

# THE Servant of India

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## TOPICS OF THE WEEK.

THE idea of the League of Nations has not started under very promising auspices. The serious difficulties which President Wilson has encountered in the United States in getting his people to ratify the peace treaty and the principle of the League are not the least significant symptoms of the attitude of the world towards the noble ideal. That there should be such strong opposition to the treaty as it stands in the U. S. A. of all countries, is a matter which has naturally excited the utmost surprise and, therefore, distrust about the League of Nations in the popular mind all the world over. Then the suspicions roused in the French mind by the recent conclusion of the Anglo-Persian agreement, regarding the aims and future policy of Great Britain, as also the ambitions of France with respect to the control of Syria, have largely contributed to the loss of public faith in and enthusiasm over the League of Nations. Have we, after all, seen the last of wars, and is a new world going to be created by the conclusion of the peace treaty, are questions that are being sceptically asked by people. The transition from a state of war or preparedness for war to a condition of international amity and brotherhood is indeed a most difficult task, and civilization is on its trial where the leading nations of the world are trying to evolve a new system.

THE most considered legal opinion on the subject of indemnity would seem to be that executive officers declaring and administering martial law stand, in no circumstances, absolutely free of responsibility. The utmost that they can plead is that

"in judging of the necessity, which, it is admitted on all hands, forms the sole justification for resorting to martial law either for putting this exceptional law into force or prolonging its duration, (they) should not only act with an honest intention to discharge a public duty, but should bring to the consideration of the course to be pursued the careful, conscientious and considerate judgment which may reasonably be expected from one invested with authority"; and "in the absence of such careful and conscientious exercise of judgment, mere honesty of intention would be no excuse for a reckless, precipitate and inconsiderate exercise of so formidable a power; still less for any abuse of it in regard to the lives and persons of Her Majesty's subjects or in the exercise of unmoderate severity in excess of what the exigencies of the occasion imperatively called for." For this, it is obvious, they are always liable, and the extent to which a subsequent Act of Indemnity can be pleaded as a defence against illegalities committed under martial law depends on how far the officers responsible for the declaration and execution of martial law are able to prove bona fides.

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BUT that the burden of proving bona fides lies heavily on the officers can admit of no doubt. In discussing an Indemnity Act, Cockburn, C. J., laid down in no equivocal terms that "it (indemnity) should be confined to acts honestly done in the suppression of existing rebellion and under the pressure of the most urgent necessity. The present indemnity is confined to acts done in order to suppress the insurrection and rebellion and the plea contains consequently, the necessary averments that the grievances complained of were committed during the continuance of the rebellion and were used for its suppression and were reasonably and in good faith considered by the defendant to be necessary for the purpose; and *it will be incumbent on the defendant to make good these averments in order to support his plea.*" We specially draw the reader's attention to Mill's views on this subject, which will be found in a speech of his, extracted elsewhere, and to a pronouncement by Lord Avonmore given at the end of the leading article on the Indemnity Bill.

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SECTION 3 of the Indemnity Bill runs thus:  
"For the purposes of Section 2 a certificate of a Secretary to the Government that any act was done under the orders of any officer of the Government shall be conclusive proof thereof, and all action taken for the aforesaid purposes

shall be deemed to have been taken in good faith and in a reasonable belief that they were necessary, *unless the contrary is proved.*" (Italics ours.)

From the italicised words in the above quotation, it is clear that the Bill throws the onus not on the defendant on whom Cockburn says it is incumbent to prove bona fides, but on the complainant,—a violation of all principles of justice and humanity. It would not be surprising, therefore, that no right-thinking man can approve of this significant and characteristic clause which, as it strikes at the root of justice, vitiates the whole bill. It really amounts to a denial of justice.

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THE Indian Tariff Act amendment bill recently introduced in the Supreme Legislative Council, empowering Government to levy a 15 per cent. export duty on raw hides and skins, is avowedly a measure intended to protect a nascent industry. But it has another aspect which is equally, if not more important; and it is that the measure, for the first time in the fiscal history of the Empire, applies the principle of preferential trade to the Indian tariff. The bill was enthusiastically welcomed in the Viceregal Council, because it gave effect to India's claim to industrial protection. A number of tanneries were started in this country during the time of war for manufacturing leather required to satisfy the demand for army boots, &c., and Government has to do something to keep them on their feet as otherwise they are likely to be swept away by foreign competition. This is the reason that led the Government of India to put an export duty on hides and skins and the members of the Supreme Legislative Council to welcome the measure. There is, however, the rebate of 10 per cent. which is to be allowed to the hides and skins which will be exported to the other parts of the Empire, and it means the adoption of the principle of Imperial preference. This aspect of the matter does not appear to have received the attention it deserves in the Council. It is a large problem and needs careful examination. One of the objects of Imperial preference is the promotion of British industries, and the proposed rebate will have the effect of accentuating the competition of England in the Indian market though it will keep out foreign manufacturers. We hope the Viceregal Council will consider the question from this point of view and not be content with offering congratulations to Government on its having adopted a policy of protection.

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IT would almost seem as if there is going to be no end to the obligations under which Mrs. Besant is placing her adopted country by her unflagging zeal and untiring services in her behoof. *New India* of the 11th inst. announces that she has made arrangements for the starting of a new Indian weekly in London, to be called *United India*, "to represent the different schools of Indian political thought which seek to establish in India responsible government by successive stages." In making

this announcement, *New India* says: "With the newspaper *India*, now in the hands of those who do not represent a considerable section of India's political thought, and in view of the barefaced distortions the present management do not hesitate to insert, as Mrs. Besant herself has already pointed out," it has become of urgent importance that the British public should have a vehicle conveying all the different shades of Liberal opinion in the country. We feel quite sure that the new journal will fulfil this real want in an admirable and efficient way, and that it will meet with the success which it deserves. It is the duty of the Indian public to support this propagandist paper, which will surely do immense good to India. We also note with pleasure that Mrs. Besant is organising an extensive course of public lectures on Indian questions. Those who know England know that it is no easy thing to organise meetings, especially in this season. It is only Mrs. Besant who can organise them now, and it goes without saying that they will help our cause considerably.

