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TOPICS OF THE WEEK.

THE situation in Eastern and Central Europe continues to be grave. Berlin is disturbed as ever, Silesia is not quiet, constant fighting is going on in Posen, and Germans and Poles are reported to be alternately successful and defeated. In Russia it is perhaps worse. In Esthonia and the Baltic Provinces the Bolsheviks and their opponents are both striving to get the upper hand. The problem of providing food has become so serious and urgent that an Inter-Allied Commission has been appointed to help forward its solution. Their activities will not be confined only to the liberated areas but will be extended to neutral and enemy countries as well. In fact they have begun their work in Austria. So before the League of Nations guaranteed the peace of the world, an International Commission has become necessary to prevent the starvation of the people!

It has been announced that the preliminary discussions about the Peace Conference will begin at Paris on Monday the 13th January. Meanwhile President Wilson is visiting the capitals of the Allied Governments and discussing with their representatives the important issues coming up for settlement. Reports from Great Britain show that these discussions were carried on in a cordial spirit, that an assurance has been given to the Dominions that German colonies will not be returned, and that no serious difference of opinion exists as regards the League of Nations. We hope a working agreement will be arrived at without much further delay about other important points such as reparation, indemnities, freedom of the seas and territorial readjustments.

THE London correspondent of the *Hindu*, writing in November on the prospects of the election, said : "Many of the candidates who would favour a policy of justice to India will go down under the peculiar conditions which must govern the struggle. The tendency of the coming Parliament will be more Conservative than Liberal in such matters as those which affect the Government of India. The most that can be hoped for is that the Cabinet will stand by the pledges solemnly given to the Indian people during the war. This they will claim to be doing if they carry out the main recommendations of the M.-C. report. I see no prospect of getting more than this out of the new Parliament, and if its complexion should be even more reactionary than I fear will be the case they may try to fob India off with a good deal less." The worst fears of this correspondent have been realised. Although Mr. Montagu has been returned and will probably go back to the India Office, he has lost almost all his parliamentary supporters, who could have been expected to throw in their whole weight in the direction of expanding the scheme. Mr. Charles Roberts, Mr. Cotton, Mr. Macdonald, Mr. Snowden have all been displaced, other friends of India whom we had expected to get in have failed, and Labour is represented in Parliament by a much smaller proportion than had been anticipated. This is a sufficiently gloomy outlook for India, and things will not be much improved by the Congress adopting a resolution on the official scheme which is a clear infringement of the whole spirit informing the reform proposals.

IN supersession of the committee appointed at the special session to select the deputation to England another committee was appointed at Delhi, and in supersession of the names selected by the former committee only a few days before the Delhi Congress other names will be selected by the new one. The Congress, it would seem, has laid a definite mandate upon the persons who will go to England in its name to press for nothing short of full responsible government in all the provinces immediately. Lest any doubt should remain on the point and some one should get in into the Deputation who would rest content with the advocacy of the Bombay resolution, Mr. C. R. Das made it absolutely clear that the Congress left no discretion to the members of the deputation, who were bound to put forward the enlarged Delhi re-

solution to a T. The sequel of it is that Mrs. Besant, Mr. C. P. Ramaswami Aiyar and Mr. Jinnah, who cannot conscientiously accept the Delhi resolution, are barred out from the deputation and have already set about arranging a separate deputation on behalf of the Home Rule League, which, it is expected, will allow them more latitude.

WHAT view the Home Rule League will take of the Congress resolution on full and immediate provincial autonomy, it is not easy to prognosticate. But whatever view prevails in the end, it is now fairly certain, from the way in which a rival deputation is being organised, that the Home Rule League will not strictly adhere to the Congress programme but will have an independent programme for itself. The doctrine therefore is now definitely laid to rest that the League will only be an executant of the Congress and will merely carry out its orders, without having a policy of its own. On the important question on which, according to *New India*, a distinct cleavage has now taken place in the National party the Home Rule League proposes to have a platform distinct from that of the Congress, and on another question of minor significance it has already departed from the national assembly. It has adopted a resolution, welcoming the Prince of Wales to India, which, for the present, the subjects committee of the Congress threw out after full discussion. Probably on the resolution about the Peace Conference also the Home Rule League will take a different line.

BUT it is not on such isolated questions that differences have arisen; they go deeper, and it is believed that Mrs. Besant and Mr. C. P. Ramaswami Aiyar are contemplating the formation of a new party with what the Associated Press calls "a moderate progressive platform." When the bulk of the Moderate party felt unable to conform to the resolution of the special Congress on reforms and were constrained to hold a Conference of their own, their action was reprobated in all Nationalist circles as unpatriotic and almost treacherous. They were represented as creating discord where unity should prevail, the other party who, by their attitude on the reforms question, made unanimity impossible, being generally absolved, in the popular estimation, from all blame. Now who is responsible for the present schism in the so-called Nationalist party itself? *New India* fastens the blame on those who would rush the country into an impossible position as regards the reforms though, we are sure, the majority in the Congress will hold Mrs. Besant responsible for the split, if it should come about. These mutual recriminations apart, the truth is that where a divergence of opinion arises, harmony must necessarily be disturbed; no party can be said to have caused the disharmony and no blame attaches to parties based on a variety of principles.

MR. C. P. RAMASWAMI AIYAR declared his conviction in his Congress speech that there was no place for parties in Indian politics for the present, and he deplored the emergence on the political horizon of the Moderate party. But he could not have been ignorant of the fact that the Moderate party is the oldest, and that if a new party has emerged it is the Nationalist party. Now, if unity is to be preserved, in the sense that there should be only one party, even at the cost of the suppression of honest opinion, there was no occasion for the Nationalist party to form itself. It should have merged itself into the original body; the latter cannot in fairness be invited to merge itself into the former. But this is not the proper view to take. Where a division in opinion comes about on important questions it is inevitable that different parties should arise, and Mr. Ramaswami Aiyar's doctrine is so swiftly belied by his contemplated move of having an independent platform inside and outside the Congress. We hope that the position of the Moderates will come to be more justly appreciated in the country after the recent developments.

