other country. That is the reason Mr. Hughes has gone to such pains to keep on friendly terms with the land of the Mikado, why he has been so anxious for the retention of the Anglo-Japanese Treaty. The merits and demerits of this plan do not enter into the boundaries of this series, but it must be noticed that the new Pacific problem resultant from the post-war conditions is proving a most perplexing one. It is generally agreed that upon the solution of this problem the whole "White Australia" policy hangs, and there is an increasing number which believes that that thread of suspension is a very slender one indeed. Be that as it may, the fact remains that the chief cause of the strengthening of the bolts and bars of the Government's immigration policy has been the menace of Japan, and Japan's attitude to China's "open door" problem has by no means softened the democratic hearts of those who are responsible for the law-making of Australia. This, coupled with the Japanese menace in California, seems to have settled finally the question of dropping the "White Australia" idea from the statute books of the land.

And when the reader recalls what has already been said about the *principle* that lies behind the doctrine, it becomes plain that although Australians bear absolutely no ill-will towards India and Indians, but actually regard them as fellow-citizens of the Empire (irrespective of how the several State governments officially regard them), their sense of justice and honesty forbids them extending the hand of welcome to one "colour" while brandishing the clenched fist in the face of another "colour". Moreover, the leaders of that handful of people realise that in addition to honesty being the best policy in this as in everything else it would also be most inexpedient at the present time to provoke a quarrel with Japan by extending favour to Indians in direct opposition to the principles of the "white" policy. And what are these principles in detail? Before passing on to an examination of them, which we will do in the next paragraph, we must reiterate, however, that the foregoing arguments are those laid down by the political world,—the

reasons given by the leaders of Australia's governments and by writers on political questions. And while, perhaps, we cannot subscribe to all their views nor share all their fears, we can at least deduce from their statement of the position the fact that Indians need have no fear that, politically, the "White Australia" policy is aimed at them. Far from it; they find themselves, on the other hand, merely unfortunate victims of circumstances which neither Australia nor India can alter just at present.

#### THE ADVICE OF SCIENCE.

We now come to a phase of the question which is largely academic and, we must also say, somewhat imaginative. We refer to the matter of racial purity. To introduce the position, we notice the genesis of Australia's barriers as laid down by Sir Henry Parkes (a founder of the policy under discussion) many years ago: "It is our duty to perceive the type of the British nation, and we ought not for any consideration whatever to admit any element that would detract from, or in any appreciable degree lower, that admirable type of nationality. We should not encourage or admit amongst us any class of persons whatever whom we are not prepared to advance to all our franchises, to all our privileges as citizens, and to all our social rights, including the right of marriage. I maintain that no class of persons should be admitted here who cannot come amongst us, take up our rights, perform on a ground of equality all our duties, and share in our august and lofty work of founding a free nation."

But this set of principles, it will be readily seen, excludes certain classes of white men. It is not a statement of antipathy to "coloured" races, but a declaration of sound statesmanship, and even to this day it holds good, and many white men have the door of Australia closed in their faces because they are not considered fit citizens for the land they wish to adopt as a home.

So far, so good; but here the students of eugenics, economics, sociology, and medicine stepped in and declared that the mixing of the races was an unfortunate and disastrous thing. This scientific opinion, backed up in many cases with figures and examples, has been absorbed into the Australian mind, and hence the average man there will tell you that, on principle, he objects to an open door policy because it will produce results degrading to both races concerned. Now this question of the evils of mixed races is a moot one, although it must be admitted that the weight of proof, up to the present, is decidedly in favour of those who oppose it. It is certainly declared by some that good results follow such a mixing of bloods, and they cite Alexander Dumas as an example. It seems, however, that Dumas was an exception; although there is certainly a good and almost unexplored field of research open to some enterprising scholar to ascertain definitely and accurately which of the opposing contentions is true.



who presides over three big departments, any special staff, except perhaps a couple of stenographers and a few peons? No, none of these have any special staff. What, then, is the necessity for the Agent of a small railway of 1000 miles, which is answerable for an annual loss of Rs. 40 lakhs, to have a special staff?

The work which the Agent's office at present does can be done easily for the Agent by a department in which a question originates. The department of origin should, like the Government departments, collect all the information in connection with a question from the other departments concerned, and place his file with this information before the Agent for his orders and any action that the Agent may order should be prepared and issued by the department of origin on its own file, only obtaining the Agent's signature to such orders as must issue under his signature. This system will do away with the necessity of the Agent having a separate establishment of his own and make this proposition of a reduction of expenditure perfectly feasible.