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THE Bombay Co-operative Conference, which concluded its sittings yesterday, furnished a further proof of the stronger hold co-operation is acquiring over our people. It was also calculated to impress on one's mind the fact that the co-operative movement had reached a stage at which it was essential to consider the lines along which development should take place. New vistas of the possibilities of progress are being opened to our eyes and new directions of usefulness are clearly to be seen. Distributive and productive co-operation has a great future before it and has become an urgent need of the times. But while we have to attack the problems of stores, housing, production and so forth, questions of internal organization and management also call for solution. The movement has to be placed more and more on a truly popular basis, conducted, controlled and expanded by the efforts of the people, and, at the same time, sufficient safeguards have to be provided to maintain its businesslike and healthy character. The progress achieved by co-operation so far, has been extremely gratifying, and it only shows how much more can be done through the movement to ameliorate the condition of the masses and to promote the economic development of the country. Sir Deva Prasad Sarvadhikari's ringing exhortation to the educated classes was an opportune appeal, and it is to be hoped that the Indian co-operative movement will steadily advance along the right lines and will do to this country the great good it has done elsewhere.

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IN view of the fact that the Viceroy pledged his ungrudging and unquestioning support to the Lieutenant-Governor of the Punjab in the matter of the suppression of riots, it may be useful to consider what the duty of a purely constitutional Governor under similar circumstances is recognised to be. It may be recalled that in 1906 the

Governor of Natal recommended to his ministers that the twelve persons who were in the event tried by a court martial and sentenced to be hanged should be tried by a civil tribunal, but the ministers threatening to resign, the Governor gave way. This conduct of the Governor was called in question in England, and it was contended that the Governor ought to have enforced the course recommended by him. It was pointed out that in a Memorandum dated January 30, 1867, which is still in force, Lord Carnarvon, the Colonial Secretary, had explained the position in a clear manner to all Governors of colonies. The Memorandum said:

"All exceptional legislation, especially martial law, is at variance with the spirit of English law. It is only to be justified in view of the imminence of armed rebellion. The Governor cannot by any instructions be relieved from the obligation of deciding these matters for himself."

If a constitutional Governor has such a responsibility thrown on him, it can easily be imagined what the position which the Viceroy occupies in India requires of him, and, regarded in this light, it cannot be doubted that Lord Chelmsford failed in one of his most important duties in giving a *carte blanche* to Sir Michael O'Dwyer. It may be mentioned, *en passant*, that among the instructions circulated to colonial Governors was one to the effect that all facilities be given to the accused for defence. In the Punjab the accused were not allowed counsel of their own choice.

"AN Indian student of constitutional theory and practice" seeks to justify in the columns of the *Times of India* of September 9 the passing of an Act of Indemnity, whatever the conclusions of the Committee of Inquiry may be. But his reasoning is based on a fallacy, for he seems to think that the proposed Act of Indemnity does not extend to the superior officials who proclaimed martial law, but that it indemnifies only subordinate officials who merely acted under the orders of the higher ones. Does he seriously suggest that those who were responsible for putting martial law and all other exceptional measures in force will be excluded from the benefit of an Indemnity Act? In any case it is clear that this correspondent finds it impossible to vindicate the action of the superior officials in case the Committee of Inquiry should arrive at the conclusion that the proclamation of martial law was unnecessary and unjustifiable in the circumstances. "The adverse finding of the Committee," says he, "will certainly affect those at the helm who were responsible for the decision taken," but he pleads that the subordinate officials who merely acted under orders have the legal right to be exempted from the consequences of obeying the orders.

THE *Times'* correspondent is entirely wrong as to the legal aspect of the conduct of the subordinate officials; for, in the eye of the law, it is no justification for the latter that they merely carried out the orders of the superior officials. Edward Jenks thus describes in his "Government of the British

Empire" (1918) the difficulties which surround subordinate officials both ways, by citing the crucial instance of a soldier who has been ordered to fire upon a crowd:—

"When the alleged offender is a soldier, then the case may be a peculiarly hard one; for the soldier is subject to two laws, viz. the ordinary law of the land, which says: 'Any one committing homicide without legal justification is liable to be hanged,' and military law which says: 'Any soldier refusing to obey the orders of his superior officer is liable to be shot.' It is obvious, therefore, that if a soldier fires on a crowd at the order of his superior officer, he has to run the risk of being hanged; while, if he refuses to fire, he runs the risk of being shot. Happily, British law, even military law, imposes no absolute obligation on the soldier to obey the orders of his immediately superior officer (such an obligation would be fatal to military discipline; because it would justify the soldier in shooting his colonel at the command of his lieutenant); but it is not fair to expect a soldier, perhaps not a very well-educated man, to decide in a hurry whether the case justifies him in taking the extreme step of refusing to obey orders. In the event, therefore, of his being put on his trial for murder or manslaughter, he might very well plead his officers' orders, or the so-called reading of the Riot Act, or a proclamation of martial law, as evidence that he was reasonable in what he did, and therefore justified. And, while none of these facts, nor all three together, would necessarily be a justification, there can be little doubt that each or all of them would weigh heavily with the judge in summing up to the jury, and with the jury in arriving at their verdict, while, in the event of that verdict being unfavourable, there would remain the final remedy of a royal pardon or an Act of Indemnity." (Italics ours.)

"MR. PATEL'S performance was a dismal failure, as even his own friends confessed. He was far too long-winded in his supplementary statement and had to be checked more than once when he wanted to read long passages from his own memorandum which had already been sent in. . . . Mr. Patel was no more successful in facing the cross-examination of various members of the Committee. Mr. Madhava Rao also broke down lamentably in cross-examination." This is quoted from the London correspondent of the *Indian Mirror*, who, unlike the paper in which he writes, takes a strongly nationalist line in his letters. When motives are freely attributed to those who take a mildly critical view of the evidence of the Congress deputation, it becomes necessary to quote these opinions from a source which cannot possibly be described as hostile.

