

# THE Servant of India

Editor : S. G. VAZE.

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## TOPICS OF THE WEEK

WE hope some one in the Assembly will take up Mr. Sethna's resolution regarding compulsory military training which the Council of State threw out by 14 votes to 10—not a very discouraging defeat, we should think. The Commander-in-Chief dealt with the question somewhat superficially. Expressing conventional sympathy with Mr. Sethna's ideas, he opposed his proposition because the idea of compulsory military training was both impracticable and unnecessary. That it should be applied to a population of 300 millions and that in each district in each province there should be separate staffs for registration, medical examination, training and distribution of recruits, &c., appeared exceedingly grotesque to his Lordship. Yet, more grotesque things have been done. Only ten years ago the Government pooh-poohed the idea of compulsory education, but now it is only a question of finance. The Commander-in-Chief ignored the fact that Mr. Sethna only asked for the appointment of a committee which was to recommend how, when and where compulsory military training might be begun; and argued as if the committee had already recommended the universal application of the principle. India's goal being recognised to be the speedy attainment of self-government, all necessary steps have to be taken to enable her to defend herself against foreign aggression, and also to distribute the burden of defence evenly among the different provinces. The regular Army is no doubt there and a beginning has also been made towards the creation of a national militia by means of the Territorial Force. But are these steps sufficient? Is not compulsory military training in some form necessary or desirable? That was the real question before the Council of State.

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MR. SETHNA put the case before the House with his usual lucidity. Why did he contend that it was necessary and desirable to introduce the system of compulsory military training in this country? He said:

First, because the people of India must be fully and quickly prepared to assume the responsibilities of national self-defence, such preparation being essential to the establishment of full responsible Government; secondly, because the martial spirit must be revived and fostered among all classes and communities in India; and thirdly, the military strength of India must be enhanced and improved so that the British Commonwealth might be able to draw upon her vast military resources in case of Imperial peril.

British military policy in India has resulted in the emasculation of the people over the vast bulk of the country by recruitment being confined to a few castes and tribes particularly in the north-west, on the ground that the others have no martial spirit. Mr. Sethna rightly pointed out that martial spirit was not the monopoly of this or that race or of this or that community; but that it was the product of national tradition capable of being fostered or suppressed. The present military policy of excluding the intellectual classes from the Army has led to deplorable results in two directions in particular: a dearth of men in the Indian Army capable of discharging the duties of officers, and a contempt in the unlettered martial races and tribes for the educated classes as a whole and generally for the people of the provinces from which no recruits are drawn. These defects can best be removed only by compulsory military training. We hope the Commander-in-Chief was not speaking with his tongue in his cheek when he grew eloquent on the evils of conscription and on the objects of the League of Nations, of which, he reminded the House, India was a member. It is certainly interesting to see a General in the role of preacher, but India has no use for such advice so long as the problem confronting her is how to keep out foreign aggression and not what neighbours to swallow up. The question of expense is no doubt there, but it may safely be left in the hands of popular representatives in the Assembly, who will consider the paramount needs of the country.

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ABOUT the first week of January Mr. Benarasidas Chaturvedi sent for publication in the daily papers of this country an article, apparently written by

Malaya Resents Slander.

an Indian resident in Malaya, which depicted in very black colours the condition of the Indian labourers there and the cruelty and immorality of the European planter. The article has naturally roused the greatest indignation in Malaya, both among Indians and planters, and an Indian journalist has written to us to say that 'the article in question is a tissue of fabricated statements' and that the Press in Malaya has taken steps to induce the Colonial Government to invite the Indian Government to send out a deputation to study the conditions prevailing there. The *Malaya Tribune*, which according to our correspondent has ever championed the cause of Indians, challenges Mr. Chaturvedi to give names and dates, as 'the authorities would not hesitate to institute prosecutions upon such grave charges.' Not so long ago, the paper says, a Malacca magistrate sent a European planter to prison for cruelty to a coolie. It admits that from time to time there have been instances of cruelty and oppression. 'But they have been very rare and to suggest that they are a general practice is a wicked lie.' The satisfaction recently expressed by the Legislative Assembly regarding the treatment of Indian labour in Malaya will convince, we hope, the public there that we here have not been misled by unscrupulous or irresponsible informants.

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IT will be remembered that at the last session of the League of Nations, Lord Chelmsford, as head of the Indian delegation, urged with very cogent arguments the claim of India to be represented on the Governing Body of the International Labour Office, which consists of 12 members of whom 8 are nominated by the States Members which are of the chief industrial importance. Lord Chelmsford stingingly pointed out that when it was a question of contributing funds for the upkeep of the League, India's importance was recognised readily enough, but not so when it was a matter of giving her a seat on the Governing Body, though she was probably the earliest to give legislative effect to the recommendations of the International Labour Conference. Mainly as a result of Indian representation, a special commission was appointed to examine carefully the exact sense of the words 'industrial importance', whose report has now been submitted to the Council of the League. It is gratifying to note that the Commission has recognised the claim of India to be included among the 8 chief States of industrial importance. The criteria were seven: total industrial population, its proportion to the whole population, total horse power, horse power per head of population, total length of railways, length of railways per thousand square kilometers of territory, and development of the mercantile marine. The other countries are: Belgium, Canada, France, Germany, Great Britain, Italy and Japan.

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A Solution. A 'CORRESPONDENT' has attempted to explain the Kenya question in a series of five articles in the *Times of India* and has offered what he considers a solution. It is that each should try to understand the other's position—the Indian that the white settlers' action is based on economic grounds and that where his very existence is in jeopardy he is not likely to give way, and the settler that the Indian is sensitive even to an appearance of inferiority—that no outside politicians should be allowed to exploit the situation, that all should try to promote friendly feelings between the two races, and that both parties in Kenya should ponder deeply over the opinion recently expressed by the London *Times* summarised by the 'correspondent' as follows:

"The paper upholds the right of white settlers in Kenya to insist on the maintenance of order, the safeguarding of their own future, and the future of the colony. It states that there is no desire on the part of the people of the Empire to shirk the implied consequences of the resolution of the Imperial Conference on the subject, but it is time that the Indians ceased to regard the settlement of Indian subjects within the Empire as a legitimate grievance. This implication is not one of inferiority but of difference, and a satisfactory settlement would seem to imply the granting to Indians of adequate representation in the discussion of affairs, without holding out for them the prospect that the future of East Africa will fall under their control."