ANOTHER argument that was frequently used to induce the Moderate party to sacrifice its convictions in favour of the opinions it does not hold was that a split in the popular party would strengthen the hands of the reactionaries and add to the repression in the country. Such a result is most deplorable, but the Moderate party who hold to their convictions are not more responsible for the added repression than the Nationalists who hold to theirs. We find that *New India* is already denouncing the action of what it calls the Tilak party, "entailing the weakening of the Nationalists in presenting the Indian case in Britain," and "the encouragement of the Government in the new coercion." We are sure that the "Tilak party" will equally twit the "Besant party" with having made the way smooth for fresh repression. Whichever party is ultimately adjudged to have brought on repression, the Moderates will have the consolation of having a wing of the Nationalist party, whether larger or smaller, to share the odium with them, and their own responsibility will hereafter be appreciably reduced.

SOME of our readers will perhaps be puzzled that while one resolution of the Delhi Congress has demanded immediate complete provincial autonomy for every province, two other resolutions should make such antiquated recommendations as that the provinces of Delhi and Ajmere-Merwara should be raised to the status of regulated provinces with legislative councils, regarding only one of which, however, viz., that of Ajmere-Merwara, the specific recommendation is made that it should have an elected majority. Nor does there seem to be any particular propriety or purpose in having a separate resolution in regard to the Panjab, placing it on a footing of equality with other provinces, after a demand for full responsible government for

all provinces was carried. The puzzle is only increased when it is remembered that the resolution on the status of the Punjab came up immediately after the resolution of provincial autonomy for discussion. Perhaps an additional precaution was thereby taken that if the larger demand should be thought impracticable by the authorities, the claims of some of the provinces might not be neglected in the general contempt likely to fall on that demand.

It would appear that Mrs. Besant and Mr. C. P. Ramaswami Aiyar were not the only Nationalists who voted against the Congress resolution on the admission of India's representatives to the Peace Conference. Mr. Jinnah and several others were also among the Noes. What was the ground of their objection? Whether they thought that India, along with the self-governing colonies, had no status in the Peace Conference, or whether they were opposed to the elective principle which the Congress required to be enforced, or whether they objected to the personnel selected by the Congress, is not known. It may be thought unjust to the Congress that prominent members of it like Mr. Jinnah and Mrs. Besant should silently vote against such an important resolution, without giving other members a chance to consider their arguments. Pandit Radhakanta Malaviya, who also found it necessary to resist this resolution, clearly stated the grounds on which his opposition was based. We wish others had followed the same course.

THE Hon'ble Mr. Patel's statement to the Functions Committee, prepared two or three days before the meeting of the Congress in Delhi, deviates in some important points from his Congress speech on the reforms resolution. The statement recognises the justice of varying the subjects to be transferred to popular control according as the province is advanced or otherwise in political education and administrative capacity. It maintains that the most advanced form of responsible government should be tried in the Bombay presidency as being the most progressive of the Indian provinces, but even in Bombay Mr. Patel was prepared to allow "the subject of the maintenance of law through police" to be reserved to the bureaucratic Government. He spoke in a different sense at Delhi. He refused to recognise differences between province and province and claimed the transfer of all provincial subjects to every one of the Provinces. The change in Mr. Bhurgri's views, however, seems to be in the opposite direction. While he refused nearly two months ago to join his fellow-legislators in proposing an alternative to full provincial autonomy and insisted upon the transfer of all subjects, at Delhi he voted with Mrs. Besant against the demand for full provincial autonomy.

THE Nationalists will now have to acknowledge that Lord Willingdon's administration has at all events one good act to its credit, viz., the removal of the disqualification to which Mr. Kel-

kar was subjected in 1909 under the Council regulations. Against the reservation of very wide power to the heads of provinces to disqualify candidates the whole country has protested, and in protesting against the exercise of this power to keep a man of Mr. Kelkar's standing out of the council the Deccan Sabha of Poona took the lead. Mr. Gokhale, it will be remembered, organised a public meeting in Poona and entered his most emphatic protest against the exclusion of Mr. Kelkar from the council election. All these protests, however, failed of their effect at the time. But while the influential representations of Mr. Gokhale did not carry weight with Lord Sydenham, Mr. Kelkar's advances on his own behalf have succeeded with Lord Willingdon, and this brings out, as perhaps nothing else can, the sharp contrast between the temper and spirit of the two administrations, and none but those who will not see can fail to perceive this difference. We sincerely congratulate Mr. Kelkar on the success which has attended his efforts in securing the good offices of Lord Willingdon and appreciate the regard for popular liberties shown by the Bombay Government in redressing a serious and long-standing grievance.

WE wish, however, that this affair were not associated in the public mind with certain events that happened recently in Bombay and Poona. Mr. Kelkar, not minding the pledge which the Home Rule Leagues placed upon all their members to abstain, in protest, from all meetings at which Lord Willingdon should preside, went out of his way to organise a public function for Lord Willingdon from, it is explained, a sense of duty, and, not content with it, initiated, with the co-operation of the Collector and behind the back of his fellow municipal councillors, a movement to present him with an address in the name of the citizens of Poona—an address in which high praise was given to the late Governor for his large minded sympathy and liberal statesmanship. It followed, as a necessary corollary, that Mr. Kelkar abstained studiously from the anti-Willingdon movement in Bombay, though his colleagues in the Home Rule League were in the thick of it. We make no doubt that the sentiments expressed by Mr. Kelkar towards Lord Willingdon were genuine and his appreciation on that account derives an added value as coming from a nationalist and a Secretary of the Home Rule League. Our complaint only is that he should have allowed the *Mahratta* to denounce Lord Willingdon's administration and not exercised a restraining influence when the anti-memorial movement was carried to absurd lengths. Still, the popular judgment will be, we are afraid, that, to use the phrase of the *Hindu*, Mr. Kelkar has had the reward of his virtue.

THE news is published that the second all-India Conference of the supporters of the Montagu-Chelmsford reform scheme will be held in Calcutta during the Easter, i. e., from April 18 to 21.

THE DELHI CONGRESS.

