

# THE Servant of India

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## CONTENTS.

	PAGE
TOPICS OF THE WEEK ... ..	373
<b>ARTICLES:—</b>	
The Lucknow University Bill. By H. N. Kunzru ...	376
Currency in the Supreme Council. By Professor V. G. Kale, M. A. ... ..	378
<b>SPECIAL ARTICLES:—</b>	
Hindu Law in the New Era—I. By Lex ...	379
Terminological Mischiefs. By Professor V. N. Godbole, M. A.... ..	380
<b>REVIEWS:—</b>	
Baroda Administration Report, 1918-19... ..	381
Half Yearly report of the Gujrat Rajakiya Mandal	382
<b>CORRESPONDENCE:—</b>	
Lord Sinha's Appointment. By A Beharee ...	382

## TOPICS OF THE WEEK.

THE Congress presidential address of Lala Lajpat Rai is mostly taken up with the treatment of the Punjab question, of which the indictment of Sir Michael O'Dwyer forms the most conspicuous feature. Let alone a trial of Sir Michael and other principal miscreants, even official censure and administrative punishment of the officers convicted by the Hunter Committee of gross abuse of authority are not forthcoming. The Government seems to think that their duty is done with the action taken in the case of General Dyer—such action as has been taken, and that nothing further requires to be done in the way of reparation for all that was done in the Punjab. There is of course a passage in the Secretary of State's dispatch which enjoins upon the Government of India to take suitable disciplinary action against the officials adjudged to be guilty of wrong-doing, but it would almost appear that the dispatch has been shoved in a pigeon-hole once and for all. And yet an appeal is made to the Indian politicians to let the past bury its dead. It is idle to think that India can concentrate on working the reforms with an undivided mind till the Punjab wrong is redressed.

THE extremely unsatisfactory character of the Reform Rules forms one of the three wrongs which necessitate, in the view of the Nationalists, a general withdrawal of co-operation from Government. A subject of such tremendous importance merited much better than the scrappy treatment which it has received at the hands of the Congress president. A feeling bordering on elation into which he was thrown by the publication of the Re-

form Scheme rapidly passed into one of despondency on account of the progressive mutilation to which it has since been subjected. The Scheme has shrunk to such diminutive proportions in its passage through Parliament that, in its final shape, it fails to rouse any enthusiasm, so far as Mr. Lajpat Rai is concerned. We have never been backward in pointing out the drawbacks in the Reform Act and in the rules made thereunder, but the dark picture which, Lala Lajpat Rai draws, is, we must say, wholly prejudiced. The Government of India Act is not less, but more, liberal than the Reform Scheme, and there is no reason whatever why the high hopes raised in the Lala's mind by the M.-C. Report should be dashed to the ground by the shape it has finally taken.

LALA LAJPAT RAI has produced Col. Wedgwood's authority for the statement that the Reform Act is worse than the Reform Report. But he could not have failed to notice that Col. Wedgwood's grounds are entirely different from those on which the Nationalists base their conclusion. Col. Wedgwood holds the Act to be worse than the Report; because communal representation by separate electorates against which the Report argued has found place in the Act, but the Mahommedans had already been granted communal electorates and the Report held out no hope to change it. Does Lala Lajpat Rai desire, as Col. Wedgwood does, that the Mohammedans should be deprived of what the Lucknow compact gives them? The non-Brahmans have been denied separate electorates, but have been given some measure of protection by means of reservation of seats in mixed electorates. Does the Lala wish the Government to ignore the non-Brahman demand altogether and have purely territorial representation? Col. Wedgwood's opinion lends no support whatever to those who have for the time being accepted the expedient of communal representation. To say that a germ of disease has been mixed with the loaf of reforms by means of the rules is to say something which is far removed from the truth.

IT is difficult to exaggerate the importance of the questions which the Calcutta Congress is called upon to decide. The issue is yet trembling in the balance, but the prevailing opinion seems to be that the usual methods of constitutional agitation are out of date, and the only choice is between two or three alternative forms of non-co-operation. Mr. Gandhi's programme is many-sided, but the item

which draws the attention of the politicians assembled in the Congress is that which concerns them most—the boycott of councils. It is doubtful if other forms, some of them much more drastic, will receive due attention at their hands. It is felt that if the council elections are not to be boycotted, a policy of wholesale opposition must be adopted in the Councils. This means that in no case will the reforms be given a fair chance, till all the wrongs for which the movement is launched are completely redressed. The boycott of British goods will perhaps claim attention of the Congress along with Mr. Gandhi's non-co-operation and Mr. Pal's no-co-operation. But whatever is decided upon, the prevalent feeling seems to be that the Congress must take a plunge and decide upon a well-defined line of action and pursue it not in a spirit of bluff, but in right earnest.

