

# THE Servant of India

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Office: KIBE WADA, BUDHWAR PETH, POONA CITY.

VOL. VII. No. 32.]

POONA—THURSDAY, SEPTEMBER 11, 1924.

{ INDIAN SUBNS. Rs. 6  
FOREIGN " " " 10 "

## CONTENTS.

	PAGE.
TOPICS OF THE WEEK ... ..	373
<b>ARTICLES :—</b>	
The Pathway to Unity ... ..	375
Opium Policy—an Answer.—I & II. By C. F. Andrews ... ..	376
Railway Contribution to General Revenue By Economy ... ..	378
THE WORLD OUTSIDE.—By Hunsraj ... ..	380
<b>REVIEW :—</b>	
Provision Against Rainless Days. By J. B. S. ... ..	381
<b>MISCELLANEA :—</b>	
Reform of Civil Courts ... ..	383

## TOPICS OF THE WEEK.

**Haj Pilgrims.** A MOST horrible tragedy is reported to have occurred to the Haj pilgrims this year owing to the criminal neglect of King Hussain's Government. Mecca depends for its water supply on an aqueduct, which this year does not seem to have been in good repair. The engineer in charge of the public works of the state is said to have reported that if the canal was not repaired before the Haj season there would be scarcity of water. King Hussain and his Government took no action, with the result that no less than 10,000 pilgrims died of thirst within four days, on the plains of Mina and Arafat, a short distance for Mecca, where the ceremonials connected with the great pilgrimage are performed. According to an Indian witness, who has described the tragedy in the vernacular papers, the authorities were negligent also in the matter of the disposal of the dead. Opposite a certain mosque, it seems, for days together no fewer than 4,000 corpses were lying uncared for. King Hussain owes his independence to the British. Until recently he was getting a subsidy from Britain for maintaining himself in due state, and we believe he still gets a subsidy for looking after the Haj pilgrims, of whom a very large percentage go from India. It is therefore the duty of the British Government to enquire fully into the circumstances of this tragedy and prevent a recurrence of the kind in future. In any such enquiry it is desirable that a representative of the Government of India, preferably an Indian Musalman, should take part. The number of pilgrims that assemble at Mecca is not so great as at Hardwar, Allahabad and many another place, where

we have now learnt to make proper arrangements for the sanitary and other needs of the pilgrims. Since King Hussain owes so much to British friendship, our Government could well attempt to persuade him, through the Foreign Office, to accept the assistance of a band of medical men and other social workers from India to help him in looking after the pilgrims. India would not grudge the necessary expense in this connection and our Mussalman social workers would get a great opportunity of serving their co-religionists of all countries.

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**Flood Relief** THE South Indian Flood Relief Fund has so far come up only to

about Rs. 30,000 including gifts of cloths. Five workers of the Servants of India Society and five workers of the Y. M. C. A. are moving about in the affected districts administering relief on approved lines to the best of their ability. Their services are utilised also by the Madras Committee. Each one of them could usefully spend very much more money if only it was available and contributions came in more generously. The difficulty regarding the supply of food grains which was experienced in the beginning being now over, the workers are helping the poorest of the sufferers to rebuild or repair their houses and huts. They are being given only initial help and induced as far as possible to organise themselves into co-operative societies and obtain money and materials on the most favourable terms. There is harmonious co-operation between different agencies and no overlapping. The Madras Government is doing its best. The Home Member, the Hon. Mr. C. P. Ramaswami Aiyar, visited the area as soon as he could do so, and more recently His Excellency Lord Goschen visited the villages of Tanjore District, and listened with deep sympathy to the sorrows of big landlords and poor ryots alike. He was accessible to the humblest and cheerfully visited their huts when requested to do so. In the work of humanity all are co-operating, but more funds are very badly needed.

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**Mr. Fazlul Haq.** THE interview which Mr. Fazlul Haq gave to a press representative after relinquishing his Ministership only justifies the lack of confidence in him expressed by the majority of the Bengal Legislative Council. He had intended going to England in order to impress on the British public the necessity of strengthening

the communal representation of Muhammadans in the event of any grant of further reforms being contemplated. But as a matter of fact, he is not in favour of further reforms being granted at all. "He would rather wish that the reforms were put back than that any risks should be taken and the people given the responsibilities of Government before they were ready to undertake them." Not having the saving sense of humour, Mr. Haq could only conclude, from the Council refusing to have him as Minister, that the people were not ready to undertake the responsibilities of Government! It is equally amusing that he should speak of his "experience as Minister" and tell an expectant world that the members of the Council interfered too much in administrative details and did not understand their proper functions. His pessimism after defeat and eagerness to join the reactionary forces in England are in marked contrast with the attitude of the C. P. ex-Ministers, who have shown absolutely no personal pique and have been able even to appreciate the position of their opponents.

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**A Conscience Clause.** THE Madras missionaries are crowing over the defeat of Mr. Satyamurti's motion before the reconstituted Senate of the Madras University, seeking to refuse recognition to colleges which made religious teaching obligatory even on those who had a conscientious objection to such teaching. The Rev. Albert J. Saunders writes in the September *Young Men of India* to reassure his brother missionaries that if "the present Nationalist spirit is hotly opposed to certain Western contacts, as military, a foreign government, exploitation in industry and trade," still, "when it comes to education, foreign missionaries and Mission schools and colleges are welcome, even at the price of religious instruction." Mr. Saunders of course means compulsory religious instruction, but he is gravely mistaken if he thinks that Indian Nationalists are willing to tolerate any kind of coercion in religion; on the contrary, while they welcome all the assistance missionaries will give in extending educational facilities, they are quite content to go without their help if the pupil's conscience is not protected by a "conscience clause." Nor is it true that those who demand conscience clause are orthodox Hindus and Mahomedans or are prompted by political considerations. A great many of them feel a deep reverence for Christianity; but they are opposed of Christian teaching being forced upon the pupils. The liberal tendency of such people is demonstrated by the fact that they would deny grants in aid to all educational institutions in which instruction in any religion is compulsory, and not only to missionary schools and colleges. Mr. Satyamurti's proposal failed because it was more sweeping than it should have been; and the Madras inter-communal disputes also contributed to its defeat. But in other provinces the conscience clause can be

enacted without much difficulty and will we hope be so enacted. But supposing Indians had no objection to a compulsory indoctrination in Christianity, should not true followers of Christ feel some scruple in adopting this course? What moral right have the Christian missionaries to urge the Government to entrust all its power into the hands of people and confer Dominion status upon India, if the missionaries are themselves unwilling to part with their unjust prerogatives?