THE same facts appreciated in the same way lead people of different views to different conclusions and different courses of action. The man of Moderate views is confirmed in his caution and sanity, while the Extremist under identical influences clamours for more and adopts a shriller tone than ever. The Delhi Congress under Nationalist leaders has cut all the old moorings and taken a bound forward with a suddenness which makes its future a problem and to some extent involves the future fortunes of India in doubt. Has the Indian Civil Service organised itself for self-defence and adopted a menacing tone?—Do nothing to conciliate or reassure it, but pile up your demands and frighten it still more. Do Government persecute Mr. Tilak?—Bid him knock at the gates of the Peace Conference in the name of the people of India. Do the Sydenhamites oppose Montagu-Chelmsford scheme?—Denounce it as utterly inadequate and insist on its being changed out of shape. Has the sudden termination of the war relieved the anxiety of Englishmen and made the Indian problem less acute and urgent in their eyes than before?—Assert the right of India to self-determination in its fulness and entry into the League of Nations. The results of the general election in England were not known while the Congress sat, but if it had been realized how much the new Cabinet would be under conservative domination, the effect would only have been to make the speeches more uncompromising and truculent. The spirit that rises as difficulties thicken is heroic, but the policy is crude which continually shifts its objective, and the generalship is disastrous which essays the impossible against overwhelming odds.

A disposition to fly in the face of facts, to refuse to be comforted and to mistake every desire of the heart for a practicable aim are phenomena in the psychology of childhood and not of statesmanship. It is sad, this change that has come over the Congress. Time was when young men listened with reverent attention to the lessons of experience and worldly wisdom that fell from the lips of those that had given years to the service of the country and learnt that progress has to be slow if it is to be sure and that means have to be continually adjusted to the variations of time and circumstance. Instead, your leaders now go down to the gatherings of raw youth, catch up the incoherent cries compounded of vague yearning and impatience and proclaim them as the latest political gospel, which it is heresy to doubt. We are having the bitter fruit of democracy even before it is well planted in the soil of India. But our faith in democracy is strong. Along with its necessary evil, it will bring us in due time abund-

ance of good as well. Only the brave men that will speak out unpopular truths and can warn when flattery seems the only easy and safe course must increase in number. There has never been a lack of fine true-hearted natures amongst us. The trouble is that too many of these observe the rule of silence and retirement when they see that passion and unreason are getting the upper hand. This has always been the weak element in the Indian conception of goodness. To fly from evil, to escape its taint and pray in solitude for its extinction—this has been for ages considered the true mark of the virtuous man. The modern time requires a sterner code of morality. The good man must be a knight-errant and adventure forth to combat evil and be prepared to die in the struggle. National emancipation could not be won by ascetics and hermits. The men of experience must be on the scene to curb the excesses of inexperience. The men of sober thought must moderate the impetuosity of passion. Human affairs are a delicately balanced system of numerous forces. If the violent natures in a community run it into danger and confusion, the responsibility is not exclusively theirs, but it partially rests on the good men who saw the danger but did not do their best to avert it. Let the Moderates in the country beware. The call on them is imperative. Within or without the Congress, they must organize themselves and make their presence felt in the affairs of the nation. If they have faith in their principles and their methods they must start betimes a vigorous propaganda and arrest the spread of the political distemper which spells the unhappiness of generations to come.

The authorities too, whether in England or in India, have a profound lesson to learn from recent events. It is remarkable that the greatest strength of the Nationalist party proceeds from the provinces of the Punjab, Delhi and Madras, where in recent years an unsympathetic administration has estranged the people. It is no less remarkable that the two main strongholds of moderation are Bengal and Bombay, where there have been two highly popular Governors. It is not without reason that anti-British writers and speakers wish a succession of harsh and tyrannical rulers and dread nothing so much as the advent of a just and broad-minded statesman. For a like reason there are those that would like the reform scheme rejected in Parliament or so whittled down as to destroy the faith of the people in British fairness or generosity. We trust with all our hearts that the lesson of Ireland will not be lost on British statesmen. Perhaps the desire to do justly by the Irish nation is more active and widespread now than at any previous period

and progress, and the comparative backwardness and poverty of the people of this country make the need of economic inquiries and the application of suitable remedies a matter of paramount importance. What is required in a body like the new Association, in order that its work may prove useful to India, is devotion and sustained effort. In a country of vast distances like India, difficulties of concerted and continuous work are enormous, and the enthusiasm of pioneers of movements is likely to wane with the passage of time. Provincial and parochial considerations also hamper work, and institutions started with new-born zeal, soon become moribund. Names of several eminent Indian and European economists are, however, associated with the Association launched in Bombay, and we hope that that is a guarantee of continuous and useful work. We learn that the Association will, in the near future, have a journal of its own and that it is going to publish bulletins for the spread of information and the enlightenment of the public mind. We wish the Economic Association success in the task it has undertaken.

A SUPPLEMENTARY NOTE ON MR. PATEL'S BILL.

MY opinion on the general principle of the Bill will be found embodied in a note which I published at the time the Bill was introduced. (*Vide* issue of the SERVANT OF INDIA, September 26, 1918.) The Bill met with much opposition in Council from Hon'ble members professing to voice the general feeling of the Hindu community. It is also being opposed since in public meetings. In the circumstances, I deem it necessary to go more into detail.

The first remark that one is tempted to make is that it is apparently not realised by those who are engineering the opposition that the Bill is a purely validating piece of legislation. It does not compel any person to contract an inter-caste marriage, nor does it make it obligatory on anybody to have social relations of any kind with parties to such an union. In the present state of the case-law, its legality being doubtful, the Bill only attempts to declare its legality. No Hon'ble member who opposed the Bill in Council, nor any person who has been denouncing it since, has been able to show in what respects its provisions, if passed into law, would be subversive of public morality or would contravene any criminal law of the land. And it is difficult to see, how except on one or other of these grounds, such a purely optional law could be objected to by any person whose mind is not obsessed by religious prejudices and whose judgment is not clouded by narrow social concepts entirely irresponsive to the healthy progressive development of the Hindu community.