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WE wholly dissent from the reasoning which makes out that there are only these two or three alternative courses of action open to Indians. Neither of them is suitable. But it is much better to fix upon any of them and try it for some time than to accept the principle of non-co-operation and leave it to the provinces to give effect to it, as Mr. Jinnah proposes. Such advice usually proceeds from people who are averse to taking any action in pursuance of the non-co-operation pledge, but wish to save themselves the popular odium attaching to those who proclaim their opposition to it. There is obvious convenience in this arrangement, so far as the leaders are concerned, but it gives an entirely false lead to the people. If the decision should be wrong, the country can retrace its steps when the mischief becomes apparent, but if the recommendation is indefinite, the mischief is likely to be greater and not similarly remediable.

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THE All-India Home Rule League was claimed by its originators to have been intended as an executive of the Congress, bound by its decisions and inspired by its ideals. That claim can no longer be sustained. It has now taken a line of its own. The creed regarding the maintenance of the British connexion, which it had adopted from the Congress, has, we are told, been discarded in favour of "the achievement of self-government on the basis of self-determination." "This move, it is said, is an indication of what is proposed to be done with regard to the Congress constitution, a revision of which is to be submitted to the Congress at Nagpur."

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IN the current number of the *Indian Review*, Professor K. M. Panikkar endorses the view expressed in these pages as to the undesirability of dividing the country on party lines just yet. He also endorses our description of the effect which the resolutions passed by provincial and district conferences must have upon the national character of the Congress. He says: "The National Congress

is being utilised by some clever men as a party caucus now. A more disastrous turn Indian politics cannot take. The Congress has developed a tradition and a prestige which have become a national asset to India. To turn it into a party caucus will be to take away from it its national character and with it to destroy at one sweep its tradition and its prestige. The claim of the extreme Nationalists that only the supporters of the majority at Amritsar should have the support of provincial Congress organisations well-nigh abolishes the Congress as a national institution: it transforms it into an electoral machine." Lala Lajpat Rai, who appeals to the Liberals to rejoin the Congress in the name of national unity, has not a word, in his voluminous presidential address, of condemnation of the policy which converts a national organisation into a party machine and makes "political life caucus-ridden in India."

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THE Select Committee on the Corrupt Practices Bill have effected some important changes in the measure, the general effect of which is to make its provisions less stringent. The penalty for bribery has been reduced from two years' imprisonment, as originally proposed, to one year—a necessary reduction, since even in England bribery practised at parliamentary elections is punishable only with twelve months' imprisonment. The penalty prescribed for personation has also been similarly reduced from two to one year's imprisonment, the same offence being punished in England with a higher degree of punishment, viz. two years' imprisonment with hard labour. Treating is retained among corrupt practices, but the penalty for it is to be mere fine and not imprisonment. In England, bribery by treating is classed with other forms of bribery and is awarded the same degree of punishment.

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THE appointment of a Trade Commissioner "to represent the interests of Indian trade" in East Africa, announced last week, is in consonance with the demand made by the East African Indian delegation in their interview with the Viceroy towards the close of July last. Beyond stating that his duties "will be chiefly connected with the assistance of Indian export trade," the announcement makes no attempt at defining them in clear terms. That the choice will fall upon a person who is already in the service of the Government seems to be beyond doubt. But whether the selected person will be an Indian or a European is not equally clear. The present currency policy in the Colony and the position of exchange are working to the disadvantage of Indian trade and holders of the now invalid German currency notes are encountering serious difficulties in getting them cashed. If the right kind of man is selected to fill this new post, he has a large field of useful activity before him and can do much to mitigate the hardships felt by the Indian trading community in East Africa.

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THE women of Bombay have made out a strong case in support of their demand for the removal of the sex-bar, disqualifying them from sitting in the Bombay Municipal Corporation as councillors. This disqualification came into being at the time of the enactment of the Bombay Municipal Act in 1888, when education had not made much headway among them. Conditions have considerably changed since then and the grounds on which the sex-bar was then deemed necessary do not exist now. At the present time, there is a fairly large number of well-educated, public-spirited and serious-minded women (especially in Bombay) who can be trusted to take as efficient a part in civic affairs as the men. In some respects, they can be even more useful municipal councillors than men. Being much more intimately connected with children, their advice on matters affecting child education is sure to be of a more practical nature than that of men. Their close contact with the sanitary conditions of their dwellings will invest their views on sanitary matters with special importance. In the Act as it at present stands, they are bracketed with criminals and lunatics, which is rightly resented. We hope that when Mr. N. M. Joshi's proposition seeking to remove the disability in question comes before the Corporation, it will receive the hearty support of his colleagues.