We have pondered very much over this passage in trying to understand its meaning. 'Uphold the right of white settlers in Kenya to insist on the maintenance of order?'—we thought it was they who were threatening violence and it was the Indians who were insisting on the maintenance of order. If 'there is no desire on the part of the people of the Empire to shirk the implied consequences of the resolution of the Imperial Conference'—the question is solved. But while the Indians are taking their stand on the resolution, the white settlers are repudiating it, nay, accusing the Home Government of having made a pawn of Kenya in the game of imperial politics, as the correspondent himself has explained. What then is the value of the solution offered?

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THE claim of the settler is not based so largely on economic grounds as this correspondent in the *Times of India* supposes. It is almost entirely based on the ground of racial superiority. He believes that, having an uncoloured skin, he is privileged to rule the coloured races for all time and that it is God's will! One of his strong objections to the Asiatic's presence in Africa is that the African native borrows political ideas from him. If the common franchise be extended to the Indian and no segregation enforced against him, the African, whom the Missionaries with blind zeal are educating, will also claim these rights! The settler's case does not bear examination in the light of liberal ideas and so we leave it there. But we must protest against this correspondent's attempt to be-

little the Indian claim on the ground of 'history' and of war services. Regarding the former he says, that the Indian has no doubt traded for centuries with East Africa, but his activities were all confined to the Island of Mombasa until the construction of the Uganda railway. At any rate no Indian settler was found on the mainland by the first European settler. He has done nothing to develop the Colony. Against this, we will content ourselves with quoting a passage from a letter written by Sir H. H. Johnston to the *London Times* so late as August 1921.

The participation of Indians of all classes with us in the conquest from the slave traders, the survey, the opening up, the discoveries in botany and zoology of East Africa, from Abyssinia and Zanzibar down to Natal, has been too noteworthy to be overlooked by the European immigrants into the British possession so ridiculously misnamed "Kenya". The British white men have been the leaders in East African enterprise, and they have been loyally backed up, laboured for, fought for, by thousands of Black men. But the intermediary role played by the Indian sepoy, non-commissioned officer, surveyor clerk, surgeon, botanical collector, trader and horticulturist, in all East Africa, from the Zambezi to Somaliland, has been too important and loyal to be overlooked in the callous way characteristic of the thousand recent white settlers in the hinterland of Mombasa. The injustice of their altitude, the excess of their influence, revolts me, who strove before they were born, to open up East Africa to knowledge by the help of Indian troops, Indian doctors and Indian clerks.

The argument that there were no Indian settlers on the mainland reminds one of the incident in the story of the Ugly Duckling when the hen and the cat tried to silence the duckling with the unanswerable argument, "Can you purr? Can you lay eggs? Then, what right have you to speak?"

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#### War Services.

THE correspondent further advises the Indians not to press their claim on the ground of services rendered during the war. Every white settler who was able to bear arms, it seems, was out on field service and 600,000 natives served in the combatant ranks and labour corps; while, in marked contrast to these, out of an estimated population of 20,000 Indians 'less than 1400 became members of the forces, of whom only 376 were of combatant rank, and of these not even one was wounded in action.' We should think 1400 in a population of 20,000 a very creditable proportion when allowances are made for women, children and men above the military age. It forms a percentage which is not far below that of the South African white population. In this connection the nature of the Indian population in Kenya has also to be borne in mind. For generations the British Government in India has denied to Indians all opportunities to bear arms and drawn its recruits to the Army from a few favoured castes in the north-west. If the Kenya Indians are not good military material it is not altogether their fault. The correspondent, however, carefully excludes the admittedly valuable services of the Indian Army from the consideration of Indian claims. If an exception had been made in the case of the latter or even in the case of ex-service Indians, one could have at least seen honesty in the argument, but no such exception is made. The military services of the African native are quoted to discredit the Indian, but are not thought of when his lands are coveted or his labour extracted at the point of the bayonet. Then it is only remembered that he is awfully lazy and quite likes slavery to which he is used for centuries!

#### BOMBAY BUDGET FOR 1923-24.

FOR the first time, since the inauguration of the Reforms, the Finance Member of the Government of Bombay has been able to present a surplus and solvent budget. The estimated deficit of eight lakhs in the current year has been converted into a surplus of 65½ lakhs; of which 56 lakhs is shown in the revised estimates and 9½ lakhs has been secured from the Government of India as the share of the Provincial Government in the amount by which the assessed income of the current year is estimated to have exceeded the assessed income of the year 1920-21. This striking improvement in the financial position of this Presidency is due, in the first place, to the organised attempt made by the Legislative Council to force a policy of retrenchment on an unwilling Government; secondly, to the new measures of taxation passed by the Council; and lastly, to the increase in revenue especially in the receipts under Excise which exceeded the estimate by no less than 36 lakhs. Thus the closing balance which was estimated to stand at the low figure of 101 lakhs has risen to 324 lakhs, as shown in the revised estimates to which, we think, the sum of 9½ lakhs received from the Government of India under the head of Income Tax will have to be added. The opening balance for the current year, which was shown perhaps by mistake to be 99 lakhs, is now discovered to be 185 lakhs. It is extremely doubtful whether the Council would have agreed to the imposition of new taxes last year if the correct amount of the opening balance had been known at the time of the budget discussion.

The budget for the coming year shows a surplus of five lakhs. The revenue is estimated at 1437 lakhs and the expenditure at 1432 lakhs. The closing balance for 1923-24 is expected to be 336 lakhs, which will be an improvement of 12 lakhs over that for the current year, five lakhs being due to the surplus and seven to famine insurance fund and loans and adjustments between the Central and Provincial Government. If the negotiations with the Government of India have resulted in their accepting the calculations made by the Government of Bombay, regarding the assessment of the share of the latter in the Income Tax receipts, there is no reason why this province should not be entitled to expect an allotment of about 10 lakhs more even next year. Similarly, if this Presidency is spared from a famine in the coming year, the balances are likely to stand at a figure which will be almost double of what is considered by the Government itself as the minimum for the safety of this province, viz., 2 crores of rupees. Thus during the course of a single year, not only have the finances of this Presidency emerged out of the era of successive deficits, but hold out a fair prospect for the future.