WE learn that the representative of the Marathas in the Bombay Deccan contented himself with asking for the reservation of a proportion of seats in mixed constituencies before the Joint Committee, which is a reasonable solution of this vexed question and ought to be acceptable to the advanced communities. Mr. Sastri also in his evidence suggested this compromise in the matter of the representation of the backward classes. If the non-Brahmans of Madras had not adopted the truculent attitude they did, the Franchise Committee would surely have made an absolute recommendation, instead of suggesting to the Government to bring about a compromise on these lines.

### THE INDEMNITY BILL.

PERHAPS by the time these lines are before the readers the Government of India will have given, by the aid of the standing majority which is at their command, the force of law to the Indemnity Bill which, with a singular lack of statesmanship, they have presented to the Indian Legislative Council even before the promised inquiry into the disturbances has commenced. The Government have the machinery, and do not lack the will, to give legislative effect to projects which have met with unanimous opposition in the country, and it will not come as a surprise if, in this instance also, the Indian legislature is made to register the decree of the executive in utter defiance of the sentiments of the public. The most relentless critic of the leaders of public opinion in this country cannot say of them that they have taken up an unreasonable or obstructive attitude towards the Indemnity Bill. They have only pleaded that, as happens elsewhere, an inquiry should precede an indemnifying bill, and that facts concerning the operation of martial law should be ascertained before the officers responsible for it are relieved from liability to being called to account for their actions. They think that a properly constituted body, invested with adequate powers, should first make a searching investigation into the measures adopted, and if on the results of the examination it is found that the executive have used the extraordinary powers vested in them with discretion, moderation and propriety, they should be granted such indemnification as is justified in the circumstances. If it is apprehended that an action will be launched against any of the officers concerned before the results of the inquiry are published, the Suspensory Act recommended by Sir P. B. Sivaswamy Aiyer, President of the Madras Liberal League, ought to meet all conceivable requirements of Government. The demand made by the Indian public that inquiry should precede indemnity is perfectly reasonable and indeed very modest, and in consonance with precedent. Such an inquiry is rendered absolutely necessary, because there is a wide-spread belief that the executive have been viciously vindictive in carrying martial law and other extraordinary measures into execution and that wanton severities have been practised under the authority of the special powers entrusted to them. We have no desire to assert that such was the case; do not let us prejudge the issue; but it would be idle to deny the existence of the popular belief, and, in face of it, it would be impolitic in the extreme to indemnify the officers who are supposed to have abused their powers and to secure them against the redress which the law would ordinarily grant to those who have been victims of any possible oppression.

The reasonableness of the Indians' plea will be better appreciated when it is seen what has been asked for and done in England on similar occasions, e. g. when indemnity acts were passed in 1801, 1803 and 1818. We will describe at some

length the circumstances in which an indemnity act was passed in the last-mentioned year, because they are particularly relevant to the present case. On the reports of two committees appointed to recommend the grant of special powers, if any, Parliament sanctioned on two occasions the suspension of the Habeas Corpus Act when industrial riots broke out, and on the restoration of order the ministers proposed an indemnity bill in Parliament, but this was preceded by the appointment of committees of both Houses to inquire into the conduct of the ministers. It was in pursuance of the reports of these committees that the indemnity bill was presented, and yet it met with a furious opposition in both Houses on the ground that a full and open inquiry was not made. The contrast between the two cases leaps to the eyes. In India the legislature took no part in sanctioning the proclamation of martial law; the executive bore sole responsibility for it, and no sort of inquiry has been made as to the way in which these special powers have been exercised. And yet the demand for an investigation before indemnity is considered to be irrational. The Viceroy lays it down as a universal rule that the end of martial law must inevitably be followed by an indemnity bill, in whatever manner the executive may have used or misused their powers. He considers the bill to be such an absolutely indispensable sequel to martial law that no other explanation than the fact that martial law was declared is thought necessary. This very point was raised in the House of Lords in 1818, and the debate that ensued will be found illuminating. The Duke of Montrose, who introduced the bill, claimed that it was "merely a corollary deduced from that which had preceded it (*viz.* the suspension of the Habeas Corpus)," and added, in justification: "From the papers which had been laid before the committee he was certain that the magistrates had performed the duties which were imposed upon them with the greatest prudence and humanity." Upon the Marquis of Lansdowne cornered him by asking why, if an indemnity bill was a necessary consequence of the suspension act, irrespective how the powers were used, he was anxious to make out that the ministers had acted with moderation. The Duke of Montrose tried to plain away his original statement by narrowing its scope. He had to confess that an indemnity was not strictly a sequel, "unless the House proved of the conduct of ministers." This the Premier intervened in the debate and made the following authoritative declaration:—

"He (Lord Lansdowne) had described his friend (Lord Montrose) to have said that the act of indemnity was a mere corollary, a necessary consequence of the suspension of the Habeas Corpus act. But as he understood his noble friend had said no such thing; he could not have said No, his argument was that, after such a report that presented to their lordships' committee, a bill of indemnity seemed to follow as a measure of justice to those who had been intrusted with the difficult task of carrying the act of suspen-

into execution. . . . Government were anxious to lay every information with respect to their conduct before the committees of the two Houses of Parliament in order that they might know how they exercised the powers entrusted to them generally and particularly, and judge from them how far they were entitled to such an Act as they now came forward to apply for. *They did not ask for it as a necessary consequence of the suspension of the Habeas Corpus act, but on the ground of the belief expressed by the committee that the powers committed by Parliament to their discretion had not been abused.* That and that alone was the ground upon which they now stood before Parliament and the country. . . . *The bill did not follow as a matter of course (from the suspension of the Habeas Corpus).* The conduct of ministers had been referred to a committee. By the report of the committee it appeared that all the detentions which took place under the suspension, were fully warranted by circumstances; and if their lordships had any confidence in that report they must in justice and in fairness grant the protection of the bill now proposed."