I thought it unnecessary to discuss in my note the antiquarian aspect of the question. But in view of the ignorance displayed regarding our ancient shastric law on the subject and the attempt

that is being made to exploit the cry of "religion in danger," it will not be out of place to refer to some of the well-known texts bearing on the subject. An *anuloma* marriage, i.e., a marriage of a man of a higher caste with a woman of a lower caste, was allowed by our law-givers and was certainly in vogue at least three centuries ago. Speaking generally, Mitāksharā is of paramount authority throughout India except in Bengal, where Dāyabhāga takes its place. In the part dealing with "inheritance," there are in the Mitāksharā special passages elaborately laying down how patrimony is to be divided among sons begotten on women of different *varṇa* or caste. Mr. Colebrooke in his translation has divided the texts into chapters and sections, though as a matter of fact they are not so classified in the original Sanskrit. The part dealing with this matter is Section VIII of Chapter I of the translation. A more literal translation is given by Mr. Gharpure in his publication of Hindu Texts. (See pp. 206-208.) I need hardly point out that the sons here referred to are *legitimate* sons, i.e., issues of valid and recognised marriage. Viramitrodaya, which has been declared by the Privy Council as an authority next after the Mitāksharā in the Benares School, discusses this subject at considerable length. I refer to Golap Shastri's translation, pages 95-100 (edition of 1879). Dealing with the social aspect of these mixed marriages, the author at page 96 says:

"Although the marriage of a Sudra woman by a twice-born person is much censured, and espousing a Sudra with the intent of having sons by her is on all hands prohibited, (here texts are quoted) still, a marriage for the purpose of pleasure and a marriage for the purpose of religion being secondary to each other, a son may be born of a married woman of the Sudra class by reason of the relation of the purposes through the act, whereby any of the purposes may be attained."

In the passages which follow, texts from Manu, Vijnāneswara and other Rishis are quoted to support the distinction between the carnal and religious aspect of such marriages. It is clear from the whole discussion that they were considered perfectly legal though not carrying the religious merit of a marriage between two people of the same caste. The book was written either towards the end of the 16th or the beginning of the 17th century, and the law discussed in it was clearly a living law then. Dāyabhāga is the paramount authority in Bengal. That at the time it was promulgated mixed marriages were allowed would appear from Chapter IX which lays down elaborate rules regulating partition among sons by wives of various castes. Vyavahāra Mayūkha of the Bombay School recognises mixed marriages and provides for division of ancestral property among sons by wives of different castes in para 125 of the Vyavahārādhaya (Mr. Mandlik's translation, p. 218). In the Vivāda Chintāmani, which gives the law in the Mithila country, there is a whole section dealing with distribution of ancestral property among brothers unequal in class, that is, born of mothers belonging to different castes.

(See Prasonna Coomar Tagore's Translation pp. 271-274, Calcutta Edition of 1863.) The great landholders of Behar lately had a meeting presided over by the Maharaja of Durbhanga, himself a Mithila Brahmin, in which the Bill was generally denounced as contravening the Hindu law. When this was said, apparently care had not been taken to consult the text which lays down the law for the Mithila country. Authorities specially recognised in Southern India such as Smṛiti Chandrikā, the Mādhaviya and the Saraswatī Vilāsa, also recognise the validity of these mixed marriages. In the Digest of Hindu Law compiled by Jagannatha Taracapanchanana under the direction of Mr. Colebrooke and translated by him in 1796 will be found collected a large number of authoritative texts by well-known Rishis recognising the validity of mixed marriages. Apparently such marriages were, in the opinion of Mr. Colebrooke and the author of the Digest, a rigid orthodox Hindu, valid at the time it was prepared and translated. These texts will be found in Book V, Chapter III, "partition among brothers." They are numbered 140 to 172. In some of them such a marriage is not approved. Some even go so far as to lay down that it instantly degrades the man who contracts it. But its legality when it does take place is nowhere questioned. The account of the origin of the mixed castes, as given by Manu and other sages, shows that people belonging to them had a status similar to the status of the four principal castes. They were certainly not out of the pale of the Hindu caste system. The author of the Mitāksharā specially deals with inter-caste marriages in the Āchāra Kānda while dealing with the subject of marriage. I do not deny that all the texts referred to above deal with marriage between a woman of an inferior caste with a man of a superior caste. They nowhere deal with marriage between a woman of a superior caste with a man of an inferior caste. But the late Shastri Golap Chandra Sarkar, himself an orthodox Hindu, after a careful consideration of the texts has recorded his opinion that the disapprobation in this respect is only moral. Such a marriage is condemned as reprehensible, but it is not pronounced to be illegal, rendering the issue illegitimate. Be that as it may, it is something gained if it can be established that at least *anuloma* marriages were considered legal by sages and commentators who give us our laws even in these days.

In connection with the religious aspect of the question, it may not be out of place to mention that in such Hindu states as Baroda, Indore and Kolhapur laws have been passed permitting and validating inter-caste marriage, and, as far as one can judge, their operation has not convulsed or disrupted Hindu society. In the independent Hindu kingdom of Nepal such marriages are allowed. The Baishnavas in Bengal freely allow such marriages, and they form a considerable section of the Hindu community.

Of the two of our local elected members in the Imperial Council, the Hon'ble Mr. Sukul expressed his great alarm that the Bill would introduce a radical change in Hindu law, but he did not condescend to tell us how. He further opined that it would breed disintegration in Hindu society. One would have thought that it would have exactly the contrary effect. It would enable people who, for the sake of legitimatising their progeny, would be driven to disavow Hinduism and marry under the Civil Marriage Act to remain within the pale of Hindu society and thus make for its solidarity and expansion and not its disintegration. The Hon'ble member even dragged the war into his speech and attempted to create a sensation by saying that the masses who were furnishing recruits would be alarmed if the Bill were passed. He even raised the spectre of the Sepoy Mutiny. He apparently lost sight of the fact that except among the few higher castes, marriage customs in the Central Provinces sit very lightly on the people and they could be made and unmade by the caste panchayats at their discretion. The Hon'ble Mr. Khaparde rightly recognised that the Bill would operate to keep within the fold of Hinduism many who would otherwise forsake it and, by forsaking, weaken the Hindu social organism. But he said he would at the right time propose an amendment excluding issue of mixed marriages from inheriting ancestral property, forgetting that even Hindu apostates to other faiths do not lose any such right. I have attempted to show this in my previous note.