\* \* \*

SIR MALCOLM Watson, M. D., L. L. D., P. H. D. &c. &c., who figured with a long deserved and even longer deferred Knighthood in Labour's first "Birthday Honours," enjoys an international reputation in connection with the prevention of the Malaria. Making Malaya his home for a quarter of a century, he has there, if not stamped out, at least wonderfully controlled and minimized the scourge of the Peninsula, which formerly made it well-nigh uninhabitable and certainly threatened to throttle completely the rubber industry in its infancy. Opposed by the Government of the day and its Medical Service, he resigned the latter and became instead Medical Officer to a large group of rubber estates, which gave him the scope needed. Mr. C. F. Andrews only the other day paid eloquent testimony to the almost miraculous success that has there attended his efforts to reduce the mortality amongst the estate labourers. What seems to have quite escaped public notice in India is the fact that Sir Malcolm was in India from December last until April, having been invited to Assam by the Doom Dooma Co.'s, and associated estates, in order to advise them on their Malaria problem. He was able to make a general survey of the whole of district, from the Brahmaputra river to the Naga Hills, and has embodied its result in a report which, one sincerely hopes, will soon be made available to the outside public; though there is surely something wrong somewhere, that for information so vital to the whole country one should have to depend on the courtesy of some British tea companies. Bearing in mind the treatment meted out by the Indian Government to the discoverer of the malaria parasite in Anopheline mosquitoes—Sir Ronald Ross—it seems indeed too much to expect that august Bureaucracy to have had such a change of heart by this time, as to invite to-day Sir Malcolm Watson to advise them on the problem. But what exactly hinders the Lord Mayors of the two premier cities of India, Mr. C. R. Das and Mr. V. J. Patel, to supply that deficiency? What indeed, but ignorance—ignorance that Malaria can be prevented and that in Sir Malcolm Watson they have a man who can show them, *how* to prevent it. Meanwhile, thousands die in Bengal alone of malaria every day. Is it not really time, a move was made?

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## THE PATHWAY TO UNITY.

EVERY now and again a cry is raised in this country for unity and more or less spasmodic efforts are put forth by men of varying degrees of influence and character to compose existing differences. But perhaps at no time in recent years was there a feeling for unity so urgent, and enduring as at present, and certainly at no time was so great a peacemaker at work as now. It is, we believe, universally recognised that something like a paralysis has fallen on the public life of the country. The leaders of the Liberal and National Home Rule League parties frankly admit that the struggle for the attainment of Swaraj which lies ahead can never meet with the success it deserves till all constitutionalists sink their differences on minor matters for an intensive Home Rule campaign on an organised plan. With this conviction ever present in their minds they implored all political parties, in the name of India's enfranchisement, to participate in a National Convention formed with the one object that Indians should themselves write their own constitution. But, for the moment, personalities triumphed over politics and both sections of the Non-co-operation party haughtily stood aside from the Convention movement. Now, however, they seem to be in a more chastened frame of mind. Mahatma Gandhi who, on the morrow of the All-India Congress Committee, declared his intention to do his best to obtain a majority for the No-Changers, is now in no fighting mood; on the contrary, he is prepared to approach the Swarajists in a spirit of utter surrender. The more thoughtful among the Swarajists also, in spite of the bluster in which a section of their party habitually indulge, are inwardly conscious of the serious harm done to the commonweal by the cruel impasse into which they have helped to drive national affairs. At such a psychological moment the greatest son of India is trying to bring together men of all shades of political opinion in a common endeavour for the country's uplift. It is to be hoped that on an occasion so entirely propitious for the restoration of harmony all destructive criticism will sedulously be avoided and constructive suggestions made with a view to bringing the attempt now being made to fruition.

If therefore we now proceed to criticise the proposal outlined by Mahatma Gandhi for bringing about unity, our sole object in doing so is to make the desired unity easier of attainment and easier of maintenance, when attained. This proposal amounts to the suspension of non-co-operation and to the concentration of the energies of the country on the promotion of three items: (1) hand-spinning (2) Hindu-Muslim concord; (3) removal of untouchability. On the last two points there can be no difference of opinion, but on the first there is. That hand-spinning as a subsidiary industry for time not more remuneratively occupied has an important place in the national economy no one

denies, but greater claims are made for it than can be rationally allowed. However, even if, in the larger interests of national solidarity, every one agreed to spin for half an hour as the Mahatma desires, still some difficulties would remain in the way of accepting the proposal in its entirety. For the Swarajists would hardly agree to have the scope of the Congress narrowed down to the consideration and practical achievement of an essentially non-political programme, as would be the result if the Mahatma's proposal is adopted. On social problems there prevails already a large measure of unanimity, and political differences will not be eliminated by converting a political body into a replica of the Social Conference. The Swarajists who are aspiring to control the Congress machinery will very likely hesitate to become parties to what they will naturally regard as the annihilation of the Congress. There is one more objection to be considered. Non-co-operation is still to be the governing policy of the Congress. It is true that all the boycotts in which the essence of Non-co-operation lies are to be jettisoned; nevertheless, Mahatma Gandhi still claims, that Non-co-operation is the moving spring of the activities of the Congress. Such a declaration will frighten away from the Congress at least a few of those who are opposed to that policy, and not altogether without reason. Hand-spinning, Mahatmajī has argued in the past and will argue now, is the most important part of Non-co-operation; for, according to him it fits one for, and we suppose necessarily leads one to, civil disobedience, and as civil disobedience is the final step in the progress of the Non-co-operation movement, handspinning is put by Mahatma Gandhi at the head of all Non-co-operation activities. On this reasoning how can those opposed to Non-co-operation join the Congress? It is no doubt true that they do not accept this reasoning; that they believe that hand-spinning, whether good or bad economically, has no more political significance than machine-spinning. But it will certainly warn many from the Congress. Thus to the present proposal objection is likely to be urged both by Swarajists and by Liberals; this is therefore hardly the best approach for unity.