#### ECONOMY.

#### REVIEW.

#### PREVENTION OF MALARIA.

THE PREVENTION OF MALARIA IN THE FEDERATED MALAY STATES. A RECORD OF TWENTY YEARS' PROGRESS. BY MALCOLM WATSON, M. D., C. M., D. P. H. Second, revised and enlarged edition. 7 x 5. pp. xxvii & 381. (John Murray, London. 1921. 36 s.)

"MALARIA is a preventible disease, therefore it must be prevented." With these words Dr. Watson on one occasion wound up one of his always interesting addresses: and the earnestness with which they were spoken, left a lasting impression on his hearers, of whom the reviewer was one. In fact one may well take the sentence quoted as the quintessence of our author's life work; the *ceterum censeo*, with which he would finish up any subject.

Dr. Watson came out from Scotland twenty odd years ago to join the medical service of Selangor, one of the Federated Malay States. The District assigned to him happened to be the one which included the prospective great port of the Federation, Port Swettenham, which at that time was just being transformed from an uninhabited mangrove swamp into a railway terminus and up-to-date port for ocean-going liners. This transformation had not only cost millions of dollars but thousands of lives: in fact, as the work progressed, the health deteriorated, until the place had become such a perfect death trap within a few months of the port's completion, that the Government were considering the advisability of writing off the venture as a bad speculation and of abandoning the port altogether. This statement will give a sufficient idea of its "health" conditions at the time Dr. Watson appeared on the scene. Asked for his opinion, he opposed abandonment and proposed instead certain works which he believed would make the spot again fit for human habitation. Dr. Watson reasoned as follows: the disease raging at Port Swettenham is Malaria; Malaria is carried by mosquitoes; mosquitoes breed in water; drain the place and the mosquitoes will be

eliminated, and with the mosquitoes the malaria.

This was in 1901—only two years after Ross had finally established his theory that the *plasmodium* (the microscopic parasite which causes malaria) gets into the human blood through the bite of certain mosquitoes (the species *Anopheles*)—the plasmodium being one of the many parasites which have alternately two hosts. The "practical men", who had imbibed the general vague belief that Malaria was caused by some "miasma" or "effluvium" from the soil, water or air, of course treated all new theories of scientists with the contempt—typical of that species—for what they call "scientific fads." And even amongst scientists counsels were divided as regards the remedy—Koch advocated quininization of the people, the Italians the screening of all human habitations, Ross the extermination of the *Anopheles*. Watson followed his brother-Scot and, as we have already seen, plumped for Ross' method. At the comparatively trifling cost of £3000 he had an area of 100 acres banded, drained and freed from jungle, with the result that within one year the deaths from Malaria in the district hospital dropped from 368 to 59. Port Swettenham became fit for permanent residence and in 1920 had a population of 6000, so free from malaria that the only children showing an enlarged spleen were three who had had malaria before coming to Port Swettenham.

This, briefly, is the history of what has become the classic example of Port Swettenham, ranking with Ismailia and the Panama Canal in modern text books as stock demonstrations of the correctness of the mosquito reduction method in coping with malaria. Now it so happened that this large-scale experiment very fortunately synchronized with the opening up of the country under rubber and it was only natural that, profiting by the Port Swettenham experience, the necessity of good drainage by clean weeded drains was gradually being recognized by all planters as essential for good health. The results of this policy were as striking or even more so than in the case of Port Swettenham, and estates which had started with an evil malarious reputation became soon perfectly healthy. The first nine chapters of the book under review deal with these early struggles between man and mosquito, but the most striking case probably is that of the opening up of Carey Island (p. 84), begun in 1906, when the mosquito lessons had been well learned. There, on land as malarious as the adjoining Port Swettenham originally was and as a number of neighbouring estates still were (because imperfectly drained), a very large plantation of rubber and coconuts (1000 acres) was brought into being out of what had been an alluvial island, covered with dense jungle, with ground water almost permanently above the surface level—and brought into being without a single malaria epidemic, notwithstanding the rapidity of developing the property, simply because from the very start a thorough system of deep drainage with elaborate tidal sluice gates etc. had been installed before even the jungle was felled. In 1909 there was a labour force of 2000 on the island (of whom were 1200 Tamils), but amongst the 245 children examined only one had a just, palpable, spleen—the entire death rate being only 11 per 1000 (and 5 per 1000 in 1919 with a labour force of 2088). The prevalent idea therefore that a new estate must necessarily be unhealthier than an old established one is quite fallacious: what is decisive is scientific knowledge and willingness to stake one's capital outlay on it.