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THE strong fight put up by the non-official members of the Bombay Legislative Council during its last session to the Port Trust Act Amendment Bill, giving power to the Trust to build a hotel for the convenience of ocean-going passengers seems to have considerably influenced the deliberations of the Select Committee. For the original object has been given up in favour of "the construction of waiting and refreshment rooms" and the former is defined to include "temporary sleeping accommodation." This is of course much less costly than the original proposal and might remove one of the grounds of opposition to the scheme embodied in the Bill. But what is really intended to be done by the measure, as was suggested during the debate on its first reading, is to validate certain expenditure which has already been incurred in the erection of waiting and refreshment rooms in the Port. No one need now object to this. That there is a shortage of hotel accommodation in Bombay and that more hotels are urgently required is beyond question. That there may be in Bombay a number of wealthy syndicates who might be prepared to invest their money in this profitable business, if sufficient facilities were forthcoming, few will be disposed to doubt.

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MR. EARDLEY NORTON'S letter to the Bihar Provincial Conference held at Bhagalpore towards the close of the last month contains some sound advice which deserves wider publicity than it has received so far. Lest his advice should make him liable to be classed among the back numbers, he

has taken care to add that he does not bear the 'moderate' or any other label. Advice from such disinterested quarters deserves the utmost consideration at the hands of all parties in the country. As regards the reforms, he urges the people "to disarm hostile, and not always honest, criticism by exhibiting a resolve to accept, as a first instalment, the reforms you have been given and to work these so resolutely, so impartially, with such ability as to hasten the acquisition of those fuller powers and dignities the bestowal of which is and must be only a question of time." His warning against the Khilafat agitation being allowed to overshadow the reforms is also equally clear. "I trust you will not suffer yourselves to be led away from the true path by such an unhealthy will-o'-the-wisp as the Khilafat question which is covering the promoters of the Non-co-operation policy with ridicule. The recent announcements of an Indian Governor and of the inclusion of three Indians in the Imperial Executive manifest the honesty of those in England, who recognise your claims to a progressive and even larger share in the administration of your own affairs."

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IN the course of his speech in the House of Commons on August 11, Col. Wedgwood said that East Africa would soon be one of the self-governing Dominions with which England could not possibly interfere. This ought to bring home to the Indians the urgent necessity of securing franchise for their fellow-country-men settled in that colony on a footing of equality with the Europeans. There is little doubt as to what the fate of the Indians will be when the European settlers can have everything their own way, without reference to Downing Street. They desire nothing short of wholesale ejection of Indians from that country, and it is clear that the right which it is now contemplated to confer upon the Indians—that they should return two representatives on a fancy franchise—will not help materially. Lord Milner pleaded in the Lords that so long as the officials are in a standing majority in the Kenia legislature, it does not matter how many representative Indians are allowed to stand; but the danger to which Col. Wedgwood points must show us that equal franchise is necessary to our self-preservation in East Africa.

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VISCOUNT MILNER'S dispatch to the Governor of the Kenia Colony lays down a policy in regard to the employment of native labour. Under certain conditions labour will be compulsorily employed for Government works. Compulsory labour is absolutely forbidden for private employment; but since labour is desirable in the interest of the natives themselves moral suasion will be freely used. "There is no question of force or compulsion, but only of encouragement and advice through the native chiefs and headmen." But who can be sure that this persuasion will not pass into compulsion? Or rather who does not feel sure that it will take on the form of compulsion in actual practice?

## THE LUCKNOW UNIVERSITY BILL.

BY H. N. KUNZRU.