This happy result is mainly due to the insistence on a policy of retrenchment and economy, and nothing will be more suicidal than to give up

that policy immediately the budget begins to balance itself. The Legislative Council has indeed to be wakeful, even in the coming year, for the Chief Secretary's memorandum says that the cuts effected during the year were of a temporary nature and of an emergent character. It is true that the total cuts during the year amounted to something like 98 lakhs of rupees, that is, 38 lakhs in excess of the undertaking given on behalf of Government, but one cannot say that the process followed was conspicuous for wisdom. What the Council expected from the Government was not the curtailment of useful activities and public facilities, but the infusion of a spirit of real economy and thrift in the whole machinery of the Government. Has that been done, and if so to what extent? Cutting down grants to secondary schools and abolishing medical inspection of school children, are typical instances to show that the spirit of genuine economy has been absent from the policy of Government. Real economy can be effected only by such steps as the abolition of highly paid, but comparatively less useful posts, Indianising the higher services and offering their incumbents an Indian scale of salaries, doing away with unnecessary supervision work, and effecting the official routine work in the most economical way. These have not yet been properly attended to and deserve the attention of the Government as well as of the Council in the immediate future.

Retrenchment and Reform must go hand in hand. The former should not be made an excuse for postponing the latter, though such is frequently the attitude of the officials to schemes of nation building. Last year the Finance Member showed great anxiety to build up the reserve balance of 2 crores as a measure of safety. Luckily enough, it has been more than accomplished within an unexpectedly short time. Similarly sixty lakhs has been deposited in the Famine Insurance Fund and more will be added as the situation improves. Now, therefore, there should not be any delay in tackling boldly and courageously schemes of moral and material benefit for the people. During the coming year a notable step forward is proposed to be taken with regard to compulsory education, for which a provision of sixteen lakhs has been specially made, in addition to the ordinary expenditure of one crore of rupees on primary education, so that the Minister of Education may be enabled to carry out the first year's part in the ten years' programme recommended by the Chandavarkar Committee. It is a move in the right direction and ought to be welcomed with genuine satisfaction. But it is a matter for great regret that the other departments have not succeeded in getting generous treatment at the hands of the Finance Department.

The following figures show the extent to which each important source of revenue has contributed to the improvement of the financial position.

( In Lakhs of Rupees. )			
Heads of Revenue.	Accounts 1921-22.	Revised Estimates 1922-23.	Budget Estimates. 1923-24.
Land Revenue ...	547	581	575
Excise ...	342	407	401
Stamps ...	164	190	206
Forests ...	74	77	83
Registration ...	13	13	13
<b>Total ...</b>	<b>1140</b>	<b>1268</b>	<b>1277</b>

Thus it will be seen that the resources of this Presidency have improved, under the above five heads alone, to the extent of 137 lakhs of rupees a year. There is the further hope of stamps duties bringing in something more with the revival of trade and commerce.

The reserved departments which have been almost fully developed stand as follows:—

( In Lakhs of Rupees )

Heads of Expenditure.	Accounts 1921-22.	Revised Estimates 1922-23.	Budget Estimates 1923-24.
Land Revenue ...	164	167	170
General Administration ...	122	116	120
Justice ...	71	68	72
Jails ...	31	29	27
Police ...	192	184	189
<b>Total ...</b>	<b>580</b>	<b>564</b>	<b>578</b>

These five being the most important among the reserved departments have been grouped together. The figures do not disclose a striking departure in any of the departments either by way of increase or curtailment of expenditure, proposed or effected. This is due in a great measure to the watchfulness of the Legislative Council in guarding the interests of the transferred departments.

The following table shows the position of the chief transferred departments:—

( Figures in Lakhs of Rupees. )

Heads of Expenditure.	Accounts 1921-22.	Revised Estimates 1922-23.	Budget Estimates 1923-24.
Education ...	172	177	190
Medical ...	46	47	48
Public Health ...	32	22	22
Agriculture ...	29	25	26
Industries ...	7	4	3
Forests ...	51	45	47
<b>Total ...</b>	<b>337</b>	<b>320</b>	<b>336</b>

From the above we have omitted the figures of expenditure on civil works, to avoid the confusion which may arise on account of a large proportion of that expenditure being of a non-recurring nature. So far as actual total expenditure is concerned the transferred departments, as a whole, have neither been more liberally treated than the reserved ones, nor have they been unjustly starved; though there has been marked curtailment in Public Health and Industries. Among the new demands for grants as stated in the budget for

1923-24, the transferred departments figure prominently and claim the lion's share. Their total amount for the next year is estimated at 56 lakhs and the ultimate annual recurring expenditure, which they are expected to impose on the Provincial Exchequer, is calculated at 34 lakhs. Out of these 56 lakhs, the new demands under Education alone come to about 22 lakhs, 3½ lakhs are for medical relief and 4½ lakhs for Public Health. Besides the new provision of 16 lakhs for compulsory education, the Minister of Education has asked for one lakh for giving ordinary grant at one third rate to those secondary schools which satisfy the requirements of the grant in aid code. This return to the old conditions will certainly make some amends for the unreasonable attitude of the official members last year to Mr. G. B. Trivedi's resolution recommending one third grant to secondary schools. The Minister of Education also proposes to open agricultural classes in five primary schools in the Central Division. This experiment is made with a view to give an agricultural bias to primary education in rural areas. We hope it will be successful and the Minister of Education next year will be in a position to introduce it on a large scale throughout the Presidency. It is also proposed to increase the value of the scholarships, given to students of backward communities studying in secondary schools, from Rs. 3 to Rs. 8 and from Rs. 5 to Rs. 12 per mensem. This increase will result in an annual recurring expenditure of about forty thousand rupees. Provision has also been made for the granting of two State technical scholarships at the rate of £ 200. Another notable item is the provision of five thousand rupees for encouragement of vernacular literature and is mainly intended for the preparation of suitable school text-books dealing with scientific subjects. Under Public Health Rs. 1,60,000 have been provided for the first and Rs. 2,75,000 for the second section of the Poona Drainage scheme, the total cost of which amounts to Rs. 33 lakhs. The reserved departments do not indicate the initiation of any kind of new policy. One would like to know how much progress has been made in the separation of judicial from executive functions, a policy which has been accepted by Government in principle and which is not likely to cost more than a few lakhs of rupees, as can be seen from the reports on the subject submitted by the U. P. and Bengal Committees.