It will be seen that here the Premier abandoned altogether the plea that the indemnity bill was a necessary sequel to the suspension of the Habeas Corpus, but claimed that the report of the committee, which had gone inquisitorially into the conduct of the ministers, justified the bill. Still, fuller inquiry was demanded. Lord Lansdowne observed:

"He considered it worth their lordships' attention to have made a full and impartial inquiry, or still to make it, before they passed a bill which affected the interests of so many who claimed redress which professed to exclude them from that redress and set aside the whole intent and effect of equal laws. If their lordships hoped to satisfy the public, they could not proceed to pass such a measure without completing the inquiry. *If such inquiries were inseparable from indemnity bills in general,* they were more especially necessary in the present instance. He did not say that he should oppose an indemnity bill in all cases of suspension; but he entreated their lordships to look at the provisions of the bill before them. . . . Would their lordships at once rob and confiscate the legal rights and claims of a description of persons so large as those who had been affected by the late extraordinary measures, without affording them an opportunity of making their complaints heard, and holding out a hope of some redress to those who, under every precaution, might have fallen victims to misrepresentation or mistake? Their lordships' committee had done their duty, but the duty committed to them was only that of inspecting papers submitted to them by the Prince Regent. Let their lordships consider to what an extent such an indemnity would operate; they knew not indeed, nor could they know without inquiry, how many persons, who had been outraged or injured, would be thus precluded from obtaining redress by the laws of their country, who would be thus shut out from every channel through which they could obtain the slightest remedy for the grievances they had sustained. . . . He was not now disputing the propriety of entertaining the bill at all (it might or might not be a necessary appendage to the last act of the legislature to which it referred), he only asked their lordships not to deprive men of their rights, not to extinguish every hope of redress by adopting this measure without some proceeding of inquiry more full and extensive than that they had hitherto been satisfied with."

Two propositions emerge from the ministerial pronouncement quoted above: (1) that an indemnity act does not follow as a matter of course from the suspension of the Habeas Corpus, and (2) that the legislature has the right to examine minutely the exercise of powers by the ministers and refuse indemnity, where abuse of those powers is brought to light. If the powers are unjustly converted into instruments of oppression, those who are responsible for their use certainly do not deserve legal protection. Lord Holland quoted with much effect in the above debate the opinion of one of the greatest lawyers of Ireland, Lord Avonmore (better known as chief baron Yelverton), and incidentally this opinion shows conclusively how impossible it is to obtain redress if the burden of proving the absence of good faith or a clear necessity for extra-legal measures is thrown on the complainant, as has been thrown in the indemnity bill now before the Viceroy's Council. Lord Holland remarked:

"Lord Avonmore had said from the bench (of an indemnity act) that the oppression suffered under the suspension act ought to have been redressed. After having mangled the limbs of a man without trial and without proof of guilt, it was a horrible crime to deny him redress, by passing an act to protect his persecutor. Lord Avonmore regretted, when the action was brought before him, that the Indemnity Act stood in the way of the redress which his sufferings demanded. That venerable judge whose extensive learning, elevated views and incorruptible integrity entitled him to a comparison with any man that ever sat upon the bench of justice in any country, expressed himself in very decisive terms upon this subject, on the trial of an action brought at Clonnel assizes, in the spring of 1798, by Mr. Francis Doyle, against the notorious Sir Thomas Judkin Fitzgerald. The following were the words of this respectable judge in his charge to the jury upon that occasion: 'This, gentlemen, is an action brought to recover damages from the defendant, Colonel Fitzgerald, for an act admitted to be against law. If, therefore, the acts of indemnity which have been cited to you had not passed, no damage that you could give would be too great. . . . You must find that the defendant acted maliciously, and not with an intent of suppressing the rebellion or saving the State, according to the words of this act, *which places an insuperable bar between injury and redress and sets all equity and justice at defiance.*'"

The present Indemnity Bill does no less.

#### MYSORE EDUCATIONAL POLICY.

THE State of Mysore has always served as an object lesson in many administrative reforms and we always point out to our detractors what Mysore is doing in several directions. In no department is the activity of Mysore so marked as in education. Mysore was one of the first of Indian States to go in for a policy of compulsory education in selected areas and was never backward in spending all the money required. But the authorities realise that the pace is not yet what it ought to be in these fast-moving times. The Government of Mysore asked their Inspector-General of Education, Mr. C.

Ramalinga Reddy, to prepare a report on education in all its aspects and on this report they have issued a memorandum which has now been published for general discussion. The memorandum is only a preliminary enunciation of policy, and definite orders will be passed later on each problem after three months have been allowed to all bodies and persons to make suggestions.

The memorandum does not deal with university education at all, but it treats of all other functions directly or indirectly connected with education. As regards primary education, the rate of progress has already been recently very rapid, the number of primary schools having risen from 2077 in 1911-12 to 8761 in 1917 and the number of pupils from 74,804 to 257,901 in the same period. Several of these schools are grant-in-aid, but in villages the local subscriptions cannot always be kept up. It is proposed immediately to increase this number of schools to 10,000, thus providing "one primary school for 600 of the population, one primary school for every 2.9 square miles and one primary school for every 60 pupils between seven and ten years of age." The distribution of the schools is to be so arranged as to facilitate the introduction of compulsory education into villages with a population of 300 and above. Even in Mysore the inequality in the education of boys and girls is strongly emphasised. At present the proportion of primary schools for girls to those for boys is about 1:16. Under the proposed policy there would be 8600 schools for boys and 1400 for girls, though girls will be admitted to boys' schools in small villages. It is intended that the expenditure on primary education for the next five years during which the proposed process of expansion is to be complete would be (including the equipment of the new schools) 12, 20, 25, 27, 29 lakhs roughly, and when the process is stabilised the annual cost would be 27.29 lakhs. Big as this rise is, we would like to make one observation. It is apparently proposed to have teachers on a salary as low as Rs. 10 p. m. Now we do not know the exact economic conditions in the State of Mysore; but in these days of railway communications prices have a tendency to become uniform, and we do not therefore think that it would be possible to get efficient and, as it is intended, trained teachers at this rate of wages. We do not further believe that it would be real economy to employ men at this rate. The lowest rate of pay must be considerably higher than this, and should be at least twenty-five per cent. above the monthly wages of an unskilled manual labourer. The State will therefore in all probability have to spend something like 35 lakhs rather than 27 on primary education at the end of five or six years.