In our opinion by far the best plan would be to drop Non-co-operation in name as well as in fact. Most of the present differences arose out of Non-co-operation; they will all be laid to rest if that policy is now scrapped. It will make no practical difference to Mahatma Gandhi but it will make a tremendous psychological difference to others—Liberals as well as Swarajists. The Mahatma is willing in any case to suspend Non-co-operation—at any rate the more militant aspects of it. If thus the actuality of non-co-operation passes out of existence, why insist on keeping the mere idea in the field, if it results in dividing national workers into different camps? In the event of the formal abandonment of Non-co-

operation Liberals could join the Congress and take part in the activities the Mahatma recommends, *ex animo*, while, if Non-co-operation still remains the declared policy of the Congress, the cooperation even of those who consent to join would naturally be not so whole-hearted. But if Non-co-operation was thrown overboard, it would make a still greater difference to the Swarajists. Their present policy of obstruction, to which, however, they conform only as it suits them for the moment, has its origin in the Non-co-operation doctrine: they invented this policy merely to reconcile their entry into the Councils with Non-co-operation to which they professed to give in their adhesion. If Non-co-operation now ceases to be the lodestar of the Congress, the Swarajists will have no further reason to keep up the pretence that they are in the Councils only to bring the governmental machinery to a dead-lock. It will relieve every political party from the embarrassments in which it will be involved by accepting the present proposals of Mahatma Gandhi and all the parties will resume their career of united national work which was interrupted by the recent movements. We have ventured to make this suggestion because we are confident that the Mahatma—and he alone—has the courage, not only to suspend but to stop Non-co-operation if he finds that, without contributing anything to the attainment of Swaraj, it only stands in the way of unity and thus is now the greatest obstacle to our political emancipation, which otherwise seems quite at hand. No one of course wishes to bind Mahatma Gandhi to an undertaking that he will never revive Non-co-operation. He is free to do so whenever in his opinion favourable circumstances arise. It is unnecessary now to discuss what will happen to unity when Non-co-operation is so revived. All that is asked of him for the present is that, in the meanwhile, when Non-co-operation is not in fact to be the guiding principle of the Congress activities, that fact should be acknowledged in so many words. It will pave the way to unity better than any other proposal we can think of.

## OPIUM POLICY.

### AN ANSWER.

#### I.

It is quite impossible for me, in the few days remaining before I leave India, to answer fully all the points brought forward by Mr. Kodanda Rao throughout his series of carefully written articles on the Opium Policy of the Government of India. Unfortunately, I was unable to obtain them before the end of August; and I leave India,—in order to accompany the Poet, Rabindranath Tagore, to South America,—in the middle of September. My days are overburdened with heavy arrears of work, which have to be got through, somehow, and the strain has already been far too great as it is

Nevertheless, such a prolonged and detailed criticism (which very nearly but not quite amounts to a defence of the Government of India's position) coming from so unexpected a quarter, has to be met immediately, if the whole popular case against the present abuse of Indian opium in the larger world is not to go by default. Therefore, although I have neither the time nor opportunity to deal with each point in Mr. Kodanda Rao's long argument, yet at the same time I shall endeavour to point out gaps in it, which Mr. Kodanda Rao has not been able himself to detect. I wish, while doing so, to acknowledge the fair-mindedness with which he has written. As I have read his articles very carefully, I have felt certain that if only he had been able to study the whole question further, especially on its practical side, and to visit the opium-addicted countries, he would then have been able himself very easily to detect those very flaws which I am now about to point out.

In the first place, the distinction which he draws continually between opium *smoking* and opium *eating* is entirely out of date. The medical evidence, in recent years, has gone overwhelmingly to prove that opium eating is, if anything, *more* deleterious to the human system than opium smoking. I am fully aware, that the opium Commission Report of 1895 did not take that view; and also that the Hague Convention of 1912-1913 made a special distinction against opium smoking. But the medical side of the opium habit has been far more carefully studied in recent years. A flood of new light has been thrown upon the subject (as also upon the use of alcohol) and there is rapidly coming about, among first-rate medical men, who have to deal medically with opium addiction, what I have called a *more* serious view of the evil effects of opium eating, as contrasted with opium smoking. The Government of India still holds fast to the antiquated view; but the weight of medical opinion is now overwhelmingly against it. I can recall a long conversation which I had with Sir Louis Kershaw in the India Office. The whole burden of it was, that opium smoking was a very evil thing which ought to be abolished; but that the Indian practice of opium eating was comparatively harmless. He did not realise for a moment that he was cutting the ground from under his feet the whole time; and that the medical evidence had gone clear against him since the Opium Commission and the Hague Convention.

Let me correct also at once another fallacy of the Government of India, which is as completely out of date as the argument about opium eating being innocuous. The Government's official documents constantly repeat, that *more* opium is consumed per head in the United States than in India itself. The figures usually given are these, that the United States population consumes 36 grains per head each year, while the Indian population consumes 28 grains per head each year. Now the figure, 36 grains per head, given for the

U. S. A. is wrong and therefore utterly misleading. It has been corrected again and again; but the Government of India goes on repeating it without any correction on its side. The actual amount consumed in the United States is a little over 8 grains per head, that is to say, less than a quarter of the amount stated by the Government of India.

Yet the startling and terrible fact is this, that even with this consumption of an average of 8 grains per head there are over one million addicts in the United States,—men and women who are slaves to the drug habit. It would be difficult to find out in India how many drug-addicts there are; but if we include *bhang* and *charas* among the drugs, I am afraid it would be a very low estimate indeed if we placed the number at 5,000,000. In Assam alone, from all I have seen and heard, the number must run into hundreds of thousands. In Rajputana it is probably equally large. The Punjab would add greatly to the full total.

Another fact, which appears to me to have escaped Mr. Kodanda Rao's notice altogether, is this. There is still a very large proportion of the 'provision' (or export) opium privately auctioned, and not sold direct, under certificate, from one Government to another. It is impossible to say where this goes to. Such opium is thrown on the open market and this one fact (I have been led to believe) accounts for a great deal of the mischief done by opium poisoning in the world at large, especially in the U. S. A. I have not got with me a copy of Mr. Graham Dixon's book called "The Truth about Opium" which is the authoritative statement of the Government of India on the subject. But I believe I am correct in stating from that book that these private auctions in Calcutta still continue; and that only a little more than 60 per cent. even now is sold direct by the Government of India to the Governments of other countries. Would Mr. Kodanda Rao pay very careful attention to this point and get at the real facts?

Where does this privately bought and privately sold Indian opium find its way? How does the Government of India check the sales of these Calcutta merchants? How can Government be certain, that this opium is sold by these private merchants only for strictly legitimate purposes?

If Mr. Kodanda Rao had studied the subject a little longer and had gone into some of the scandals of the opium traffic, he would understand the importance of questions like these which I have rapidly put together. For they really change the whole picture and give it a new and much more sinister setting, if their answer is what I have suggested. He would have tried to find out where all this opium, that is still sold by private auction in Calcutta, really finds its ultimate use and purpose. He would not then accept so readily the Government's position, that because the Indian-grown opium only contains 8½ per cent. of the poison, while the Persian and Turkish opium contains 12

per cent. of the poison, therefore the Persian and Turkish opium alone is used in the manufacture of the poisonous drugs of morphine, codein and heroin, which are used by drug addicts in America.