On the development side, i. e. with regard to the schemes which are financed out of capital outlays, it is gratifying to note that the Government of Bombay are making, on the whole, satisfactory progress. This year they have secured from the Government of India a promise to finance the capital outlay on the Sukkar Barrage Scheme which is estimated to cost about 78 crores. It is hoped that the barrage will in six years make 1,60,000 acres of land available for sale and thus enable the Government to recover, and more than recover, its entire cost. This is a great boon to Sind

and everybody will rejoice at the undertaking. The position of the Bombay Development scheme can be best described in the words of the Finance-Member himself. "The total expenditure of the Reclamation of the Back Bay and East Colaba is estimated at 8½ crores and will be completed in 1930-31. Large returns may be expected from 1927 onwards. In that year 2½ crores are expected from the exchange of military lands. By 1930-31 return will amount to 4 crores and by 1935 the whole expenditure will have been recouped; and we shall still have in hand for future disposal as net profit an area of some 6 lakhs of square yards; the value of which may be estimated at several crores." Besides this, the Housing scheme is estimated to cost about 9 crores upto 1928-29 and the developments of the suburbs about 12 crores. Thus, the Housing and the Development of Bombay City will involve a total of about 30 crores of rupees within the next twelve to fifteen years. One of the complaints against the Development Department was to the effect that a considerable proportion of the capital outlay was being spent in purchasing machinery and other British goods. The Hon'ble Sir Chimanlal Setalwad effectively answered this criticism during the budget discussion, when he said that out of the total outlay of 29 crores, only a crore and a half would be spent on British goods. This assurance will, we hope, remove much of the anxiety and opposition of the mercantile classes in Bombay to this big enterprise. But Government cannot afford to delay the development of other nation building departments any longer without serious detriment to the well-being of the people in the mofussil.

### THE INDIAN CAPITULATIONS.

IF Delhi last week has not produced quite as momentous decisions as the acceptance of a new orientation in Indian fiscal policy and the announcement of the Commander-in-Chief on the entire Indianization of eight army units constituted the week before: it must yet be admitted that the passage of the Bill "for the removal of certain discriminations between European British subjects and Indians in criminal proceedings" marks by no means an unimportant step in the advance of India towards her rightful place in the comity of the nations. As our parliamentary correspondent remarked, when the Bill was introduced in the Assembly, this measure does not purport to satisfy justice in the abstract, by removing *all* discriminations. What is important about it, however, is that although it is admittedly a compromise, it is one accepted *ex animo* by both parties to the compromise in the House, and that Sir Malcolm Hailey himself, when moving the consideration of the Bill, plainly stated that he looked upon it as a solid advance, but not as a permanent solution. Indeed the most noteworthy fact about the debate was, that the House as a whole scrupulously

observed the compromise agreed to by the Committee, of whose give-and-take Report the present Bill is the outcome, and the only arguments which gripped the House were those which turned on the point, whether or not the Bill actually expressed the Committee's intentions. On two points of course the Government had to admit that the Bill went further than so intended, viz., in the matter of Colonials and British Soldiers. Sir M. Hailey pleaded for the inclusion of these two points, because he felt sure the H. M.'s Government would otherwise disallow the Bill and that anything would be better than to risk further delay, perhaps even defeat of a measure which would undoubtedly remove a grievance which had sorely rankled since the controversies of 1884.

As Sir C. Rhodes put it, the Bill was perhaps a sugar-coated quinine pill, the bitterness of which could not blind one to the certainty that it would allay the fevers of passion to which India had for so long been subject. Probably it is true, that discrimination against Colonials, however richly deserved, could not be countenanced by the Cabinet, as matters stand—and one would perhaps like to endorse Mr. Rangachariar's view that it would be small-minded of India to insist on her rights of retaliation, to which he contemptuously added that as we are all Blacks to them, let them be all Whites to us. But one wonders whether the European Association will rise to the appeal he made—that it is they who should approach their fellow countrymen in the Colonies for the removal of Indian disabilities there. Sir H. Stanyon's remarks that he was speaking as a European friend of Indians certainly was the key-note of the general attitude taken by the European members of the House and their expectation that it would be responded to by Indian friends of Europeans was not misplaced. Dr. Gour indeed pleaded, that since they were helpless and had to concede the privileges of a "British European subject" to Colonials and to those foreigners whose country had treaty rights to that effect with India (e.g. Italy): the least they could do was not to extend these privileges to all other Europeans and Americans as well. But the Home Member had no difficulty in showing that even if the House adopted that view, nothing would prevent other countries from asking for similar treaty rights, which he felt sure H. M.'s Government would not and could not refuse to grant: and the House refused accordingly to listen to the theoretical arguments advanced by Dr. Gour.

The only other point, on which the Secretary of State had set aside the Committee's Report, was that of the British Soldier. Mr. Agnihotri proposed that the section in question be omitted, i. e., the provision whereby the High Court, if moved by the Advocate General as instructed by the Commander-in-Chief, "shall order that the case be transferred to itself." This evoked quite an animated debate, which led to an undertaking given by Lord Rawlinson that the privilege thus accord-

ed to the military, would only be exercised in quite exceptional cases. In view of this, the amendment was withdrawn and Dr. Gour's further amendment lost—viz., to substitute "may" for "shall", so as to safeguard the supremacy of the judiciary.

Of the rest of the seventy odd amendments little is to be said, except of the one regarding clause 21, the gist of which is to give Indians the right of appeal in cases of the sentence being one of whipping. The question of whipping as a punishment was as such of course not before the House, though there was little difficulty in guaging the temper of the House in regard to it. In fact, so strong was this undercurrent, that Sir Malcolm Hailey gave an undertaking that the Government would at once institute enquiries on the whole problem: but otherwise the House followed Mr. Rangachariar's advice, not to try and make Europeans sharers in an injustice. Mr. Agnihotri's amendment to clause 21, however, was of a different nature and hinged on the contention that the Committee's Report had intended that Indians sentenced to whipping should in any case have the right of appeal: an interpretation which the Home Member stoutly attacked as incorrect. But the House differed from this view and, forcing a division, carried the day (and Mr. Agnihotri's amendment) against the Government by 48 to 34 votes. A consequential amendment to Section 22 was similarly carried and the Home Member indeed intimated that the change just made would probably necessitate some further consequential changes elsewhere: but he took his defeat in good part, still maintaining, though, that there was little advantage to a prisoner in having the taste of whipping—pending the appeal—before him, as well as, ultimately, behind: a little joke which the House was not slow in appreciating.