The same go-ahead policy is followed in secondary and technical education. The number of institutions of all grades is to be largely increased and money is to be freely spent on them. It is interesting to note a tendency of the times even in a homogeneous State like Mysore with a single

language. Till now there have been several purely Kannada or Hindustani middle schools. But it is found that these are not very popular, and the demand for English education is so great that the Inspector General of Education suggests that these Kannada high and middle schools be abolished and that every one who wants education above the primary standard should be compelled to learn it by taking English as a compulsory second language. The Government of Mysore has not finally decided the matter and awaits the expression of public opinion. But it is clear in what direction the opinion is veering in spite of the enthusiastic but ill-judged attempts of a few Mrs. Partingtons who wish to sweep back the tide of English and preserve a dry Swadeshi beach of vernacular or Hindi. The question of the medium of instruction is altogether different and is one purely for the educationists, and on it the Mysore Government has not made up its mind and is an interested spectator of the developments in British India. So every lower secondary school to which at least every teacher in a primary school must have belonged before undergoing his training will henceforward contain provision for the learning of English, and all primary schoolmasters will have at least some knowledge of English. In our Presidency not only was the experiment of introducing English as an optional subject in the three higher standards of our vernacular schools—which correspond somewhat to the lower secondary school—for long time resisted by many officials, but the suggestion of having English as an optional in the Training Colleges is altogether scouted. Needless to say we shall watch the results in Mysore with great interest.

As regards the education of girls we believe that Mr. Reddy has taken a wrong view in suggesting that the lower secondary and high schools for girls should be ordinarily without compulsory English and should be on a vernacular basis. We believe that Mrs. Rukminiamma's line of argument has great force. We do not think that girls' education should be on an essentially different plan from that of the boys. The whole question of the basis of education may legitimately be a matter for discussion. But separate bases for boys and girls are undesirable, though of course girls' schools will naturally place more emphasis on certain optional subjects while boys' schools on others. In many other directions, especially technical and industrial education, the memorandum makes very important suggestions and shows a complete grasp of all educational problems. The Government of Mysore is prepared to make all necessary allotments for the advancement of education. The following sentences will show its liberal attitude and should be taken to heart by many a British administrator who is inclined to grudge expenditure on this head.

"The total expenditure on education in all grades was about 10 lakhs at the end of the last decade. It will have risen by about three and a

half times before the end of the next official year. If the proposals outlined in the above note are to be given effect to fully and the entire educational organisation is to be brought to a standard of efficiency commensurate with the developments in view, it may be necessary practically to double the present rate of expenditure within the next five years."

It may be worth while to note in this connection that the population of the Mysore State is rather less than six million and that of the Bombay Presidency (exclusive of the Native States) is twenty million. *Verbum sap.*

### CALCUTTA UNIVERSITY COMMISSION REPORT.—I.

ABOUT a year back, when the timely succour of America seemed all in all for European civilisation, the *Fortnightly Review* published in August and September of 1918 two articles comparing the system of education obtaining in England with that in the United States of America; and in the comparison America did not suffer. The writer said that at the English higher schools and Universities students learnt chiefly how to idle more or less gracefully and to toy with work, whereas in the United States (and in Germany) study was taken far more seriously, and it was more closely related to life activities and economic production. The humanistic cult of the older Universities compared rather unfavourably with the culture of the newer schools of up-to-date science and technology. It is not immediately relevant to us to say whether or not the war has demonstrated the hollowness of the claim of the newer schools, as the alumni of the traditional schools showed, that their much be-rated training had fitted them to take up the burden of the war sprung on them and to display their wonderful resourcefulness and adaptability to the new situation, and that once again in Britain's history the preparatory school of the Eton fields was equal to giving enough equipment to its students for entering on the University course at Waterloo, now called *the Marne* or *the Somme*.

Something of the discontent of the Reviewer there is in the present-day criticism of the literary education inaugurated here by the then Legal Member of Council, Macaulay. At political and other conferences, the need is advocated of having more of the modern side of the science teaching imparted to the young men of schools and colleges so as to fit them for the professional and technological training so essential for the present day. Such a training in science will give the young Indian a closer grip with life and life's stern needs in the hustling world of to-day and make a new man of him quite different from the unhandy mooning creature that he is suspected to be. The cry for more science and less letters cannot be put down to mere cavilling at things established and in favour with the authorities. Hence it must be a

matter for rejoicing that among the members of the Calcutta University Commission there were distinguished educationists who had been associated with the newer Universities, Universities more alive to modern acquirements than the older Universities when people graduated in the arts of graceful idleness. The Commission would really mean business and not be content with recommendations to perpetuate the present system.

The past record of the Commissioners and the work they have done as evidenced by the Report show that India has got its money's worth. The inquiry instituted by the Commissioners has been of a thorough-going nature, those most competent to give advice have been consulted and the Report sets out the many difficulties presented by the educational problem in India with discrimination and accuracy. The recommendations made show the sound commonsense of the Commissioners, their wide educational experience and outlook, and their competence for wise guidance.