As regards the latter point, of course, drainage is so necessary from a purely agricultural point of view, that little urging is needed on the part of health officers in that respect. But draining alone does not necessarily ban malaria; for though there be no more mosquitoes bred on the estate, there are millions of them in the adjoining jungle; therefore—? Fortunately Watson soon discovered that anopheles do not fly much further than half a mile from their habitat; therefore nothing was needed but to put all dwellings at a minimum distance of 40 chains from the jungle. Of the interesting and numerous instances given in which this formula worked like a magic charm, the following table alone may be given, showing the spleen rate of children living at different distances from undrained jungle:

within 300	yds.	—	47
300—600	"		21.9
600—1000	"		11
over—1000	"		2.6

But one complication seemed only to be got out of the way, to be succeeded by a new one.

If malaria was impossible on drained land, why open up the flat land of the coastal belt, as planters had hitherto done, and spend huge sums on drainage, when in the adjoining coastal hills naturally drained land was available for the asking of it? Thus reasoned the "shrewd" men of business; but they soon found that there must be a flaw in their reasoning. They cleared their jungle, they exposed their ravines to the sun, they never had a drop of stagnant water on their estates—but malaria, instead of keeping away, increased on the contrary on such a scale that of eighteen such estates with an average labour force of 2130 the average death rate in 1908 was 280 per 1000 (!). Similarly on certain public works in the same zone, such as water works, railway tunnels, &c. the death rate was quite 300 per 1000. (Chaps. 10 and 11.)

Once more Dr. Watson set to work on this baffling problem, and in doing so concentrated on the study of the anopheline root of all this evil. The first thing he discovered was that the anopheles of the coastal flat zone differed from those of the coastal hill zone; and the next, that the habits of the two species differed *in toto*. Whilst the larvæ of the *Umbrosus*, the flat zone anopheles, needed shade and stagnant, or at least sluggish, water and therefore were killed by letting the sun in and by forcing the water into rapidly flowing drains: those of the *Maculatus*, the hill zone anopheles, positively needed light and clear hill streams, in which they almost disported themselves like miniature trout! With this discovery of course the explanation of the appalling malaria in these hill tracts was attained: for the more man drained and opened this land, the fitter he rendered it for the anopheline carriers of malaria. But how meet the new problem? There seemed logically only one way—viz. that of eliminating the water streams, in order to eliminate the anopheline larvæ bred in them. Boldly Watson advocated action on these lines and in collaboration with some enthusiastic engineers evolved a system of sub-soil drainage, which put all dangerous streams under ground. When one considers that the merest trickle will provide a luxurious breeding place for a *Maculatus*, one will realize the magnitude of the task and the minute care and engineering skill demanded. The only relief is found in the fact that it is of course not necessary to subsoil-drain the whole of an estate but only a circle of half a mile radius, at the centre of which all dwellings can safely be placed: for, fortunately, these

anopheles do not bite except at dusk and night. Even so the expense is no trifling matter; but it was a question of sub-soil draining or abandoning the estates, and the "hard men of business" in London had to choose the lesser evil. In 1908 the first attempt at drying up hill streams was made and the history of the progress of the experiment is one of the most fascinating instances of the conquest of nature by man and should be read in full in chaps. 10, 13 to 16 of our author. It is not too much to say that the entomological aspect of engineering has only begun to be considered since these experiments of Watson's and if to-day sanitarians recognize that malaria can only be fought when based on a minute entomological survey of each particular malarious locality, that fundamental principle too is due to his genius.

For, as a matter of fact, the complications hitherto mentioned do not exhaust the list. The anopheline fauna of Malaya is most varied and each species differs from the rest in its habits. The means adopted to eliminate one species may introduce another species; a species inhabiting a certain habitat in Malaya may, just across the Straits, in Sumatra, be absent in exactly the same habitat. Dense jungle on the Malayan high hills is malaria free; dense jungle on the plain is deadly. Then again, the slightest change in conditions alters the anopheline population and therefore the health of a locality: for whilst the accidental pollution of a stream may in one place eliminate what is the malaria carrier there, yet in another such pollution may attract another but equally fatal anopheles. Rice fields irrigated by water from a submerged jungle area (and therefore tainted by the decaying vegetation) is found malaria free; fields irrigated from mountain streams, malarious. The mere dying off of some grass may make all the difference between health and disease.