The Home Member's speech, in moving the Bill after the amendments were considered was a little master piece and expressed his very evident desire for real and lasting goodwill between the two races, Indian and European. He handsomely thanked the House for the way they treated so difficult a Bill and on the statesmanship exhibited, whereby they had ensured the goodwill of the Europeans without whom India after all could not march onwards, and not least did he thank the House for the consideration and unvarying kindness shown to himself. Mr. Seshagiri Aiyar returned the compliment by referring to Sir Malcolm Hailey's ability, conciliatory spirit and tact, without which the passage of the Bill might indeed have been far different. Mr. Rangachariar, continued in a similar strain, detailing the solid advance towards perfect racial equality, which this Bill constituted for Indians, and emphasizing that it was not a one-sided bargain. He thought it not fortuitous that at the moment that the Bill was passed there should be in the presidential chair an Indian (Sir Jamsetjee Jeejeebhoy,) and although Mr. Ginwala, who followed, did his best

to pitch his key on a note of somewhat grudging expediency rather than on one of idealism and goodwill: the latter prevailed and the Bill was passed without a dissentient, in an atmosphere of real warmth and genuine mutual regard.\*

For ourselves we can but wholeheartedly share in these sentiments: not because we admit the justice of according to Europeans and Americans a measure of extra-territoriality in this country; not because we can view with satisfaction the continuation of a system of "Capitulations" in India—but simply because the Bill, as passed, represents a friendly agreement come to by both the Europeans and Indians themselves. And the only other sentiment we have is the hope that even so, the whole of these exceptional privileges may sooner rather than later be allowed to lapse by desuetude and obsolescence.

But, apart from a trifling verbal amendment (in clause 24), moved by Sir C. Rhodes and accepted, the formidable list of 82 amendments yielded nothing tangible. In fact, since the Bill was really an agreed one, one would have thought that the dignity of the House would have been served best by the Bill being passed without further ado, after members had recorded their protest against racial discriminations being merely minimized, instead of being abolished. Far from doing which, there were moved arid amendments, met by cries of "withdraw" from all sides, but persevered in by certain speakers who inexorably exhausted every minute to which the Standing Orders of the House entitled them. None of these amendments had any chance whatsoever: still, the ploughing of the sands continued the whole of the first day, the President grimly keeping the House until evening and everybody losing his temper rapidly.

### THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL.\*

THE Madras Hindu Religious Endowments Bill is of more than passing or provincial importance. The Bill was introduced in the Madras Legislative Council by the Hon. the Rajah of Panagal, the First Minister, on December 18th last, and a full dress debate lasting over the greater part of two days in which more than 40 members took part, ensued. The attitude of the members generally was one of sympathy, though it was tempered to a certain extent by criticism of certain features of the Bill. But a tremendous agitation has broken out in the country and it was at one time feared that the Ministers would be forced to withdraw the proposed legislation. It is now however, understood that the Bill will in all probability emerge from the Select Committee stage for presentation to the Council, though with some very profound alterations.

#### PREVIOUS LEGISLATION.

Before examining the principles and the provisions of the present Bill, it is necessary to study, though briefly, the pre-existing legislation upon the subject. The present Bill is intended to supersede the Imperial Act 20 of 1863 which in its turn

\* From a paper read before the Gokhale Club at the Servants of India Society, Madras.

abrogated the provisions of Madras Regulation 7 of 1817 and the corresponding Bengal Regulation X of 1810. Regulation 7 of 1817 was passed to prevent the conversion to the personal uses of the administering trustees of the funds of religious as well as of charitable endowments. The Regulation was declaratory of the powers which the State before British rule had always exercised. The Regulation vested the general superintendence of mosques, temples, colleges and other public institutions generally in the Board of Revenue. The Board of Revenue was given very large and general powers to ensure the due appropriation of the income of various endowments to their proper objects and it was authorised generally to take such measures as were necessary to prevent conversion by trustees and others to their own private use of the funds of religious and charitable endowments. Local agents were appointed for each Revenue District and the control thus exercised through these local agents, who were generally the Collectors of the respective districts, by the Board of Revenue seems on the whole to have been very beneficial. But shortly after the Mutiny, the principle of religious neutrality was definitely formulated and there was also a considerable measure of opposition offered by the non-conformist 'conscience' in England to a Christian Government supervising Muhammadan mosques and Hindu temples. Act 20 of 1863 was therefore passed by the Governor-General in Legislative Council to relieve the Board of Revenue of their powers of superintendence in so far as mosques, temples and other religious institutions were concerned. The powers of which the Government thus deprived itself were vested either in trustees or in specially constituted committees of management. Where formerly the Government directly or indirectly appointed the managing trustees of religious endowments, the new Act made the committees the inheritors of the powers of the Board of Revenue. In other cases, where the powers of appointment were not vested in the Board, the trustee of the institution himself had a practically free hand. It must be stated here that the institutions which fell under the Devasthanam Committee management were comparatively a small number. We need further notice only the provisions of Section 14 of this Act by which the trustees whether coming under the former or the latter category, were liable to be sued for misfeasance, breach of trust or neglect of duty by any person interested in the endowment concerned. The committees were constituted on an elective basis and the members held office for life though they were liable to be removed by the order of a court for grave reasons.

Various efforts were made from time to time to introduce legislative measures for the removal of the many abuses that admittedly followed in the wake of the relaxation of Government control. But none of them came to any fruition as the Government were very much afraid of legislating for religious institutions in contravention of their principle of religious neutrality. The powers of suit given by the Act as well as by Section 92 of the Civil Procedure Code have, however, been availed of in a number of cases and schemes of administration have been settled for various institutions by the courts. In spite of everything, the feeling has largely remained that some measure of reform is urgently necessary and this feeling was universally voiced in the Legislative Council debate.