While one can understand opposition by rigid Hindus whose vision does not extend beyond certain confined limits as imposed by strict later-day orthodoxy, I am unable to make out how those who are demanding the adoption of the principle of "self-determination" in the political sphere are so insistent in denying the application of the self-same principle to their fellow-countrymen in social matters. Perhaps it will be said in explanation or extenuation that in social matters as in politics the majority has an indefeasible right to impose its will on the minority even if this amounts to unfair dealing or oppressive conduct, as judged by ordinary standards. As regards orthodox Hindu opposition, I may be pardoned for pointing out that while Hindu society winks at disreputable connections between persons of different castes and even of different creeds and never rules them out of Hindu society, it shrinks from recognising legitimate and honourable union if the parties happen not to belong to the same caste. What a strange anomaly!

I shall now offer a few remarks on certain legal questions likely to arise if the Bill becomes law. The first point to settle is the caste of the issue of an inter-caste marriage. The legislature need not trouble itself about the social aspect of the question. But in certain matters, notably adoption and succession of illegitimate sons (*dāsī putra*), the law to be applied depends on the caste of

in their unfortunate history, and from the testimony of competent persons it appears that the ameliorative measures of the last two decades had produced in Ireland before the war a condition of almost unprecedented material prosperity. Nevertheless the sense of political wrong which has been allowed by fatal failures to grow in strength has resulted in the extinction of the Nationalist party and the triumph of Sinn Feinism. Shall Government pursue a similar policy in India? We know the Tory party in England attribute the chronic unrest of Ireland to the cussedness of her politicians. The bulk of Englishmen in India, official and non-official, are Tory in their political complexion and believe that the stern arm of the coercive legislation can suppress the political movement in the country and convert it once more into a paradise for the despot and the exploiter. How blind is self-interest! To these people experience brings no wisdom and history is as though it was not. Truly when one thinks of the vast amount of selfishness and hate which make for the degradation of humanity, it seems a sin for all the sane and sober men in a country, to whatever race or party they belong, not to combine for the common welfare. Englishman and Indian, official and non-official, all true friends of India should have one purpose and own one duty to save her from the rise of Carsonism on the one hand and Sinn Feinism on the other.

THE BRITISH CONGRESS COMMITTEE.

THE British Committee of the Congress is an institution of long standing and, in spite of periods of stagnation now and then, has a record of useful, honourable and disinterested service to the cause of India. Friends of Indian progress have contributed to this record much thought, organising ability and even money in that spirit of altruism and chivalrous championship of the weak which has always been a bright feature of English public life. The names of Caine, Hume, Wedderburn, Cotton and Roberts and several others have shed lustre on the rolls of this Committee. The sacrifice and devotion of Sir William Wedderburn alone would be an undying proof of the zeal for freedom and justice which has marked the British people in the most decadent periods of their history. The advice and guidance of the British Congress Committee have been of immeasurable value to the national movement in India in its formative period, and the Indian National Congress, even when it had outlived contempt and suspicion, was content to receive inspiration on occasions of difficulty from its English ally. The weekly publication called *India* and maintained out of funds supplied by the Congress, though never adequately or regularly, has been conducted hitherto under the general control of the British Committee of the Congress. After the Congress was reorganised in 1908,

the British Committee was enumerated among its component parts and electorates, and provision was inserted in the constitution for its being kept in funds from India. In strict legal parlance, therefore, it would be an auxiliary of the Indian National Congress, bound to expound its policy and further its aims in England. But owing to its peculiar position and the high dignity of its personnel, it has been looked up to till the other day for counsel and guidance. Its annual reports have never been couched in the style of official subordination, and have not unfrequently contained admonition and exhortation. No one in India dreamed of resenting this or raising seriously the question of the relative position of principal and auxiliary. The reform scheme, however, which has caused discord in India has likewise disturbed this harmony.

It had no doubt seemed likely for some time past that the Nationalist party after securing ascendancy in the Congress would treat with the Labour party in England over the head of the British Congress Committee. But definite form was given to the disagreement when prominent members of the British Congress Committee declared themselves friendly to the Montagu-Chelmsford report and the *India* newspaper ventured to deprecate the unfavourable attitude of the special Congress session in Bombay. "Should we pay to be criticised? If we pay the piper, shall we not call the tune?" are questions which in the last few months have been asked over and over again by dissatisfied nationalists in the country. Matters gathered to a head and the answer was definitely given in a resolution of the recent Delhi assemblage. It is a thousand pities that a solitary episode in the long connection between the two bodies should have been allowed to turn the hearts of the bulk of Congressmen against the only source from which they could expect prudent lead as well as trustworthy information regarding the currents of political power at the seat of Empire. Would it not have been wise to wait till the deputations that are expected to visit England in the next few months conferred with friends in England and reported? Why should the Congress have been in a hurry to place the supplies in the hands of the All-India Congress Committee and reduce the newspaper *India* to a precarious condition? It is not possible to get men of distinction and real influence in England to act as mere agents or paid mouthpieces of Indian leaders. If the Congress is going to maintain a paid agency, let it do so by all means. But it must be after a full consideration of the question whether we have no need any more of a really co-ordinate and independent ally like the British Congress Committee, to whom we remitted certain sums for expenses but from whom we expected advice and not compliance with our orders. That the journal *India* meant for Congress propaganda should seem to sit in judgment over the doings of the Congress is no doubt an anomaly. But it was always the organ of the

British Congress Committee and never directly of the Congress itself, and in an exceptional situation like the present when a certain influential section of Congressmen stayed away from the special session to meet in separate conference, an exceptional line of action must be tolerated in the conduct of the journal. At any rate, till a permanent remedy could be devised, something less drastic than the cutting off or diversion of supplies should have sufficed. We cannot help feeling that passion has prevailed over reason and that the Congress has been led into a fatal mistake by leaders who should have known better.

THE ECONOMIC CONFERENCE.

THE establishment of the Indian Economic Association, which was effected during Christmas at the conference of economists held in Bombay, is a gratifying indication of the progress along different lines which the country is expected to make in the near future. The problems with which we are now confronted are economic and social no less than political, and it is desirable that they should be tackled in a scientific spirit and in a systematic manner. The rapid advancement of India is a task of great complexity and difficulty and educated people working in different fields for a healthy development of the country must co-operate to attain the supreme object. We are living in times of specialization, and though competent students and workers are few in India our educated people have to select their line of public activity and study, best suited to their inclinations and abilities, and to devote themselves whole-heartedly to their chosen task. In this way alone can any genuine contribution be made by them to the advancement of the country which, to be satisfactory, must be many-sided and sound. It is interesting to note in this connection that recently people working along different lines have shown a tendency to come together and to attempt a methodical, concerted and vigorous prosecution of their work with the view to achieve tangible results. Those interested in medicine, agriculture, mathematics, co-operation, and even in music, have formed their own organizations under whose auspices they may promote the causes they have at heart, and the Indian Economic Association is a fresh proof of the desire to study and work entertained by educated people to bring about improvement in the condition of the country.