The Report shows throughout that the evils complained of are not peculiar to the system of education as obtaining here, that though there may be aggravation because of Indian conditions, they are symptomatic of the *phasis* of European culture at this particular stage. Just as Indian History came into the general stream of European *welt-politik* after the fateful rounding of the cape, so also the history of Indian education is a reflection of educational development in England since its start in its present recognisable form. There were at the very commencement two influences at work, the semi-rationalist school and the religious school, represented by David Hare and Rama Mohun Roy, and by Carey, Marshman and Ward (Vol. I, p. 33). The educational despatch of 1854 reflects the principles enunciated by the English Committee of the Privy Council in 1846 (Id. p. 40). The London University had been established some years back. The conditions obtaining in India made the starting of Universities on similar lines a matter of course. Opinions changed with regard to the University of London in its earlier form being educationally valuable, and in 1898 the examining University was transformed into a teaching University, with the system of examinations maintained for external students, and four years later in India we find the policy of London accepted as the last word of educational wisdom. When private enterprise was in favour in England education was left to private initiation here; when State action grew more and more into form Government in India realised more and more that education was one of its most important duties, not to be relegated to such unsatisfactory agencies. Take the change so often urged as the peculiar outcome of the new education which finds documentary expression in the Government record of Bengal, 1887 (p. 355, Vol. II. of the University Commission Report). "The virtues of obedience to lawful authority, of discipline and of respect for others have declined among the edu-

cated classes in India." In p. 363, Vol. II. of the Report, we read, "India is not alone among countries in this experience. The first wave of the critical and democratic spirit usually results in a certain self-assertive rudeness which time and a riper judgment mellow down to proper proportions." May we remark in passing that under the overwhelming external politeness of the oriental scholar is often veiled a contempt that would give points to the irreverence of the scholar of the newer cult?

The educational conditions of different parts of India are so much alike everywhere and the difficulties of educational progress in all provinces are felt so keenly on identical matters, that the Report though confined mostly to Bengal is full of instruction for the students of education outside the province. As the most comprehensive and informing record on educational progress we accord to the Calcutta University Commission Report our welcome.

K. B. RAMANATHAN.

#### FROM A WANDERER'S NOTE-BOOK.

A WAVE of inordinately high prices is at present passing over the whole world. America and England, no less than the devastated countries of the European continent, are suffering from the epidemic of high prices. Though the war is ended except in Russia, the after-effects of the struggle do not let people forget the terribly destructive character of the ordeal through which the world has emerged. The pain of readjustment is being acutely felt. Nothing is yet stable. Production of wealth is not keeping pace with the demand, the relations between capital and labour are strained, or consumers are being hard hit. National expenditure is everywhere upon a high scale, and resources are not equal to the strain put upon them. Governments of the world are distracted by the troubles with which they are confronted. They must find money for carrying on the administration and must provide for the payment of interest on national debt. Inflated currencies have to be reduced and foreign exchanges restored to a normal state. The demands of labour have to be reconciled to economical methods of production, and all waste has to be eliminated.

MR. LLOYD GEORGE is tackling the problem of economy in all Government departments, which have been openly charged with extravagance of the worst kind. The knife is being ruthlessly applied to expenditure everywhere. But the task of retrenchment and economy is not easy. And the British Finance Minister is hard put to it to find the money to balance his accounts. The Cabinet at last thought of attacking the profiteer and asked Parliament to enact a measure to put down drastically every attempt on the part of sellers of goods at raising prices without cause. Everybody admits that the pest of profiteering exists.

But the question is asked whether it is practicable to reach the real culprits and to attain any tangible results. President Wilson is in the same predicament as Mr. George, and the profiteer is as busy in America as in England. Severe measures are being contemplated in the U. S. A. against everything done in restraint of free competition. We are told that prices are being artificially and selfishly raised and stocks are being withheld. Dr. Wilson has likewise labour troubles to deal with. High wages, insufficient production and large demand cannot but make for scarcity and dearness, and the only solution of the problem appears to be hard and fruitful work calculated to create the wealth for which the world is hungering. Are we to take it that the present troubles and the pangs they are causing are the pains of the rebirth of civilization, or are they a punishment for the political and economic sins of the past?

VERY remarkable statistics have been recently published regarding the mercantile shipping of the world. The war, of course, made a havoc among the ships of the nations. Germany's submarine campaign took a heavy toll, and though the British and the American shipyards were extraordinarily active, turning out new steamers, the gap between production and destruction was very large. The outstanding feature of the statistics is the enormous strides made by the U. S. A. in shipbuilding during war time. America's sea-going tonnage increased in this period by 382 per cent. Great Britain's loss is estimated at 13½ per cent. and Japan's gain at 36 per cent. The United Kingdom is still head and shoulders over the leading countries of the world in the matter of mercantile marine with 16 million gross tons, with the U. S. A. following with only 9¾ million. Her carrying trade is an extremely lucrative business to England, and America will now share largely in it. The gross tonnage in June last was actually 5 per cent. in excess of what it was before the war, and this fact is entirely due to the huge additions made to the U. S. A.'s mercantile marine during the war period.

MR. LLOYD GEORGE'S Government does not yet seem to have devised any plan for solving the Irish problem. The *London Times* has formulated a scheme of its own, and it is being widely discussed. It is an ingenious project, though not quite new. (What can be new in the case of Ireland where all manner of plans have been discussed and rejected?) The scheme is designed to satisfy all reasonable parties. Nationalist Ireland is to receive a Parliament, and Ulster is not to be yoked to a partner it hates. Over the two independent Parliaments, there is to be an All-Ireland Parliament in which the rights of Ulster and the rest of Ireland are to be carefully safeguarded. The Republican party will, of course, have nothing to do with such a Government, and Ulster, under the leadership of



that redoubtable champion of the Union, Sir Edward Carson, will not look at it. What can the poor Nationalists do? The *Times* is disappointed that the Premier did not consider its scheme with favour and failed to produce any of his own. Mr. George characterised the scheme as one which all parties in Ireland had joined in condemning. He no longer enjoys the support of the Thunderer and is described by that paper as a petty tactician. It is to be seen whether the Government hatches any plan of Irish reform during the recess.

THE exchanges of European countries are in a sorry plight. The English sovereign is worth only 17s. in America, and the French franc has similarly lost value in England. The balance of trade is against England and France, and it can be corrected only by increased exports or American credits. America is being asked to feed and clothe and equip devastated Europe without receiving immediate payment. That country has reached such a high pitch of prosperity that it can well afford to sell on credit. The task of peace will not be completed till the wounds inflicted by the war upon Europe are healed by the soothing balm of sufficient food and capital, and Dr. Wilson regards it as the sacred duty of America to run to the assistance of the suffering nations. The task of reconstruction is one of gigantic proportions, and it will be some years before any appreciable progress is made in its accomplishment. The German mark was, for the first time, quoted in London the other day, and its value is, of course, abnormally low in sovereigns. The value of the Italian lire is likewise unsatisfactory, and the exchange as regards Russia is non-existent. The world's exchanges will return to normal conditions when the economic situation in the different nations improves.