## II.

AMONG many others, there are two interesting points, in the figures quoted by Mr. Kodanda Rao, the significance of which appears to have escaped his attention. (1) The year that followed the Hague Convention was 1913-14. In that year, the export receipts for Government of India opium were, as he rightly states, Rs. 1,91,92,117. The following year, the receipts were Rs. 1,87,71,783. Yet in spite of the Hague Convention resolution, (which pointed clearly to restriction of export opium for smoking purposes or for drug addiction,) the amount realised ten years later by the Government of India as revenue had not diminished, but had largely increased. In 1923-24, to quote again his figures, the amount was Rs. 3,23,06,000. Taking again the average number of chests sold each year, since the Hague Convention, the average has gone up from 9000 to 11,000. It is true that in the last three years this number has very slightly declined. But even in 1922-23, the opium chests exported from India were only 234 less than in 1913-14, and in 1923-24 796 less. This proves that for all practical purposes, the resolutions of the Hague Convention have hardly made any appreciable diminution of opium smoking. They have been almost a dead letter. Indeed, taking the whole period, there has been evidently *more* smoking of Indian opium since the Hague Convention than before it. Compare, for instance, the year 1913-14, when 9,070 chests were sold, with 1918-19, when 13,768 chests were sold! The difference is enormous!

If it is said, that opium was needed in the war in larger quantities for the wounded, then the old argument used so often by the Government of India, that Indian opium is *not* used for the manufacture of morphine, etc. (because of its smaller percentage of this poison) must be discarded. The Government of India cannot have it both ways,—at one time declaring that no Indian opium is used in manufacture of poisonous drugs, like morphine and heroin, and at another time declaring that extra tons of Indian opium were used for that very purpose.

Furthermore, I profoundly distrust the whole argument about such huge quantities of extra opium being needed during the war. The injections of morphia given to normal persons are so minute, and the number of times that the injections are given is so insignificant, that though there would necessarily be some increase of medicinal use of opiates during the war, it cannot possibly account for the vast increase that has actually taken place.

No! we have, unfortunately, a clear and painful record of where that extra opium went to. It went to China, in two directions. It was smuggled

in large quantities through the Treaty Ports; and it was also manufactured into morphine by British and Swiss and Japanese firms, which did a roaring trade and sent morphia into the North of China through Japan. A vast traffic in morphia injection sprang up and quantities were used in this traffic such as would have poisoned the whole French and British armies and the German and Austrian armies to boot! It is estimated that 15,000,000 Chinese were poisoned to death through this nefarious traffic.

I have said that the Government of India cannot use both ways the argument, that no opium is used in morphine manufacture. As a matter of fact they do actually assert that in war time, when Turkish and Persian opium was short, Indian opium was used instead. But they are extraordinarily reluctant to acknowledge that the British manufacturers and the Swiss manufacturers and others ever use Indian opium in their factories for the manufacture of morphine and heroin. Yet the facts are patent. Mr. Kodanda Rao has never fully faced these facts. Indeed I have often wondered, when reading his arguments, whether he has even grasped them.

(2) This brings me to the second point, which struck me very forcibly when reading his articles. Does he realise and picture to himself, even for a single instant, what 120 chests of opium going to Mauritius in a single year means? He quotes with evident satisfaction, from Miss La Motte's book, the news, that the amount was reduced from 120 chests in 1917-18 to 40 chests in 1920-21. *But does he realise what 120 chests mean? Does he realise what even 40 chests mean?*

The island of Mauritius contains about 350,000 people, of whom two-thirds are ex-indentured Indians. There were only about 3000 to 4000 Chinese in 1916-17. These are mostly traders with a few labourers, not by any means all opium smokers. Now 120 chests means somewhere about 8 tons. Let me repeat the words, — 8 tons. Remember, also, that it was all *Indian* opium, sent out to a semi-Indian island,—tons of it! Tons of it,—and a few grains are enough to kill a normal man or woman.

Yet Mr. Kodanda Rao seems hardly to have grasped the significance of what so many chests of opium mean. He evidently did not read Miss Ellen La Motte's scathing indictment of the Government of India in her earlier book concerning this very opium traffic with Mauritius. He only quotes from her second book called the "Ethics of Opium", where she lets down the Government of India very lightly, and gives the figures, subsequent to 1916-17. In the first book she stopped with the year 1916-17 itself and its 120 chests.

I would ask him, therefore, to study over again those Mauritius figures very carefully indeed.

Here, at the end of this article, I would only ask one question. Where is there any shadow of a sign, in all this, of the Government of India put-

ting morality above revenue and trying honestly and sincerely to carry out, both in spirit and in letter, the Hague Convention resolutions, to which it was a signatory. Is there not every possible evidence, that their old China opium policy of going as far as they can in making revenue has been repeated? Is it not generally true, of the years since the Hague Convention, (as it was clearly true of the years before the Convention) that the question of revenue has continually come first with the Government of India, and the question of conscience second?

Mr. Kodanda Rao would naturally be shocked at the sentiment used so often in the early days of the East Indian Company, when it was asserted to be an "exceedingly happy state of things, that the Company has been able to pay, year by year, a great part of its revenue by supplying the vices of its neighbours at a profit to itself." This sentiment prevailed in the Company's service from the time of Warren Hastings onwards, but Mr. Kodanda Rao would be the last to encourage it today.

We have all been learning in the hardest of all schools, during the War, that such tribal morality is base and contemptible. We have learnt also that where one member of the Body of Humanity suffers all the members suffer with it and where one member rejoices all the members rejoice with it. I am sure, from many things that he says, that Mr. Kodanda Rao himself has accepted this moral standard. I would only ask him to carry out all its implications in his practical thinking.

C. F. ANDREWS.

( To be continued. )

## RAILWAY CONTRIBUTION TO GENERAL REVENUES.

IN class (IV) of the amended resolution proposed by us in the article on Separation of Railway Finance which appeared in the issue of the SERVANT OF INDIA of May 22, we suggested that the starting minimum contribution by the Railway to the General Revenues should be fixed at Ra. 4½ crores, a figure approximately equal to 5/6ths of 1 per cent. on the capital at charge of commercial lines on March 31, 1924. It was assumed that this percentage was correct both arithmetically and also from the point of view of its adequacy. We have since made an effort to verify this with the help of the processes of calculation given in paragraphs 10-12 of Appendix I to the Memorandum, dated February 21, 1924, by the Chief Commissioner and the Financial Commissioner for Railway on the Separation of the Railway from the General Finances, and the result of this effort is exhibited in the following table.