The economic development of India is a subject to which some of our leading countrymen have devoted themselves in the past and their names will readily occur to everyone acquainted with the history of the country during the past generation. Problems of poverty, land revenue, currency and trade have been studied, and the need of reform in connection therewith has been pressed upon the attention of Government. What was, however, required was the formation of an association for the whole country which would make it its special

work to bring together students interested in economics and stimulate, co-ordinate and harmonise activities carried on in different parts of India. In other countries there are such excellent organizations which have been doing splendid work. They help to disseminate correct knowledge about economic problems and to form public opinion on questions of vital importance. Questions relating to trade, industries, capital, labour, taxation, currency and banking are of the greatest moment to the country and can be effectively handled only by men who have made economic study the special business of their life and who are trained and qualified to pronounce opinions on subjects they deal with. Research in and teaching of economics have recently been taken up by our Universities and the importance of this work has come to be universally acknowledged. Some valuable progress has already been made in this direction in Madras, Bombay, the United Provinces and in Bengal. Economic associations have come into existence and economic journals have been started in the different provinces. The establishment of an all-India Economic Association is the logical outcome of the gratifying tendencies noted above, and we hope the new organization will justify itself by solid and effective work.

One of the most important lessons of the war is the realization of the value of co-operation between Government departments and outside experts in the solution of difficult national problems. This lesson has to be taken to heart in India. There is usually a wide gulf between executive officials and their critics, and it is necessary to take steps to bring about co-operation between the two for the purpose of hammering out solutions of complicated questions. It is to be hoped that in the future, economists will play more important rôle in the discussion of matters that lie within their sphere and will guide Government and people alike along the right path. There are vast regions of social and economic conditions in this country which have to be explored and surveyed and this work needs scientific treatment at the hands of trained men. The papers read before the Bombay conference and the discussions which took place on them, encourage the hope that the all-India Economic Association has a great future before it. Problems connected with rural conditions, the future of co-operation, economic development and so forth, evoked very useful discussion at the sessions of the conference and the importance of continuous and careful study was brought home to the minds of all. An organized body of economists, in touch with one another and pursuing their studies in a spirit of devotion and scientific impartiality will be able to do a lot of good to the country, and we must congratulate the leaders of the movement on their success in founding the Economic Association.

Like England and other countries, India stands on the threshold of an era of reconstruction

the persons concerned. The question will be found discussed in an elaborate judgment of Sir Arthur Collins C. J. and Sir T. Muttusami Ayyar J. in *Brindavana Vs. Radhamani*, I. L. R., 12 Madras, p. 72. Texts are quoted at pages 81-84, which lay down that the issues of *anuloma* marriages should have *mātrī jāti* (mother's caste). If *pratiloma* marriages are to be included in the scope of the Bill, then on the analogy of *anuloma* marriages, the caste should be that of the father. That is to say, the caste of the issue would follow the caste of the father or the mother, whichever of them would be of inferior caste. There will be no hardship to any body in laying down the law in this manner.

A marriage under the Bill should only be permitted among persons who have attained majority. Under the Hindu Law, a marriage brought about by the lawful guardian of a minor is valid and irrevocable. Such being the case, it is unfair that a Hindu Brahmin father, for instance, should have the right to marry his minor son or girl to a Śūdra and thereby lower his or her social position, or the caste of his or her children. People should be left to determine for himself or herself his or her social position in society. The analogy of conversion to a different faith does not apply here, for, in the first place, all civilised countries recognise the power of the parent to determine the religion of his minor children. In the second place, the British Government has pledged itself to a policy of liberty of conscience in religion.

Divorce is allowed by custom among some sections of the people. Would this right be lost by marriage in a superior caste, where divorce is not recognised? The solution of the difficulty will probably be to allow divorce in the case of marriages under the Bill, where divorce is allowed by the custom of any one of the parties to them.

The marriage under the Bill should be monogamous. No marriage under it should be permitted when the person marrying has a wife living, nor should the husband have the right to take a second wife so long as his wife married under the Bill is living. Those who will seek the protection of the Bill will have no right to complain if restrictions like these are imposed on them.

The question of succession will also be beset with difficulty. Speaking generally, the Hindu Law of Succession is based on the *gotra* system with its division into *Sapinda*, *Samānodaka* and *Bandhu* relationship, whether such relationship be based on connection through the body or on the principle of spiritual benefit. The ancient Hindu Law to determine the shares according to the caste of the mother is too full of intricacies to be made applicable without leading to legal difficulties of various kinds. Moreover, while the texts provide for distribution of shares among brethren, *i. e.*, sons of the same father, they do not deal with collateral succession. They offer no solution to a question of such succession, where the rival claimants are issues of a marriage where the parents are of the

same caste and of a marriage where their caste is different. It may be useful to find out how this and similar other matters have been settled in the Native States, where law allowing inter-caste marriage has been introduced. The easiest solution will perhaps be to apply the Indian Succession Act. But while the parties to the marriage cannot complain if that be made the law of their succession, there will be legitimate ground for complaint when the question of succession to the property of collaterals who have not married under the Act, comes in. Mr. Basu's Bill of 1911 got rid of all these legal difficulties by making marriage a civil contract, leaving the parties to graft on it any religious ceremonies they pleased for the satisfaction of their conscience. The present Bill leaves untouched the sacramental character of Hindu marriage.

In conclusion, I beg to point out that Act XXI of 1850 (Freedom of Religion Act) and the Widow Remarriage Act (XV of 1856) are greater inroads on the present day Hindu orthodoxy than the Bill under discussion. Similarly, where either party becomes a convert to Christianity and is repudiated by the other, the convert may obtain a decree declaring the marriage dissolved and then under Act XXI of 1866, the wife, whether a convert or a Hindu, may marry again and the issue of such marriage is declared by the Act to be legitimate, notwithstanding any provision of the Hindu Law to the contrary. This is a clear case of interference with that law. All these Acts of the legislature were defended and rightly defended on the ground that they tend to the promotion of "good morals and to the public welfare." Cannot the same be predicated of the Bill under consideration?