WITH all the strong support of his large Parliamentary majority, Mr. Lloyd George now occupies a most unenviable position. As the courageous and inspired statesman who saved his country from a disaster, he was, for a time, the idol of the bulk of the British nation. But the crisis over, the Premier is being subjected to bitter attacks from all quarters. To Asquithian Liberals, he is a renegade who deserves no sympathy, and the Radicals and the Labourites look upon him as a blue-blooded Conservative. The party for which the *Times* speaks does not want Mr. Lloyd George in the place of the Premier, and, in fact, a wave of discontent and reaction is just now passing over Great Britain. The *Times* is leading a campaign against the Prime Minister. In foreign and domestic policy, in trade and industry, in banking and currency, in Ireland and at Westminster, that paper sees nothing but bungling, inaptitude and time-serving on the part of the ministry and would welcome a general election if there is no immediate and radical improvement in all branches of administration.

STRIKES are contagious and every class of workers who has a grievance is striking in Europe and America. The demands of some of the strikers are likely to appear as extravagant and many of the complaints as frivolous. The community is annoyed when railway men and miners, dockers and policemen, bakers and actors strike work, but it must pause and reflect on the conditions—miserable and demoralising—in which these workers have to toil. Last month, actors and actresses in New York declared a strike and were soon followed by chorus girls. The latter declared that they struck work for 'more than money' and that it was 'next to impossible for a girl to work in a chorus without leading a life of shame.' The unrest is a symptom of diseased social conditions, and strikes are the eruptions caused by the poison insidiously working in the body politic.

A WANDERER.

#### FUN AND FACT.

MONTAIGN, grandmaster of the household of Charles VI., was tried, tortured and executed by Martial Law Commissioners. He was buried in the church of the Celestines, and when Francis I. came to see his tomb, the King said, "This Montaign has been condemned by justice." "No, sire," answered the simple monk who guided the King, "he was condemned by Commissioners." The high authority on constitutional law (one of the highest in the world) who relates this incident remarks thereupon: "Martial Law Commissioners as judges form a packed court, do not feel lasting responsibility, and in cases of importance to the executive, act on the foregone conclusion (i. e. that the accused ought to be convicted) as distinctly as the judges of the Duke d'Enghien did. In this consists the danger of courts martial when established for the ordinary courts,"—all of which is so pat to the occasion and applicable to the Punjab Martial Law Commissioners' judgments that I am almost tempted to swear that the said constitutional authority had them and them only in his mind in virtue of an uncanny gift of prognostication when he penned these lines. All this ought to afford some food for thought to Sir Edward Maclagan and Englishmen like him who seem to imagine that ample justice has been done because judges of high standing, decided the cases as Commissioners in extraordinary courts. If I were in a mood to compare great things with small, I would ask him and all Christians in His Majesty's realms to meditate for half an hour on the Crucifixion of the Christ who was condemned to death by no less a personage than that eminent judicial functionary, His Excellency (or His Honour?) Pontius Pilate. But the bother is, they have no time to think of these things.

"THE closing of shops in India is a signal for rebellion," says Lord Sydenham. I myself remember a few such occasions of widespread revolt:

(1) all shops in India were closed when Her Majesty Queen Victoria passed away; (2) *Ditto* when His Majesty King Edward followed suit; (3) all shops were shut on 'Victory' day; (4) on some public holidays and big festival days they remain closed. I can enumerate innumerable other instances of the inborn tendency of the Indian races to rebel every now and then, but I think this will do. Lord Sinha contented himself with saying that he had never heard the like of Lord Sydenham's assertion. The noble Bengalee peer missed a rare opportunity of enlivening the proceeding of the Upper Chamber, which is notoriously dull as a rule, by citing the foregoing instances of rebellion and raising a harty laugh at Lord Sydenham's expense.

APART from the fact that the Hon. Mr. S. Sreenivasa Iyengar and the Hon. Justice Seshagiri Iyer are the Advocate-General and a High Court Judge respectively, they are also among the intellectual *élite* of Madras. In his recent lecture on Neo-Hinduism, the former observed that Hinduism is not the same as what one may call Casteism and that Hinduism will decline, decay and tend to disappear to the extent to which it is made to depend on Casteism,—a much-needed and timely warning to whomsoever it may concern, and this view was supported by the latter in his chairman's speech. I heartily commend this eminently sensible view of the matter to the consideration of all Hindus and especially of those well-meaning simpletons among them who are still silly enough to suppose that Hinduism and Casteism are synonymous and inter-dependent. A good many members of those "obscurantist bodies," to adopt the Hon. Mr. Sastri's phraseology, the Sanathana and Varnashrama Dharma Sabhas, are of this class.

THE Peacock Throne has entered once more on the scene of contemporary events in circumstances as mysterious as those that attended its original exit from the stage of History. It is one of those things which have never ceased to exercise a profound fascination on the imagination of the world. That great æsthete and lover of Art, Lord Curzon, says in his delightful volume of Persian reminiscences that he made a thorough and diligent search for it in every nook and corner of Persia as became a devotee of the beautiful, but that his perseverance went entirely unrewarded inasmuch as he could meet with no trace of it. He has come to the conclusion that the Kurds who murdered Nadir Shah who stole the Throne from India took it piecemeal and destroyed it, distributing the precious stones and gems among themselves, simple, unsophisticated barbarians as they were, and without any cultured appreciation of civilised works of Art. His Lordship has now come out with a prompt contradiction of the current rumours about the Peacock Throne. One of his arguments that it is a sham and not the real

object that bore that grand monarch of the East Shah Jahan, is based on the fact that its present estimated value is only £750,000, which is an absurdly low figure for the original Peacock Throne. He is right; for Tavernier, who was by the way a jeweller by profession, estimates Shah Jahan's gorgeous throne, which was the envy of the East and West, at £6,000,000. We have to remember that many a potentate of those days made himself a Peacock Throne in feeble imitation of Shah Jahan's, and that the Turkish throne may be one such.