[ Amounts in crores of Rupees. ]

Year ending March 31st	Capital at Charge	Progr. Revenue Expenses	Other Expenses	Total Expenses	Gross Earnings	Profit
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1916	538 a	2.82 d	48.47	51.29	57.39	6.10 f
1917	540 a	2.20 d	49.68	51.81	63.10	11.22 f
1918	542 a	1.54 d	52.65	54.16	69.06	14.87 f
1919	547 a	2.00 d	58.56	60.56	76.42	15.86 f
1920	560 a	3.59 d	66.52	70.11	79.44	9.33 f
1921	584 a	5.30 d	70.34	75.64	81.99	5.65 f
1922	606 b	7.23 d	83.98	91.21	81.94	9.37 f
1923	622 c	8.99 e	83.28	92.27	93.49	1.22 e
1924	646 c	7.30 e	80.87	88.17	94.45	6.28 c
Total	8,185	40.97	594.35	635.32	696.58	61.26
Average per year	576	4.55	63.82	68.37	77.40	5.81

(a) By deducting from Rs. 606 crores figures in column 9 of Statement No. 250 of the Finance and Revenue Account of the Government of India.

(b) Page 60 of report of the Indian Retrenchment Committee of 1922-23.

(c) Page 9 of the Explanatory Memorandum of the Railway Budget for 1924-25.

(d) Page 22 of the Railway Administration Report for 1921-22.

(e) Page 3 of Railway Revenue Budget for 1924-25.

(f) End of page 44 of Railway Administration Report for 1920-21.

(g) Page 6 of Railway Administration Report for 1921-2

It will be seen that the aggregate net gains in the nine years 1915-16 to 1923-24 amount to Rs. 61.26 crores (and not Rs. 58.63 crores). This amount, reduced by Rs. 18½ crores which should have been spent out of revenue on account of maintenance and renewals now in arrears, comes to Rs. 42.76 crores. This gives an annual average surplus of Rs. 4.75 crores (and not Rs. 4.46 crores). The average capital at charge during the period being Rs. 576 crores (and not Rs. 580 crores), the annual surplus works out at .825 of 1 per cent. of the capital at charge (and not .768 of 1 per cent.). The average annual surplus of .825 of 1 per cent. on the capital at charge includes Rs. 40.97 crores on account of programme revenue expenditure and Rs. 18.50 crores being an allowance on account of arrears of maintenance and renewals during the period 1915-16 to 1923-24. The two amounts together come to Rs. 59.47 crores or an average of Rs. 6.61 crores per year, representing 1.148 per cent. on the average capital charge of Rs. 576 crores, against 1½ per cent. representing the charge which should have been made annually against the revenue account of the railways on account of depreciation as recommended by the Depreciation Fund Committee. Had the difference of .352 of 1 per cent. (1½ per cent. minus 1.148 per cent.) been set aside as a reserve, the average annual profit of .825 of 1 per cent. on the capital at charge would have been reduced to an average annual profit of .473 of 1 per cent. On this showing a return of .473 of 1 per cent. on the capital at charge of Rs. 646 crores for the year 1923-24 would have produced Rs. 3.06 crores. But according to the arrangement proposed under the scheme of separation, the loss incurred in work-

ing, and the interest on capital expenditure on strategic lines, as also the capital portion of the annuity payments and contributions hitherto made to sinking funds out of railway revenues in repayment of the debt incurred in purchasing Companies' lines, are to be met out of the general revenues. The relief to railway revenues from this arrangement amounts to Rs. 3.58 crores during the year 1923-24. The addition of this sum to the sum of Rs. 3.06 crores referred to above brings the total profit to Rs. 6.64 crores. This is equal to 1.028 per cent. on the capital at charge of Rs. 646 crores for the year 1923-24. But since the percentage contribution to the general revenues is to be on the capital at charge of the railways, excluding capital contributed by Companies and Indian States and capital expenditure on strategic railways, the percentage referred to above must be arrived at on this reduced capital at charge—a material point apparently overlooked in Government calculation. The capital at charge of Rs. 646 crores for the year 1923-24 thus reduced amounts to Rs. 544 crores [ item A (ii) at page 1094 of the Legislative Assembly Debates, Volume IV ] and the profit of Rs. 6.64 on this latter amount represents a percentage of 1.221 against five-sixths (or .833) of 1 per cent. proposed by Government. In paragraphs 39 and 40 of his Budget Speech of February 29 last, the Finance Member spoke of the bargain arranged with the Railway Administration as being calculated to secure freedom from alternation between raids by the Railways on the taxpayer and the raids by the taxpayer on the Railways. But the calculations set out above would appear to show that this freedom is only secured by allowing the Railways to make on the taxpayer a permanent raid to the extent of the difference between 1.221 per cent. and .833 of 1 per cent. It is, however, quite possible that this difference is due to some mistake in the basic figures adopted in the calculations leading up to the discrepant percentages; but now that attention has been drawn to this wide divergence, the Committee appointed by the Legislative Assembly to consider the resolution on separate railway finance will, we hope, look into it and fix the percentage at the correct figure. Be the correct percentage what it may, it is to be particularly noted that the calculations made above are based on and standardize an inordinately high level of expenditure amounting during the nine years 1915-16 to 1923-24 to as much as 96 per cent. of gross earnings.

It appears from paragraphs 10-12 of Appendix I to the Memorandum, dated February 21, 1924, by the Chief Commissioner and the Financial Commissioner for Railways, that the Railway Administration have not left themselves nor do they intend to leave, any special margin for profits to be taken into reserve. This is all right so far as it goes, in view of the fact that they will have ample scope for it, e.g., in the normal annual expansion of traffic, in the savings which will

accrue by the transfer of the management of the East Indian and the Great Indian Peninsula Railways to the State, in the increased earnings which the recent heavy enhancements of rates and fares have not yet had time enough to fully develop, in the fall in the prices of materials and money, in the annually decreasing liability on account of the interest portion of the annuity payments, in the reduction in working expenses which is yet possible by the exercise of economy in the directions indicated by the Indian Retrenchment Committee of 1922-23. It is doubtful, however, whether all these combined will in a reasonable period of time enable the Railway Administration to make good the depreciation which has accumulated up to the year 1914-15, to meet the heavy arrears of maintenance and repairs which could not be carried out during the war and the consequent premature renewals of the wasting assets, and yet create reserves for the improvement of services rendered to the public and for the reduction of rates and fares. In these circumstances it is only fair that the Government should obtain from the Railway Administration an estimate of liabilities described in paragraph 13 of the Appendix referred to above and agree to accept such lower percentage contribution to the general revenues as will enable the Railway Administration to wipe out the liabilities in a definite number of years, after which the Government could insist on getting a higher percentage. This arrangement should be welcome to the Railway Administration who will thus be able not only to accept with confidence the obligation to meet the liabilities from the revenues of future years but also to shew clearly how the earning capacity of the railways is improving as a result of the promised régime of commercial accounts and commercial management. Such an estimate will no doubt require some time if indeed it has not been already prepared in connection with the Government's scheme for a Depreciation Fund; but the time required need not be grudged in the interest of the evolution of a scheme of separate railway finance which is at once fair and satisfactory to either side. It is highly desirable that each party should know where and how it stands in relation to the other.