And in this incessant, yet ever varying struggle, drainage was not resorted to alone, though as a permanent cure it is supreme—always provided that the drainage system is scrupulously kept, since failure in this respect will inevitably reintroduce anopheles and with them malaria. Hand in hand with and as an adjunct to sub-soil drainage, oiling has been found very successful, if efficiently done, not only on collections of water but on the sides of drains. This crude petroleum method of making breeding places unfit for anopheles was particularly useful, whilst subsoil draining was in the process of being carried out. On one estate oiling alone reduced a death rate of 223 per 1000 in 1908 to 26 per thousand in 1919.

Again, the screening of houses is an undoubted safeguard and far superior to the individual mosquito curtain, which Indians in Malaya generally use, if at all, so inefficiently that the net becomes a mosquito trap rather than a mosquito preventative.

As for quinine, it is of course the sovereign remedy for the individual, but is of no less general importance, since the elimination of the parasite from the blood eliminates also fresh infections of anopheline carriers. Our author believes the true action of quinine to be that of assisting the human host in working out for himself the resistant power which ultimately leads to immunity. Hence, the more malarious a place, i. e. the greater the number of infections, the more quinine seems to be needed. Watson believes in daily doses of 20 grains for six months, to eradicate the *plasmodia* from the system, and he is confident that such large doses do

not produce ill effects : on the contrary, he has found it best to increase rather than to decrease the doses when patients complain of "not feeling up to the mark." And he is certainly positive that quinine administration does not (as is popularly believed) induce miscarriage, but rather prevents it.

One regrets that the questions of immunity and therapy are not treated more extensively and systematically; and one cannot help feeling that a short chapter describing parasites and anopheline hosts with some well chosen illustrations, would also be a, for the layman, most valuable addition. And it is just the layman who ought to read the book, in order to get an idea of the principles underlying all malaria problems. If the book in one respect perhaps suffers from being too little systematic it probably gains thereby in readability. It is essentially a book, not to frighten the layman; on the contrary, not least of its charm lies in the fact that it reads like a most exciting detective story—and such indeed it is.

It is impossible of course in a mere review to go into all the problems and studies so fascinatingly recorded by our author, nor would one like to, even if one could, render the close study of Dr. Watson's book unnecessary. Summing up, suffice it to state that our author in 1908 left the Government service, being eminently unfit to be nothing but a little cog in the bureaucratic machine, and started instead practice as organizer and supervisor of an extraordinarily efficient system of estate hospital associations; suffice it, we say, to state that when our author in 1908 took over the medical care of these estates, the death rate (of a labour force of 15,898) was 66.2 per 1000, whilst in 1919 he had reduced it (with a labour force of 27,030) to 17.9 per 1000. (Cp. death rate in India in 1919 : 35.87 per 1000.)

Such results speak for themselves, especially when we remember that there is not a multiplicity of diseases to deal with, but mainly one, and one only, Malaria, the arch-enemy, without which Dr. Watson calculates that there would only be in Malaya an average death rate of 10 per 1000.

Knowledge is power and a book like the present proves just how true that is. The control of Malaria since Dr. Watson arrived at Port Swettenham in 1901 to 1910 when the first edition of this book was published made huge strides. Another ten years have passed, and still indefatigable, our author and his associates have added almost as much again to our knowledge and therefore to our power over this fell disease, Malaria. Our wishes are that ten years hence may still find him blazing the way towards that time, when, in his own concluding words, "man shall conquer the tropics by stamping out its diseases; and these rich lands, many of the most fertile on the face of the earth, shall pour out, in unstinted measure, of their abundance for the welfare of the human race."