B. K. BOSE.

THE REFORMS RESOLUTION IN THE CONGRESS.

THE discussion on the reforms resolution took one whole day in the Congress, and in the course of it some notable speeches were made. Among those in favour of the extreme opinion, particular mention may be made of the speeches of Messrs. Jitendralal Banerjee and S. Satyamurti, and of the speeches in favour of the reproduction of the Bombay resolution intact those by Messrs. Sarma and Govindaraghava Aiyar were undoubtedly the most weighty and compact of political wisdom and statesmanship. The speeches of Mrs. Besant and Mr. C. P. Ramaswami Aiyar, though as usual excellently phrased and eloquently delivered, were to me singularly unconvincing and proved equally unconvincing to the Congress, as the result of the voting clearly showed. The one argument which they advanced against a move forward to full and immediate provincial autonomy was that, for the sake of unity, the Congress should rest content with a re-affirmation of the resolution adopted in Bombay. Both of them took care to indicate that personally they thought an advance was justified, only urging that, in deference to those who looked upon the Bombay resolution as the outside limit to which the Congress should

commit itself, some sacrifice of opinion and action was needed. Both declared their faith in the immediate fitness of all the provinces to assume responsible government of the most advanced type, but out of regard for those whose views were rather backward in this matter, self-restraint was to be exercised. Mrs. Besant observed that though she would like to demand complete provincial autonomy, she would rather wait for it for six or even more years than "part with" the Moderates who attended the special session of the Congress. And she exhorted the Congress to do nothing which would "drive them out." C. P. said likewise: "I reiterate that we are fit for responsible Government in the provinces, but that is not the point. There are others who think that a certain amount of caution should be taken. Would you have them with you or *against* you in the tremendous struggle in front of you." Apart from the question whether a compromise in opinion arrived at at a particular session in the Congress should be preserved or not in future sessions, it should be noted that none of those whose opinion, it was alleged, held back the Congress from demanding its rightful heritage in Bombay, acknowledged that a compromise was made with them or maintained that its terms should be observed. It is certainly not very complimentary to the Moderates who agreed to the Bombay resolution to be represented as a perpetual drag on the Congress, and Messrs. Sarma and Govindaraghava Aiyar did well to refuse the compliment so generously offered to them by Mr. Ramaswami Aiyar and Mrs. Besant. But what do the latter mean when they say that a raising of the national demand would eventuate in a severance from the Moderates and in the Moderates turning against the Congress? This is a gross perversion of the position of the Moderates, for if Messrs. Sarma and Subba Rau, for instance, are unable to go the whole hog with the Congress, in no event will they take up a hostile attitude, and it is gravely unjust to represent them in this light in order to save the Congress from an extreme position. It is widely reported that Mrs. Besant and Mr. C. P. Ramaswami Aiyar have refused to form part of the Congress deputation to England, because of the Congress having adopted a more drastic resolution than the one in Bombay. If it is so, surely their objection to the resolution must be more deep-seated than would be the case if the objection were derived from a breach of the supposed compromise when, after all, the breach results in the embracing by the Congress of an opinion which they themselves share. An attempt was also made in the subjects committee to use the Moslem League in a similar sense, but that was effectively foiled by Mr. Fazlul Haque's admonition not to screen the Congress behind the League, but to pass such resolutions in the Congress as it thought proper, irrespective of what the Moslem League may or may not do. Mr. Jinnah's case is more intelligible; he did not seek to make Mr. Sarma and other Moderates who attended the Congress in Bombay a stalking-horse to cover his unwillingness to move forward. He fought hard for the Bombay Congress resolution in the subjects committee on the intrinsic merits of the question, and the ill-success he achieved there apparently left him with little spirit to raise his voice in open Congress, where a resounding defeat was the sure destiny of those who would press only for partial autonomy in the provinces. It is highly improbable that even Mrs. Besant would have met with better success if she had followed in the Congress the course which Mr. Jinnah

took in the subjects committee, but at any rate the subject would then have been presented to the Congress in its proper bearings. As it was, however, ~~Mr. Sastri-Baring~~ left the treatment of the subject in Mrs. Besant's hands and Mrs. Besant taking shelter behind the "compromise," the question remained for the most part undiscussed on its merits. Was it consistent with the declaration of 1917, which now practically all appear to accept, that full responsible government should be immediately asked for in the provinces? The question was not even so much as raised, except at the far-end of the discussion by Messrs. Sarma and Govindaraghava Aiyar. It is much to be regretted, in the interest of clarity of opinion, that the discussion on this important point was side-tracked by the bringing in of "compromise" and the raising of it into a supreme issue.

Mrs. Besant and Mr. C. P. Ramaswami Aiyar also argued that it was inexpedient to pass a resolution of full provincial autonomy, but the main reason against such a resolution being kept back, the argument from prudence and expediency naturally did not find much support in a body constituted like the Congress. Mrs. Besant said, "Whether you asked for complete popular government in the provinces or postponed the demand for six years, you are not going to get either." Then why put forward an extreme demand? she meant the audience to ask themselves. But the effect of her argument on the audience must have been just the reverse. If we are not going to get responsible government either immediately or after six years, why not pitch the demand at the highest, so that we may prove to the world what a minute fraction of our demand was conceded by Government? In a bargain he is sure to fail who puts his demand low. Expediency, therefore, clearly points, the average Congressman must have thought, in the direction of an enhancement of the demand, and if full and immediate autonomy in the central Government as well as in the provincial Governments is not to be asked, as was suggested by Mr. Ranga Ayya of the *Advocate*, at any rate provincial autonomy must be insisted upon. Mrs. Besant and C. P. also said that opposition had hardened in England and that the signing of the armistice had only darkened the prospects of Indian reform, but this argument also produced no impression. Mr. Satyamurti said, "True, our difficulties have thickened, but the way to meet the situation is not to be timid, but to ask for more in a manly way. Appealing for unity, Mrs. Besant said that they must not behave like a mob, each going his way, but they must be organised into an army of liberty. The obvious reply to it was that unity should not be preserved by the large majority shedding their opinion, but rather by the tiny minority, which Mrs. Besant represented, falling in with the view of the majority. C. P. tried to meet the argument that the provincial councils and other authoritative bodies were demanding full autonomy immediately, and that the Congress must voice that demand, by maintaining that provincial councils treated this question in a parochial spirit, while the Congress alone could take a comprehensive view of the matter and must be regarded as the final arbiter. This contention obviously could not carry conviction. This is not a question of local interests conflicting with general interests, and the higher authority of the Congress cannot be fitly brought into service here to supersede the authority of the local organisations or to stifle local opinion. The speeches of Mrs. Besant and Mr. C. P. Ramaswami Aiyar, which are always so inspiring and illuminating, were on this occasion