As explained at the close of the article on "Separate Railway Finance in Practice" which appeared in the issues of this paper of June 5 and 19 last, the minimum requirements of the General Budget consistent with a reasonable prospect of abolition of the Provincial contributions amount to no less than Rs. 13 crores. This figure is so much in excess of what the Railways at present yield or are likely to yield for many years to come, that the question of the adequacy of the contribution does not arise in so far as the needs of the General Budget are concerned. The only question therefore which requires to be answered is whether the percentage proposed represents the maximum contribution which the railways can

safely undertake to provide. It must be remembered that the calculations working up to the percentage are based on the results of working during the nine years 1915-16 to 1923-24. This period was marked by a big war and its after-effects; the normal expansion of traffic was severely checked by causes both natural and artificial, while the working expenses which were already increasing and uncontrolled before the war rose during the subsequent period to unprecedented dimensions. Any contribution based on the results of a period marked by such abnormal conditions, without making any allowance therefor, must be appreciably less than what the Government should expect the railways to produce under normal conditions in the future and cannot therefore be called adequate. It is more desirable than not that the percentage contribution should be stiff without its being impossible to work up to, so as to stimulate real, tangible and intelligible economies. Whether the proposed 'bargain' is just to the taxpayer and to the Railway Administration alike, can only be seen when it is known exactly what allowance has been made in the proposed contribution of 5/6ths of one per cent. of the capital at charge for creating reserves to wipe out arrears of depreciation and premature renewals described in paragraph 13 of the Appendix mentioned above. In the absence of this information it is impossible to admit the claim that the figures adduced in the Appendix constitute a satisfactory criterion of the maximum amount which the railways, with due regard to their efficient working, can be called upon to contribute.

ECONOMY.

### THE WORLD OUTSIDE.

IN view of the grave turn that Anglo-Egyptian relations have taken over the Anglo-Egyptian Sudan, a few facts relative to this State may not come amiss. The area of the country is just over a million square miles—the size of British India. The inhabitants however number only four millions as against the 247 inhabiting British territory in India. As the Arabic of the name implies (*Biled es-Sudan* means "Country of the Blacks"), the population is negroid. Geographically and historically Egypt's frontier lies at the first cataract of the Nile, at Aswan, and not at the second, at Halfa, 150 miles further south, which now forms the northernmost point of the Anglo-Egyptian Sudan. This region was in classic times known as Nubia and it may surprise not a few of my readers to learn that Christian Kingdoms of Nubia flourished from the 6th to the 14th century. Nubia lay between Egypt and Abyssinia: and Abyssinia of course is still a Christian Kingdom. From the 15th century onwards Nubia fell under the sway of Arabized Negro Kings, until 1820 when it came under Turco-Egyptian Administration, which in its turn came to an end in 1881. After the Mahdi interlude, i. e.

since 1895, Anglo-Egyptian condominium has exercised sovereign power in the country.

THE terms of this Condominium have been laid down in the Convention of January 19th, 1899. Under it the Governor General is appointed by Egypt with the assent of Great Britain, and the Egyptian and British flags are everywhere to be flown side by side. No customs duties are leviable against Egypt and against other countries duties may not exceed those of Egypt. As for trade, this was in 1920 distributed as follows :

From or To	Imports	Exports.
Egypt	3,868,335	2,117,785
Great Britain	1,506,679	2,133,954
Elsewhere	1,631,851	460,913
<b>Total £ E.</b>	<b>7,006,865</b>	<b>4,712,652</b>

Again, to the total cost of conquest Great Britain contributed £800,000, Egypt £1,600,000. The British troops then employed averaged 8,000, the Egyptian 17,000. From 1891 to 1912 Egypt has met the Sudan budgetary deficits (£3,000,000 in all) and lent to the Sudan in addition £5,500,000. 65% of the Egyptian Army are still permanently stationed in the Sudan and form there the whole military garrison (with the exception of one British battalion). On the face of it, therefore, Egypt seems, even quite apart from the fact that Nubia controls the Nile, i. e. the very life of Egypt, to have an extraordinarily good claim to the Sudan. If the latter truly desires independence from Egypt—which is quite conceivable—the solution surely is not a continuance of a mixed Anglo-Egyptian, or substitution of purely British, tutelage, but the creation of a League of Nations *regime*, ensuring stable government, the open door and genuine "trusteeship" for the true owners of the country—its inhabitants.

REFUGEES—this doleful legacy of war—are a problem still much to the fore. Of Russians ten and a half lakhs are still outside what was once their own country, now repudiated by them on account of its Bolshevik apostasy. Germany harbours five, France four lakhs, whilst the rest are distributed as follows : Poland (80,000), Bulgaria (33,000), Rumania (20,000), Constantinople (8,000), Cuba (4,500), Belgium (3,000), Brazil (300), Sweden (300). Of Greek refugees from Turkey nearly seven lakhs are now in Greece, whilst those Armenians, who have managed to get outside Turkey, find themselves now :

1,50,000	in Syria
1,20,000	" Greece
20,000	" Bulgaria
20,000	" other European countries
8,000	" Mesopotamia
2,000	" Cyprus
1,000	" Palestine
<b>3,21,000</b>	

These are bald figures : but what imagination is vivid enough to reconstruct the human agony they cover ?