IT is a matter for gratification, as the editors say, that most of us are not members of the Supreme Council. Time was when uneasy lay the head that wore a Crown. But the time has come when the head that does not wear it lies more uneasy, *i. e.*, the ex-Kaiser. But even he seems to enjoy sound sleep compared with the members of the Supreme Council whose hands are full with an endless number and variety of Notes despatched and to be despatched to Powers, big and small, old and new, amenable and recalcitrant. No sooner is a Note received from Hungary than a fresh one has got to be sent wireless-haste to Roumania. To add to their bother, the wireless *will* break down at odd moments! Even if it does not, Roumania receives the Notes and puts them where editors of newspapers generally put most of their contributions—in the W.P.B. (hope this will not be pitched into it, Mr. Editor)—and then coldly replies that the Note arrived a trifle too late! But if by mistake they do receive it in time and reply in time too, then there are the Czecho-Slovaks, Bohemians, Poles, Hungarians, Ukrainians, Prussians, and last but not least, the Bolsheviki. . . . In short, I do pity the Supreme Councillors.

PUCK.

## CORRESPONDENCE.

### AN OPEN LETTER TO MR. M. K. GANDHI.

REVERED SIR,

I respectfully draw your attention to the epoch-making speech of that true Satyagrahi, Mr. C. Rajagopalachariar, at the Madras Provincial Social Conference, calling on the depressed classes to adopt civil resistance against the disabilities imposed on them by the "higher" castes. It is a trumpet call to which, I hope, the depressed classes will suitably respond. I am profoundly surprised that up to this time you have not started a public crusade against the disabilities imposed on the depressed classes by our society whereas you have thought it fit to start a campaign against the infinitely smaller legislative evil, *viz.*, the Rowlatt Act. The Rowlatt Act is as nothing compared to the social disabilities which Hindu society has imposed on the depressed. The Rowlatt Act has so far remained a dead letter; for aught I know it will remain a dead letter and will be altogether dead in less than three years. But the social tyranny I have referred to has crushed down many millions of our fellowmen and fellowwomen and reduced them to the position of mere brute beasts, nay, worse than brute beasts (for we touch all brute-beasts and allow the very pigs to sport in our *Agraharams*). Can there be any comparison between this social tyranny and the

Rowlatt Act? But for some reason best known to yourself, you have chosen to lead a movement against the smaller legislative evil of yesterday and ignored the infinitely greater social evil of centuries. Do you know why the campaign against the former perished so soon? It perished of its own inanition—I mean there was not enough stuff in it to sustain it and lead it on to triumph. Now you propose to revive it. By all means. The Rowlatt Act must be resisted. But I plead that the greater evil should be resisted too. There is a greater reason why you should start a campaign of passive resistance against the wicked social customs of this country prior to starting any passive resistance against political wrongs. You want to train the people in the true spirit of Satyagraha. I suggest that there is no better training-ground for this purpose than civil resistance against evil social practices which are of their own making. It has an advantage over political civil resistance, inasmuch as it will not lead to any political trouble or disorder like the latter. It will not excite animosity against foreign rulers. The authorities will not interfere with it. The people can get trained in the spirit of Satyagraha in this way, and when they become perfectly trained then they may begin passive resistance against legislative wrongs and political evils. But by far the greatest reason for starting such a campaign is that it is high time to save the millions of Panchamas from the crying, cruel, scandalous and shameful wrongs of ages and you, Sir, are the one man in India, who can accomplish their Redemption.—Yours truly,

AN INDIAN PATRIOT.

Madras, 28th Aug.

### SELECTION.

#### J. S. MILL ON MARTIAL LAW.

(House of Commons, July 2, 1867.)

Our opinion has been that the law is what I shall now venture to state, and that if it has not been so, it ought to be made so. Our opinion was, that there is not, properly speaking, as regards non-military persons, such a thing as martial law, and that it has no existence except for military purposes. Of course, Parliament can give it existence, because Parliament can make any law, however inexpedient or unjust. But the Crown, being only one branch of the legislature, cannot do this. We have thought that, although there was no such thing as martial law, except for military purposes, there was a law of necessity. There may be a public necessity in the case of rebellion, requiring that certain acts not justified by the ordinary law of the country should be done; but these acts should be acts of suppression and not of punishment. Now, a point which has not been noticed and to which I attach the highest importance, is this—that in a case of public necessity, as in any analogous case of private necessity, those who act upon it, and do under the supposed necessity that which they would not ordinarily be justified in doing, should be amenable to the laws of their country for so doing. As in the case of killing any person in self-defence, so in the case of putting any person to death in defence of the country, the person who does it ought to have the *onus* thrown upon him of satisfying the ordinary tribunals of the country that this necessity existed. What, therefore, we say does not exist, and ought not to exist, and which if it does exist we should do our utmost to put an end to, is, the idea that any proceeding, such as a declaration of martial law, can or ought to exempt those who act upon it from amenability to the laws of the country. We contend that the law of necessity, of which nobody denies the existence, would justify the executive in doing these things if no such thing as martial law had ever been heard of, and that by using the term martial law you ought not to be able to get rid of all responsibility. We demand that the officers of the Government of this country should not be able to escape or

get out of the region and jurisdiction of the law; but, that whatever they do, if it be against the law, they should be compelled to justify. They must show the necessity which existed, not to the satisfaction of a court martial merely, but of the regular tribunals of the country. When it is said by the hon. Gentleman the Home Secretary that it is much better that the officers who intend to assume this power, and act on this supposed necessity, should declare beforehand their intention of doing so, by all means let them do so, but do not let them, or any one else, think that by using the term martial law, or by announcing that they mean to make a military tribunal one of the instruments by which they will exercise their power of superseding the law, they will clear themselves from all responsibility.

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