#### THE MAIN PROVISIONS OF THE BILL.

I shall now give a brief outline of the scheme proposed by the Bill. It applies to Hindu endow-

ments only, unlike the measures which were applicable both to Hindu and Muhammadan institutions. The Bill defines religious endowments in a very liberal way and Mutts which were immune from the operation of Regulation 7 as well as of Act 20 have been swept in within the scope of the definition. Endowments are classified as hereditary and non-hereditary, the former being those in which the office of trustee devolves by hereditary right, by nomination by the trustee for the time being of his successor, or by any special usage. The powers exercisable by the committee proposed under the Bill are wider in the case of non-hereditary trustees and endowments than in that of the others. Committees are to be constituted chiefly for local areas, though in special cases their constitution is also contemplated for individual religious endowments. The committees are to consist of from 6 to 12 members, not less than two-thirds of whom are to be elected by constituencies with slightly higher qualifications than are prescribed for Legislative Council elections. The committees are to elect Presidents who are to be the executive officers corresponding to the Chairmen of Municipal councils and Presidents of Local Boards. The duties of the committee are laid down in section 19 of the Bill as comprising the performance of all acts which are reasonable and necessary to ensure that religious endowments subject to its jurisdiction are properly administered and that their income is duly appropriated to the purposes for which they are intended. The committees are enjoined to keep registers showing the origin and history of all endowments within the local area for which the committee is constituted. Sec. 30 of the Bill empowers the committees to impose a levy at a rate which is not to exceed 3 per cent. of the gross income of endowments and authorises them to recover the amounts of these levies from religious institutions just as if a decree of a court had been passed therefor. The powers of the committee over non-hereditary trustees are very wide indeed. The number of trustees itself for non-hereditary endowments is to be fixed by the committee, though it is not to exceed three. The trustees are to hold office for five years only and they may be dismissed by the committees, generally speaking, for disobedience of orders or for neglect of duty. In the case of removal, these non-hereditary trustees are given power of appeal to the Local Government. The powers over hereditary trustees are confined to asking for information and accounts. The Presidents or other authorised members of the committees are also empowered to inspect properties belonging to, as well as records, correspondence, &c., of these institutions. Audit is compulsorily provided for in the case of endowments falling under either category, whose income exceeds Rs. 3000. The hereditary trustees can only be removed by the institution of a suit by an interested person after obtaining the previous permission of the Collector therefor. The committees however, are exonerated from this preliminary prerequisite to a suit. The most important provision of the Bill is contained in Section 33 which lays down that the local authorities, committees, or trustees of religious endowments may apply to a court for orders directing a contribution, out of the income of such endowments, to local authorities or other private persons or bodies for expenditure on taxation, medical relief or generally on any object of public utility. The court in granting such application is to have regard to the intentions of the founders or the original purposes of the endowments. A safeguarding provision is to be found in

the Bill which declares that except in so far as has been specifically provided in the Bill, established usages of places of religious worship or the powers and duties of trustees or the rights, perquisites, &c., to which trustees, officeholders or servants employed in endowments are entitled to according to mamool, are not to be affected. It must be also mentioned that minor religious endowments, with incomes below Rs. 250 per annum, are exempted from the Bill, though the Local Government are empowered by notification to extend the provisions of the Bill thereto.

#### MAIN CRITICISMS

A number of minor criticisms have been made against the Bill. The exclusion of endowments in the City of Madras may be mentioned as the most prominent of these. These deficiencies in the Bill, while showing perhaps that the Bill has not been over carefully drafted, do not go to any question of principle and are certainly susceptible of improvement. Criticism has largely centred round four points of importance.

1. The inclusion of Mutts within the scope of the Bill has perhaps led to the greatest amount of indignation. Mutts have always had a peculiar history of their own and some institutions of this kind like the Sankarachariyar and the Ahobilam Mutts have acquitted themselves with positive credit. It is felt that the deliberate inclusion of institutions which have been exempt from the operation of previous legislation deserves very careful reconsideration. The Minister responsible for the Bill defends the inclusion of Mutts on the ground that only the administration of properties of the Mutts is sought to be affected. But the definition of the term religious endowments covers places of worship and instruction as well as the properties for the support of such places. Gifts to the heads of the Mutts are, it is also pointed out, in the nature of fees for services rendered and it is improper to deprive them of full control over property of their own acquisition. Whatever reform is necessary, it is widely felt, must come from the organisation of the respective disciples of the Mutts themselves rather than as a result of the operation of extraneous committees. Sishya Sabhas have already been organised for some Mutts which have a daily growing voice and influence in Mutt matters. It may be pointed out that the provisions of Section 19 (2) of the Bill by which the origin and history of Mutts are to be recorded in the registers, as well as of Sec. 28 which empowers committees to inspect records &c., savour of undue inquisitorialness.

2. Then the very large measure of Government interference provided for in the Bill is looked upon as of dangerous import. The Madras Ministry is at present constituted on a communal basis and it consists of three high caste non-Brahmin Hindus. It is felt that a Ministry so composed is the last body to be trusted with powers of nomination, &c. Further the constitution of the Ministries of the future is, to say the least, very uncertain and even a Hindu majority need not always exist. Government interference is defended on the ground that what is good enough for political matters is also good enough for religious matters. But the bulk of intelligent opinion shares the apprehensions of Mr. M. Ramachandra Rao, and insists that these powers should not be vested in the Local Ministry. Various Sections of the Bill all give very large powers to the Local Government and it looks almost as if the provision in Sec. 43, that it shall not be lawful for the Local Government to be concerned in any way with any

religious endowments—save as provided in the Bill, of course—is in the nature of an anti-climax. It is felt in responsible circles that the place of the Local Government in the Bill may very well be taken by a central body sitting at the headquarters of the province and directing the proper management of religious endowments. A scheme like that of the Charity Commissioners in England has been proposed for this purpose by Mr. C. R. Reddy and there is no doubt that the constitution of such a responsible body will go a long way to satisfy some of the critics of the Bill as it stands.

3. Side by side with this excessive Government interference we also see that courts are, according to the scheme of the Bill, to play a largely diminished part in the administration of these endowments. There is undoubtedly a large school of thought which believes that courts have been too much resorted to in the past, causing thereby considerable waste of endowment funds. Prolonged delay, which seems to be an inseparable feature of Indian litigation at the present day, is also responsible for the strong feeling against courts. But in spite of all imperfections inherent in and extraneous to judicial bodies, it must be acknowledged that no more impartial tribunals can be conceived which are fitted to deal with the delicate problems offered for solution by these endowments. The attitude of antagonism to courts in this respect is somewhat unintelligible when we consider that the Madras Legislature has recently rejected the Irrigation Bill mainly, if not altogether, on the ground that the functions of courts which are being legitimately discharged by them now were sought by the new Bill to be taken away and vested in executive officers. It will also be remembered that in connection with the recent Income-Tax legislation, the functions of High Courts were strenuously sought to be extended. The Bill also seeks to deprive the Advocate General of his powers of giving sanction to the institution of suits. This distrust of such a responsible officer is perfectly inexplicable. There is no doubt that the provisions of the Bill in these respects admit of a considerable measure of modification. In this connection I would refer to India Act 14 of 1920 which makes recourse to courts easy and simple and which also in some instances at least renders resort to prolonged litigation unnecessary. It is surprising that no speaker in the Council debate drew attention to the very relevant provisions of that Act.