IN view of the news that Henry Ford has taken some land near Bombay for the erection of a factory, whence to turn out Indian Ford cars, the following motor statistics, taken from the *New Statesman* of July 26th, showing the total number of motor vehicles in use at the end of 1923 throughout the world, will be of interest. The grand total amounts to 1,57,63,281 passenger cars, 23,45,850 freight trucks and 10,77,935 motorcycles. The small proportion of motor cycles will come as a surprise ; the explanation being, that the people of the U. S. A. cannot be bothered about cycles ; they all have cars. All? Well, consider the following table—giving the 15 principal automobile countries :

Name of Country.	Passenger Cars.
United States of America	1,34,84,939
Great Britain	4,69,490
Canada	4,50,000
France	3,52,359
Australia	1,09,157
Germany	1,00,329
Argentina	85,000
Belgium	45,000
Spain	45,000
Italy	45,000
India	44,864
New Zealand	44,845
Denmark	42,201
British South Africa	38,000
Sweden	35,000

The position of the United States certainly is overwhelming, but India, as No. 11, does not compare badly with the rest of the world. Until one calculates proportions and discovers that whilst in the United States one person in 8, in New Zealand one in 30 and in Great Britain one in 92, is rich enough to own a car, poverty-stricken India must be satisfied with one motor car owner per seven thousand of its inhabitants. But Henry Ford will no doubt change all that soon enough !

HANSRAJ.

## REVIEW.

### "PROVISION AGAINST RAINLESS DAYS."

HARRIS D. G. : IRRIGATION IN INDIA. (INDIA OF TO-DAY SERIES.) Oxford University Press, Bombay. 1923. 7½ x 4. Pp. 100. Rs. 2.

To understand the importance of irrigation in India it is necessary to remember the great variety of meteorological conditions in India. The normal annual rainfall varies from 460 inches at Cherrapunji in Assam hills to less than three inches in Upper Sind. Although the average annual rainfall is 45 inches for the whole country, great variations are found if different tracts of the country are considered separately. The fluctuations in Indian rainfall render Indian agriculture a game of chance and famine almost a normal feature in Indian life and administration. The part that famines play in Indian administration can be seen from the annual provision that the provincial governments make for famine relief, protective irrigation works and other

works for the prevention of famine. The annual assignments to famine insurance fund are the following :

Madras	...	Rs.	6,61,000
Bombay	...	"	63,60,000
Bengal	...	"	2,00,000
U. P.	...	"	39,60,000
Punjab	...	"	3,81,000
Burma	...	"	67,000
Bihar & Orissa	...	"	11,62,000
Central Provinces	...	"	47,26,000
Assam	...	"	10,000

From the large assignments made by Bombay, U. P. and C. P. it is evident that these are the provinces most liable to famine. "The precarious area of British India" comprises a great crescent of land extending from Karachi through Sind, the Punjab, the United provinces and almost up to the boundary between Bihar and Bengal, a wide strip down the East Coast from Cuttuck to Cape Comorin and considerable inland portions of Gujerat, the Central Provinces and Burma. It is in this area that the major irrigation works are to be found.

Of the total area cropped in British India less than a quarter is irrigated artificially, the remainder depending wholly on rainfall. Of the artificially irrigated area about 13 per cent. (1922-23) only is irrigated from Government works. The area thus irrigated rose from 10½ million acres to over 28 million acres in 1920-23. The total length of the channels was 55,202 miles, a length sufficient to girdle the earth twice. The total capital invested in the irrigation works has risen from £42 million in 1900-1901 to £84¼ million in 1922-23.

The older generation of Indian politicians fought many a battle on behalf of Indian irrigation. Railway *versus* irrigation was a live issue in India during the last quarter of the 19th century and early years of the present century. It was contended that irrigation works not only prevented famines but were sound investments also. While under the guaranteed system an artificial boom in railway works was created, the irrigation works suffered from neglect. Sir Arthur Cotton, the great irrigation engineer of Southern India, was ridiculed in the House of Commons as having 'water on his brain' for his warm advocacy of extension of irrigation works in India. Some of the severest famines of the last century would have been averted if Sir Arthur Cotton's counsel had prevailed.

Irrigation works are classed as productive and protective according to the amount of direct return on the capital investment. From a wider point of view all irrigation works are productive even though some of them may not yield any direct return. The prosperity of the people that results from them reflects on the economic life of the irrigated area and its neighbourhood and there is a net increase in the wealth of the land. Taken as a whole the Government irrigation works in India yield a return of from 7 to 8 per cent. on the capital invested in them, the Lower Cherab canal yielding as high a return as 45 per cent.

The methods of levying charges for water differ in various provinces. In some cases, as in Sind, land revenue includes charges for water, which form nine-tenths of the total assessment. In parts of Madras and Bombay rates of land revenue vary according as the land is irrigated or not and the assessment upon irrigated lands includes the charge for water. The more common method is to charge for water separately, as so much per acre, according to the crop

grown with the exception of Madras, Sind and parts of Bombay, the distribution of water and the assessment of revenue is done by the engineers of the Public Works Department.

The construction of the Lower Swat canal in the N. W. Frontier province at the extreme limit of British India presents a record of extraordinary interest. The work "was prompted mainly by political motives, in the hope that the existence of such a work would tend to pacify and settle the border". The work has proved successful not only politically but also financially. The total area irrigated (1922-23) by the Lower Swat canal was 170,456 acres and the percentage of return on capital outlay was 16·17. "In 1875 it was a barren wilderness, uninhabited and uninhabitable; by 1895 it was a wide expanse of cultivation, dotted with villages occupied by a law-abiding and contented peasantry. In 1845 no officer was permitted to go outside cantonments without being armed and accompanied by an armed escort; by 1894 nothing of this sort was required and the tract was as peaceful and secure as any in the Punjab."

When in the early part of the present year, hostilities were about to break out between Afghanistan and India, Mr. Brailsford, commenting on the situation wrote in the *New Leader* (Jan. 11, 1924): "These (hill-tribes) are human beings, condemned by the barrenness of their sun-baked mountains to a grim struggle with hopeless poverty. It is no cure to terrorise them into respect for civilization. How would it be to apply say one-tenth of the cost of military defence to constructive economic defence? What if we were to call in the agricultural expert instead of the strategist?" The remarks of Mr. Brailsford provoked angry comments in the Anglo-Indian papers. Probably Mr. Brailsford's suggestion would rob the rulers of the glorious feeling of being the defenders of India from the marauding Northern hordes. But the history of the Lower Swat canal and Kabul River canal strongly supports his view.

Mr. Harris' book is on a subject usually considered to belong entirely to experts. He has succeeded in making the subject interesting even to laymen. While reading the book one visualises the heroic struggles against the mighty forces of nature, carried on month by month, year by year by engineer of bold and architectonic imagination. The reader sees the scene changing from wildernesses to smiling lawns, villages and towns taking shape and growing up in prosperity, vast masses of human beings swarming and colonising and almost a new civilization being built up. Within the short compass of a hundred pages Mr. Harris has written a readable and informing book. A good map of the Indian channel systems would have added to the usefulness of the book.