altogether pointless, the reason of it being that, in order to represent themselves as still belonging to the most advanced party, related the case for "the Bombay resolution and nothing but the Bombay resolution" on an essentially weak basis and the result was that when Mrs. Besant cried halt to the Congress, in the name of unity and the sanctity of compromise, few but her own immediate followers were found prepared to halt; the overwhelming majority rushed headlong, leaving Mrs. Besant behind among 'yesterdays' to organise, as best she may, a 'progressive moderate' platform. I am sure that Mrs. Besant's following is not reduced to such diminutive proportions as is indicated by the few score votes she got in an assembly of near upon six thousand delegates—it would be a disaster if it were so. But by reason of the fact that she did not take a proper stand upon the reforms question she found herself unable to exercise the restraining influence which she undoubtedly meant to exercise. A harsh critic may even apply to her pose the epithet which Mrs. Besant herself applied to the resolutions of the Moderate Conference—"crookedforward."

The speech of Mr Jitendralal Banerjee, on the other hand, though in point of diction and other outward accomplishments of oratory, was not half so good as that of Mrs. Besant, was from its sincerity and outspokenness far more effective. He frankly told the Congress that the wrecking of the Montagu-Chelmsford scheme, if that was to be the outcome of their extreme position, had no terror for him; he for one welcomed no part of the scheme, and if the whole of it was laid on one side by the Cabinet, he would have no cause for regret. "Unsatisfactory and disappointing" were far too mild words used in the preamble of the Bombay resolution; if the truth was to be told, the scheme was perfectly worthless and only deserved to be thrown on the scrap-heap. It was only weak sentiment, mis-called statesmanship, which led them in Bombay to adjourn for six long years the establishment of full provincial autonomy. Wisdom lay in promptly discarding all that was past its prime. The compromise, if one had been arrived at, had had its day and could not be used to clog their motion for all time. The police mismanagement, which had been brought so prominently to their notice since the special Congress met, necessitated their asking for popular control over police, before all other departments, and without it the scheme was not certainly worth having. It was not to be supposed that if the Moderates were got out of the way, there still did not prevail a vicious compromising spirit in the Congress. The Congress put a time-limit of fifteen years for the completion of the popularisation of government; that was a compromise, agreed to by the Congress in a weak moment. Mr Jitendralal Banerjee would have the national aspiration fulfilled "just then, immediately, within a week"—the week perhaps being allowed for the bureaucrats, as Mr. Fazlul Haque elegantly put it, "to bundle up their luggage." C. P. too said that if it were possible to demand full responsible government in the provinces and also in the central Government, he would be among the first to do so. He began his speech on this grandiloquent key, but did not tell to the end why it was not possible to make such a demand. It may not be possible to get full self-government; but it cannot be impossible to demand it. If he had said, as Mr. Govindaraghava Aiyar said, that the declaration of 1917, with its reservations, must be adhered to in the recommendations of the Congress, and that the demand of full provincial autonomy was a clear violation of

the terms of the announcement, he would have had solid ground to stand on. As it was, his eloquence absolutely failed of its effect. I for my part do not regret the result. It would be an insult to the intelligence of the national assembly to expect such flimsy arguments as he advanced to carry weight with it. My only regret is that the case for moderation was not well put by those who could have put it well, and that it was almost a case of judgment by default.

S. G. V.

CORRESPONDENCE.

THE BAN ON THE H. R. L. DEPUTATION.

TO THE EDITOR, THE SERVANT OF INDIA.

SIR,—May I ask for the hospitality of your paper to correct a misreading, which occurs in your issue of October 3, of a passage in my article in the *Edinburgh Review* for July last?

If you will refer once more to the passage you criticize, you will, I am sure, see that it affords no grounds for your protest "against the insinuation that the embargo placed on the Home Rule League deputation had the moral support of any section of people" in India.

I made no such insinuation for the simple reason that at the time I wrote I had not the necessary data for judging of the impression produced in India by that embargo. What I actually said was, "When the Home Rule League declined to consider itself bound by that decision" [i. e., the Congress decision against any immediate deputation] "and sought to steal a march upon the advocates of greater patience and prudence by proposing to send its own deputations, disapproval was widely expressed, and in no uncertain terms, before the British Government took the strong step of cancelling the passports already issued to them by the Government of India."

Amongst other expressions of opinion upon which I based those remarks was the leading article in the *Servant of India* of February 19 headed "The deputation to England," in which the despatch of the Home Rule League deputations at that time and in the circumstances then existing was strongly deprecated.

Your issue of April 25 condemning the action of the British Government in cancelling the passports was not in my hands when I wrote my *Edinburgh Review* article, as the Indian mails were in those days subject to very great delays. But even in that issue you do not entirely recede from your original position, as you admit that "the appropriateness of the occasion chosen by the Home Rule League may be open to objection and the utility of their propaganda may be questioned."—Yours, etc.

VALENTINE CHIROL.

34, Carlyle Square, Chelsea, London,

December 3, 1918.

[Sir Valentine Chirol in his article brought together the disapproval, such as was expressed in certain Indian newspapers, of the despatch of the deputations to England and the cancellation of passports issued to them in a way which led some people in India to suppose that it was the object of Sir Valentine to show that Government's action had the countenance of a section of Indian opinion. We, however, find that this juxtaposition of two unconnected facts was not meant to suggest any such thing. This explanation, of course, renders our protest uncalled for.—Ed.]

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