4. After all, it is Sec. 33 of the Bill that has provoked the greatest controversy. Eminent lawyers have protested that the Bill goes a very long way off indeed from the recognised doctrine of cypres. It is elementary law that the cypres doctrine ought not to be applied in such a way as merely to relieve the rates. But it is a local authority that is mentioned in the first place as entitled to apply to courts for diversion of surplus funds. Further, it is not intelligible why the surplus should be diverted to purposes of public utility. Religious endowment funds must, it seems to me, first be applied to religious uses. It is impossible to contend that there is no scope at all for diversion into religious channels. When we consider the vast sums that are increasingly being spent by Christian Missions and other similar bodies, it seems to me a matter almost of self-preservation with the Hindu religious communities to safeguard and extend their position by spending as largely as possible in ways which will be conducive to the greater spread of the principles of Hindu re-

ligion. A large body of Hindu religious scriptures is yet comparatively unknown and quite considerable sums of money need to be spent before this lore becomes generally available to the world and to the Hindus. This matter ought not to be considered from the standpoint purely of social reform but rather from the attitude of those devout Hindus who have given of their property to these endowments. Further, it is impossible to justify the diversion to purposes of public utility of Hindu endowments' surpluses alone, without corresponding reciprocal provisions for the similar diversion of Muhammadan and other religious endowments' surpluses. Mr. C. R. Reddy has felt the difficulty of this position and it is hoped that the Select Committee will modify the provisions of this Bill in this respect.

I have thus examined the broad features of the present legislation. I have criticised some of the prominent features of the Bill, but undoubtedly there is need for some legislation to prevent the existing maladministration of endowments. The problem is a very complex one and must be considered carefully in all its bearings before definite legislation is embarked upon. I would therefore, suggest the appointment of a fully representative commission to investigate and consider the whole question. The genesis of the present Bill is somewhat shrouded in mystery and it is imperative that a full and public enquiry in which all the interests concerned could have their say should be held. I hope that this suggestion will be adopted—unless we wish to embark upon hasty legislation which will stand a good chance of being repealed when the tide turns.

K. V. RAJAGOPALAN.

## THE DELHI SESSION.

(FROM OUR PARLIAMENTARY CORRESPONDENT.)

DELHI, 24th FEB. 1923.

THE Workmen's Compensation Bill, having run the gauntlet of the Legislative Assembly, was duly considered on Tuesday (the 20th) by the Council of State, which, after adopting nine drafting amendments moved by the Government and one by Sir Leslie Miller passed the Bill so amended on Thursday. Mr. Chadwick, in opening the debate, well described the character of the Bill, as desirous of ensuring just treatment to workmen, but at the same time reluctant of being onerous to the employer. Sir Dinsha Wacha in fact admitted that the new law would not require employers to do more than what enlightened self-interest had prompted the better class of employers already to do for 25 years past: so that Mr. Inne's surprise at the welcome given to the Bill by employers, was perhaps a little uncalled for. Still, just to bring it home perhaps to one, that the representatives of an Early Victorian mentality are not yet extinct, Sir Umar Hayat Khan rose and flatly refused to join in the chorus of those who either had praised the measure with faint damns or had damned it with faint praises. For him the Bill was an impracticable one and utterly one-sided, since it only considered the workmen: but what, the gallant knight lamented, what of the poor employer? What, if he (!) should have the misfortune of having a big accident in his factory, involving the death of perhaps 100 workmen: where was he

to find the vast sum for compensations—would he not be utterly ruined? But I am sorry to have to report that this unsophisticated wail seemed but to move the Council to smiles.

\* \* \* \* \*

ATTEMPTED AMENDMENT.

As regards the amendments, Sir L. Miller's (which was accepted by Government) extended the definition of dependents so as to include unmarried daughters above 15 : of the rest only those referring to clauses 3 and 11 were of a controversial nature. The former clause refers to injuries inflicted through the workman's own fault; the latter to examination of the injured by the employer's own doctor. As regards clause 3, Saiyad Raza Ali made a gallant attempt to insert a provision for at least half-scale compensations in case of accidents caused by the workman's drunkenness, disobedience or wilfulness : only to be met by a perfect howl of opposition from all quarters. All, except Sir Zulfiqar Ali Khan, who came to the Saiyad's aid, shrewdly surmising that the present unholy alliance between landholders and industrialists was really due to the formers' fear that the Bill might soon be extended to their own labourers too. Sir Zulfiqar's chivalry very properly resented the exclusive and strong representation of capital, with nobody there to represent the poor ignorant workman whom capital for its own ends had thrown into the midst of strange and complicated machinery : but of course Mr. Raza Ali's amendment never had a chance. One only regrets that whilst the capitalists had so much to say about the justice of withholding compensation from workmen injured through their own fault, there was no speaker to expose the fallacy of the implied assumption that the poor employer was forced to employ drunken and disobedient and wilful workmen. Mr. Innes said that if an employer had to pay compensation in any case, he lost all incentive for the provision of safety devices. Quite apart from the fact that safety devices would be enjoined by law and not left to the sweet will of an employer : I would rather say, that, if an employer is not bound to pay compensation to drunken and wilful workmen, that is putting a premium on his employing drunken and wilful workmen.

\* \* \* \* \*

CHEAP OR EFFICIENT LABOUR?