SPEAKING at an extraordinary meeting of the Senate of the Allahabad University, held on the 7th ultimo to consider the reports of the Lucknow University Committee and its sub-committees, Sir Harcourt Butler said with reference to the Lucknow University Bill, "I think I can claim for that Bill that in accordance with the general policy laid down by the Calcutta University Commission, it is framed with the object and policy of leaving the University so far as possible to work out its own ends." It may be sorrowfully admitted that the Bill finds a warrant for its principal features in the recommendations of the Calcutta University Commission, but, for that very reason, the claim that it makes for an autonomous University will not stand a moment's scrutiny. It is avowedly modelled on the Dacca University Act, a circumstance which is far from reassuring. The Dacca University Bill was severely criticised in its passage through the Imperial Legislative Council, and so strong was the feeling against its reactionary provisions, that, but for the fear of being misunderstood by the Mohammedans, many members would have voted against its being passed into law. Happily the Lucknow University Bill does not suffer from the taint of communal representation, but it takes no account of the strictures passed on its prototype. So far as its framers are concerned, the debates on the Dacca University Bill need never have taken place. The Judicial Secretary to the Government of the United Provinces, who is in charge of the Lucknow University Bill, communicated the views of the Lieutenant-Governor in regard to the Dacca University Bill to the Government of India in November last in the following terms: "I am directed to state that the Local Government has no observations to make on the Dacca University Bill. His Honour has already under consideration the establishment of a unitary teaching and residential University at Lucknow on the lines recommended by the Calcutta University Commission for the Dacca University." Tenaciously, but not wisely, has Sir Harcourt Butler stuck to that idea, ignoring the unanswerable arguments that have been advanced against the principal features of the Dacca University Act.

The Lucknow University Bill takes us to pre-Reform days. It is a negation of the policy underlying the reforms. It is in violation of the proposals of the Joint Committee, who recommended, roughly speaking, that education in all its grades should be a transferred subject and whose report was accepted by Parliament. It virtually makes higher education a reserved subject. It takes no account of the existence of ministers. It makes the Chancellor the central figure in the University and enables him to impress his will on every authority and board of the University.

It is not possible to discuss, within the compass of a brief article, all the objectionable provi-

sions of the Bill. I shall select for a somewhat detailed examination the composition and powers of the Court. The status accorded to it will perhaps be a truer index of the character of the new university than the position of any other authority. The Court will consist of from 125 to 150 members. More than half of these will be ex-officio members, and will include in their number such educational experts as the Commissioner, the Deputy Commissioner and the District and Sessions Judge of Lucknow. Their presence will afford convincing proof of the solicitude with which Government will watch over the success of the new experiment. As if this does not bear witness in a striking manner to the keen desire of Government to ensure the development of the University on sound lines, the Bill and the statutes lay down that the Governor of the United Provinces, who will be the Chancellor, shall nominate twenty persons to the Court. The elective element is limited to a minimum of thirty-five members of whom twenty are to be elected by the registered graduates and not more than ten by associations approved by the Chancellor. With the passing of the Patna University Act, we fondly imagined that we had definitely broken away from the old traditions, but it seems now that it was the result of a temporary mental aberration on the part of the Government of India. The nominated element is in a considerable minority in the Patna University. It was stated during the course of the debate on the Dacca University Bill that, out of 95 members of the Senate, as many as 65 owe their seats to election. But reversion to the sound policy which preceded the Patna University Act, necessitated perhaps by the Reform Act which transferred control over education in all its grades to the representatives of public opinion and thus increased the responsibility of Government for maintaining its efficiency, requires that the Lucknow University should be controlled by those who enjoy the confidence of Government.

Till recently it was regarded as axiomatic that the Senate should be the supreme governing body of a University. Not only the Indian Universities Act and the Patna University Act, but also the Benares Hindu University Act, which was shaped by Sir Harcourt Butler himself in accordance with modern educational ideas, proceeds on this assumption. The Court of the Benares Hindu University which corresponds to the Senate in other Universities, is entrusted with powers of general supervision and control over all the authorities of the University, whether administrative or academic. It is not to interfere in matters of detail, and the organization of instruction is to be largely in the hands of the Senate which is to consist mainly of persons engaged in the teaching work of the University. But neither the Council nor the Senate is independent of the Court. Both of them, although possessing statutory authority, are unquestionably subordinate to it.

The Dacca University Act for the first time

dealt a blow at the supremacy of the Court. It has made the Executive and Academic Councils practically co-ordinate authorities with the Court. The Court cannot control the finances or the policy of the University. It is doubtful if it can review any act of the Executive Council. It can only pass resolutions which the Council may disregard with impunity. They are only in the nature of recommendations which the Council may or may not consider it fit to act on. The annual report and accounts and the financial estimates are to be laid before the Court, but only for its consideration and not for its sanction and acceptance. The Lucknow University Bill has faithfully reproduced all these features of the Dacca Act and made the Court an ornamental body which exercises scarcely any real power. The Executive Council, three-fourths of whose members will be ex-officio or nominated, overshadows the Court.