J. B. S.

## MISCELLANEA.

### REFORM OF CIVIL COURTS.

THE following are extracts from an article which appeared in the *Sarvajanik Sabha Journal* of July 1884, presumably from the pen of late Mr. Justice Ranade, and will be of special interest to those who are now engaged in decreasing delays in civil courts:—

Our laws have been codified, and the procedure of our courts has been elaborated upon the model of the

most advanced countries, but machinery of the courts is as antiquated and unsympathetic as it was in the early part of the century, although in the interval the public spirit and intelligence of the people have admittedly outgrown the condition of things in view of which the courts were originally instituted. The main principles on which this constitution was originally based may be described to be a jealous exclusion and depreciation of popular agencies, and a distrust of the purity and efficiency of the native judiciary at the bottom of the scale. This jealousy and distrust can alone account for the complicated system of checks and appeals involving in their operation an enormous waste of power, money, and time, and untold vexation and harassment to the litigant parties. It was thought at the time that European supervision and control could not possibly be made too thorough and minute, although this consideration made it necessary that the second hearing of every contested civil or criminal proceeding should take place before a relatively more inefficient tribunal than the court of the first instance. The association of the people in the work of administration was in those days thought to be unsafe, and accordingly the old panchayats and village authorities were stripped of their powers, which were summarily transferred to stipendiary officers whose chief recommendation was that they were inaccessible to popular influence. The same exigencies of foreign domination made it necessary to centralise executive and magisterial functions in one and the same hands, and for the same reason all honorary native agency was jealously excluded. These guiding principles of action were quite intelligible, and might have been even necessary in those early days, but it cannot be denied that this necessity has long since ceased..... The vexations, delays and the heavy costs of our civil litigation, the cumbersome system of appeals and second appeals, the oppression practised by irresponsible authorities who subordinate their judicial functions to the needs of their executive power, the alienation of public feeling which but too often sympathises with the wrong-doer from its suspicion of police and magisterial high-handedness, all these evils call for urgent and speedy reform. These complaints constitute the main subject of criticism in the native newspapers and thereby add to the bitterness of race antipathies.

The main heads of inquiry which might be laid down for the guidance of such a committee may be briefly thus set forth:—

1st. How far, and in what direction, the present constitution of our civil courts of original and appellate jurisdiction, can be safely altered so as to avoid the complaints of vexatious delays and heavy costs, and consequent failure of justice.

2nd. Whether the complicated system of first and second and third appeals can be simplified without prejudicing the necessary guarantees for the administration of justice.

3rd. To what extent is the present combination of judicial and executive functions undesirable, and if a change has to be made, what plan can be proposed which will secure the main object in view.

4th. Can the system of trial by jury be extended to all serious offences triable by the sessions courts, and if so, under what guarantees?

5th. Can the agency of Honorary Magistrates and civil arbitrators be extended, and its efficiency increased by the adoption of Bench tribunals?

A few remarks on each of these points in the order named above will not be inappropriate in this place. Destructive criticism in practical matters like these counts for nothing. Those who condemn the existing system are, therefore, bound to propose a working substitute in place of the system attacked. (1) In regard to the first point, our view is that a radical reconstruction of our Courts is most urgently called for, and the plan we propose has the merit of being at once safe, economical, and efficient, and it has the high authority of Sir Fitzjames Stephen, than whom no name can be mentioned as more entitled to public deference in this connection. At

present the subordinate courts are found to be established in every Taluka or two of the districts, and exercise jurisdiction in all manner of suits up to Rs. 5,000 and there is one subordinate court in each Zilla town with unlimited jurisdiction. The district and assistant Judges exercise no original jurisdiction except in a few more cases where Government or its officers are concerned as parties. The test of value as separating jurisdiction is a fallacious test. About 80 per cent. of suits are of the nature of small causes in respect of which only one appeal is allowed to the district court. For the most part, however, no appeals are preferred, except where parties wish fraudulently to gain time. In the remaining 20 per cent. of suits relating to land and houses, by far the most part are contested, and they go up in appeal to the district or assistant judges. This illogical division of work entails a needless waste of time and money, and often causes vexation and failure of justice. The plan we propose is to reconstitute these courts on a more logical basis. We would strengthen the court at the Zilla town by constituting a District High Court, composed of the District Judge, the Assistant Judge, and one or two first class sub-judges. This court so constituted should have cognisance of all cases which do not come, within the category of small cause court suits. The District High Court would sit as a Bench or in division courts, to decide all the cases regarding lands and houses and personal status in the first instance, and finally. The other courts would exercise only small cause jurisdiction within their limits, and the sub-judges presiding over them, being thus relieved, could be utilised for criminal work, as magistrates of the first or second class. This arrangement would distribute civil work according to the presumed competency of the judges. A strong District Court would do away with the necessity of first appeal, thereby diminishing the chances of delay and minimising costs to a most sensible extent. It would also strengthen the district bar, and promote cordial relations between Native and European members of the district Courts. The plan in fact is based upon the model of the Presidency High Court original side and the Small Causes Court.

(II) The present system of appeals from the subordinate judges to the assistant or district judges is open to two objections: firstly, the district and assistant judges are not trained by the discharge of original work to deal effectively in appeal. Too often the appeal is, in the words of Sir Fitzjames Stephen, from a presumably more competent to a less competent tribunal. And, secondly, the subjudge knows the language and manners of the peoples, takes down the evidence in his own hand, and decides according to his knowledge of the credibility of the witnesses and the probability of the facts attested to by them. The superior Judge is a foreigner in race and feeling, is imperfectly acquainted with the language, has not the witnesses before him, and yet is called upon to sit in judgment upon questions both of law and fact, and his appreciation of the facts is final, the second appeal being confined only to points of law. This arrangement appears to us to be very anomalous and defective. As might be expected, he confirms in a large majority of cases the decisions appealed from, and to that extent the costs and delays of this second hearing are needlessly thrown away. In the minority of cases where he reverses the decision of the lower courts, the chances are equal that he may be in the wrong and parties take up the matter in second appeal to the High Court which as often confirms the decision in appeal as it sets it aside, and restores the decree of the subjudge's court. All this procedure is unnecessarily burdensome. Under the plan we have proposed, the first and the only appeal would be to the High Court, which should not be, as at present, bound to accept decisions on questions of fact any more than those of law. No greater work will be thrown upon the district court if proper precautions be taken to give finality to every well-considered judgment. The District Court will moreover be relieved of its appellate functions in consideration of the additional original work thrown upon it.

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