And the incentive for employers to employ drunken and wilful labourers, is that this type of labour is cheap. A well educated sober workman, who refuses to expose himself to unnecessary risks, is not likely to accept the wage of a poor ignorant creature, whose only escape from the sordidness of his existence lies through intoxication. But the capitalist wants to have it both ways : he wants cheap labour, though ignorant, but when he is asked to stand the racket of the consequences of that ignorance, he wriggles out of that responsibility on the specious plea of *justice* ! Exactly the same argument applies to the discussions on clause 11 (4), which now reads that

where a workman dies, whose right to compensation has been suspended because of his failure to offer himself for medical examination, "the Commissioner may, if he thinks fit, direct the payment of compensation to the dependents of the deceased workman." Here too the employers wished to penalize the workman for his ignorance—owing to which he would refuse modern medical science and prefer to rush back to his home village—by refusing to pay him any compensation whatever in such a case : yet they are the last who would forego the advantage to themselves of that ignorance, which ensures the corresponding cheapness of their labour. It was left to Sir Arthur Froom to imagine the case of a man, who knows he is shortly going to die (say, of cancer) and therefore would have a minor accident, so as to be able to go home and die, thereby ensuring to his dependents compensation under this clause ! That the Commissioner has discretionary power and is not obliged to pay compensation under clause 11(4), apparently troubled Sir Arthur Froom little and he hoped and hinted, not darkly either, that when the amended Bill was referred back to the Assembly, the poor, down-trodden and imposed upon capitalist would get this obnoxious clause deleted. Truly Mr. Raza Ali could say that when the Bill was moved, everybody piously expressed sympathy with the labourer ; but when there was an opportunity for practical proof of it, mighty little of it was forthcoming.

\* \* \* \* \*

WORKMAN'S BREACH OF CONTRACT.

Exactly the same mentality underlies the mean little "Indian Factories Amendment Bill", which robs the workman of five holidays *per annum*. The Bill, as already reported, has got through the Assembly and on the 22nd was passed by the Council of State too ; the employers, with Sir M. Dadabhoy as their spokesmen, shaking with indignation at the thought of having to pay wages for five more holidays throughout the year. *Habeant Sibi*. For Mr. M. Yamin Khan therefore (on the 20th) to introduce a private Bill (for limiting rates of interest on the old *Damdapat* principle) was a piece of rashness which could have but one fate : viz. unceremonious refusal of leave to introduce the Bill ! What indeed, if this nefarious principle was accepted and a deal were deemed square, when a mere paltry 200% had been repayed ? Where would shareholders in certain Bombay mills be ? But indeed imagination boggles and refuses to pursue so horrible an idea any further. An even more signal "triumph" was achieved by the serried ranks of capital in the Assembly throwing out Mr. K. C. Neogy's modest little Bill, intended to repeal the notorious "Workman's Breach of Contract Act of 1859". This Assembly indeed, which so to speak only five minutes ago had torn its hair at the prospect of Indian emigrants to the Colonies being subjected to imprisonment for breaking their contracts ; this Assembly which had grown so eloquent on the utter

iniquity of any written contracts for labourers, where Fiji, Ceylon, etc., plantations were concerned : this very Assembly, I say, had not the common decency even to allow the discussion of the repeal of the 1859 Act and unashamedly accepted Mr. Chatterjee's appalling plea, that without such provisions, no public works, such as the Sukkar Barrage, could be completed in India. "The sad plight of our countrymen abroad" of course is a patriotic theme ; it is also cheap : but where if the patriotism of these gentlemen, when their own pockets are being touched ? *Proh pudor!*

\* \* \* \* \*

DECCAN LEADS.

The kind of solicitude which looks well and costs nothing is typified by Mr. G. C. Nag's resolution on the 22nd about Kenya. Its terms of course are unexceptionable, as they must be on a subject which has been talked threadbare and the justice of which is not denied by anybody in India, be he official or non-official, Indian or European. I quite agree that such a resolution was called for ; but what I would respectfully ask, is, how many members of our legislatures have gone to Kenya to see things for themselves and to help our people there on the spot ? Or, if themselves unable to go, what steps have they taken (not, asked Government to take!) to enable other suitable persons to undertake this work ? Sometimes one really does feel that money must be a blight, which, as by a malignant charm, blinds its possessor to the most obvious. What other explanation, when for instance one sees one of our most enlightened and far-seeing men, like Mr. Purshotamdas Thakurdas opposing Mr. Kale's salutary "Emoluments of Hereditary Hindu Priests" Bill (which the National Liberal Conference at Nagpur strongly supported the other day,) solely because, forsooth, it threatens vested interests ? One was indeed glad to find Mr. P. C. Sethna protesting that public policy ranked above vested interests and Mr. Kale even went so far as to say that he did not intend to rule out altogether the question of compensation. But what fate is in store for the Bill, one wonders ? Mr. Latthe got it through the Assembly last March ; at present it is sponsored by Mr. Kale in the Council of State, where last Thursday it was being hung up on a technical point, probably for a week or two. If it manages to survive, this, by the way, will be the first private measure of social legislation since the Reform Act, to reach the Statute Book ; the second, which runs it very close, being Mr. Kamat's "Married Women's Property" Bill, which was passed by the Assembly on the 15th of February. This law will make it possible for non-Christian husbands to settle their life-insurance on their wives by way of trust—the Married Women's Property Act of 1874 dealing only with the Christian community so far. But whether Mr. Latthe or Mr. Kamat wins the race, it is anyhow significant that to the Deccan will belong in either case

the credit of having shown the way to social reform and progress.

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UNENVIABLE POSITION.

Of other business transacted during the week, mention must be made of Mr. Rangachariar's resolution of extreme dissatisfaction with the Secretary of State's despatch of November 2nd 1922—which was talked out on Thursday—and Mr. S. M. Jahid Ali Suzposh's resolution the same day on the question of Provincial Contributions. This latter debate was adjourned on Sir Basil Blackett's suggestion that until the Budget was introduced no useful purpose would be served by voting on the resolution. As regards Mr. Rangachariar's resolution, Sir M. Hailey cannot but have welcomed the late hour which relieved him of the necessity of replying, although he made quite a show of protest that the debate was being closed without giving him an opportunity for doing so. Dr. Gour meanwhile had convinced the House that the original resolution of the Assembly (of Sept. 29th 1921) had really been the then Home Member's, and when in the course of his speech Dr. Gour expressed a conviction that he cared not provided India was equally well governed whether Sir M. Hailey or Mr. Rangachariar occupied the Home Member's seat, the much-harassed Sir Malcolm Hailey feelingly ejaculated "Nor do I!" The present position of the Indian Government is indeed not an enviable one, between the Legislature on the one hand and the Secretary of State on the other—what Dr. Gour called the Devil and the Deep Sea. "Who is the one and who is the other?" Sir Malcolm interspered ; but Dr. Gour left it to him to solve that puzzle himself, and so I too must leave it at that.

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