H. C. E. ZACHARIAS.

## CORRESPONDENCE.

### LAW OF ADOPTION.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—In the SERVANT OF INDIA of July 6 the latest Privy Council decision bearing on the Law of Adoption has been ably commented upon. This decision (reported fully at I.L.R. 49 col. 1) is all the more welcome because their Lordships have on the present occasion, in a manner, gone out of their way to pronounce a decision affecting widows in general. Their

Lordships could very easily have avoided making such a general pronouncement by merely declaring that, the partition having already taken place juridically, the widow ceased to be a member of the joint family, and as such, she had no necessity to obtain the consent of her husband's divided brothers. So, for the purposes of the present appeal, it was enough to reverse the lower Court's decision on the point of partition. But their Lordships apparently wished to give the quietus to the monster that had been running amok since *Ramji v. Ghamau* was decided in an evil hour by the Bombay High Court. That monster first made its appearance in 1879, and though at various times eminent Judges like Sir Lawrence Jenkins expressed their antagonism to that view of law, this decision had continued its depredations on the widow's power of adoption till this day. A long series of decisions had been given on the basis of that decision and people had come to think it almost irreversible. Hindu widows on this side of India, therefore owe a deep debt of gratitude for this special kindness to their Lordships.

The necessity for gratitude on the part of the widows will be evident when it is remembered that the vicious principle of *Ramji v. Ghamau* was being attempted to be extended gradually *even to widows in some divided families*. We particularly refer to one such attempt to be found at 22 Bombay Law Reporter 203. There a Hindu died while living in union with his brothers, leaving a widow and a minor son. The minor son became divided in interest from his uncles, and then died unmarried. The widow thereupon adopted plaintiff and it was contended against her that though she was the mother of her *divided* son, she was none the less the widow of a man who died *undivided* from his brothers, and that as a widow of an undivided Hindu, she was equally bound by the principle enunciated in *Ramji v. Ghamau*. Indeed this extension had been effected so far as the District Court could do it, for it declared this adoption invalid. Mr. Clements, the District Judge, went to the length of declaring that

"the widow's husband must have been at his death divided and his estate vested in her . . . In this case the widow's husband was not divided, nor had he or his co-parceners given her authority to adopt. To hold the present adoption valid would be to graft upon the Law an exception distinct in trend from the exceptions already admitted by the High Court."

The effect of such a decision would have been to stamp upon the widow of any undivided member the inability to adopt, even though in later life she may have come into the property as the mother of a divided son. The result would have been permanently to impose a disability upon her. The Bombay High Court no doubt saved the widow in that case from the effects of this threatened extension of the monstrous principle. But again an attempt was made in the Privy Council to fasten the disability upon the widow permanently in spite of the fact that she was the mother of a *divided* son. It was contended against her that "if at Pandlik's death his widow had not the power to adopt without his authority, the fact of a subsequent separation could not give her such authority." The decision in *Ramji v. Ghamau* limited a widow's power to adopt without her husband's authority to cases in which she succeeds her husband as heir and declared that the power did not extend to cases wherein such widow later on succeeds to the same property as mother of her son on the death of the latter without leaving widow or son.

The value of the present decision will be seen when it is realised what a vicious principle it was that it has finally superseded. Their Lordships in this case not only relieved widows of undivided members acting in their capacity of mothers of divided sons, but also relieved in equal measure the widows acting as widows of undivided members by condemning the decision in *Ramji v. Ghamau* as bad Law.

The language used by their Lordships is so characteristically fair that we make no apology for quoting it here:

"There does not appear to their Lordships to be any sound reason why in the Mahratta country the Hindu

Law as to the power of a Hindu widow, who has not the authority of her deceased husband to adopt a son to him, should depend on the question whether her husband had died as a separated Hindu or as an unseparated Hindu, or on the question whether the property which was vested in her when she made the adoption was or was not vested in her as his heir. If it was her religious duty to adopt a son to her husband that duty would be the same in either case, although possibly the right of the adopted son to the property vested in the widow might be different."

This latest Privy Council decision is thus as it were a widow's charter enabling her to give effect to the most cherished wish of her departed husband, viz. to create by adoption a direct male heir to continue his line without caring for the frowns of her husband's relations. Henceforward the question whether a man is divided or undivided will not at all arise, for, even if undivided, a widow can adopt a son and as mother of her minor son, she can obtain a partition.

This reform goes far to relieve the poor widow's lot, though we may be tempted to question the utility of forcing the widow to resort to the stratagem of making an adoption for getting her husband's property into her own hands. We should much prefer the widow herself to be declared eligible to obtain partition as in Bengal. That haven the widow will, we trust, reach very shortly. But, "for this relief, much thanks, my Lords!"

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