It may be said that the Court will possess sufficient power to make its will felt and to compel obedience to its resolutions, as it can pass statutes relating to the governance of the University. This was actually said by the Hon'ble Mr. Shafi in reply to the Hon'ble Mr. Surendranath Banerjee when the latter moved that the Court of the Dacca University be given "control over the general policy and finance of the University." "One of the powers of the court..." he observed, "is of making statutes and of amending or repealing the same. It is obvious that this power is a very extensive one—as extensive as can be desired under the circumstances." The statutes will no doubt cover all phases of University life. They will relate no doubt to the powers of the Executive Council, of the Academic Council and so on, so that when the Court is given this extensive power of framing statutes and of amending or repealing the same from time to time, it is obvious that it does exercise considerable power of control. But in the first place, financial control by the Court is not expressly provided for in the Lucknow Bill any more than in the Dacca Act and any statute which enables the Court to exercise such control may be regarded as *ultra vires*. In the second place, the Court cannot amend or frame statutes of its own motion. The statutes can be added to, repealed or amended only on the recommendation of the Executive Council. Unless the Court can initiate legislation, it is idle to talk of "the extensive power of framing statutes" which it may be supposed to be invested with. "Such a power does not exist even on paper. When the Dacca Bill, which has cast its sinister spell over the Government of the United Provinces, was before the Imperial Legislative Council, the Hon'ble Mr. Chanda moved that the Court of the Dacca University should be empowered to alter or pass a statute on its own initiative, but the Government of India refused to accept the amendment. Both the Dacca Act and the Lucknow Bill deprive the Court of a power which the Senate of the Allahabad University enjoys even under the Act of 1904. It

is true that all proposals to be discussed by the Senate have to be considered first by the Syndicate. But this is a duty which has been laid upon the Syndicate. It imposes no limitations on the Senate's powers. The Senate is not required to obtain the previous approval of the Syndicate to the consideration of any motion. It is not debarred from initiating discussion on any subject within the purview of the University.

In the academic sphere the Court of the Lucknow University will be even more helpless than in the realm of administration. The Academic Council will, of course, contain a certain number of ex-officio members. The Chancellor, too, will inevitably nominate some. The rest, roughly speaking, will be co-opted by the ex-officio and nominated members. The Court will not be represented on the Council by a single member. It is to have no voice in the determination of the University's educational policy. It is right that the courses of study, the standards of examinations and other cognate matters should be regulated principally by those who are in practical touch with educational problems. But the wise expert will not disdain the help of the layman, for through him he can come into contact with the realities of life. This is a point which should be borne in mind specially in the case of a country like India. Besides, if the Lucknow University is to inspire enthusiasm and to be regarded as their own by the people of Oudh, public opinion must be brought to bear on educational matters by the inclusion of representatives of the Court in the Academic Council. This principle has been accepted in the Aligarh Muslim University.

The selection of the University professors is another matter of capital importance in respect of which the Court has been given no power. One-third of the professorships are to be filled on the nomination of Committees of Selection in the United Kingdom, a striking illustration of the academic freedom of the University. For the remaining two-thirds of the professorships, nominations are to be made by the Selection Committee in India. These Committees are to contain representatives of the Executive Council, the Academic Council and the local Government and nominees of the Chancellor. But the Court has been severely ignored. It is to have no hand in the selection of the teaching staff. It is instructive to contrast with this the provision made in the statutes of the Aligarh University drafted after the era of educational enlightenment had been ushered in by the Calcutta University Commission's report for the appointment of University teachers. "*Subject to the general control of the Court, all appointments on the teaching staff shall be made by the Executive Council on the recommendation of a Committee of Appointment...*" The Committee of Appointment need not necessarily include a representative of the Court, but every appointment will be subject to the latter's control.



Other instances of the helplessness of the Court can be cited, but the following analysis of its powers will suffice to show that it has no value as an instrument for the exercise of effective popular control over the University. It is practically packed with the nominees of the Government. It has no authority to superintend the work of any University body. The annual accounts and financial estimates are to be placed before it only as a matter of form. It can consider only such statutes as are placed before it by the Executive Council. It has been allowed no say in regard to the formation of the academic policy of the University. It is absolutely powerless in respect of the choice of the agents who are to carry out that policy. But the tale of its impotence does not end here. A statute passed by it on the recommendation of the Executive Council may be annulled by the Chancellor. If it cancels any ordinance passed by the Executive Council, the latter may appeal to the Chancellor. If the Chancellor approves of the ordinance, it shall be put into force notwithstanding the opposition of the Court. If there is a difference of opinion between the Executive Council and the Academic Council, the final decision will rest not with the Court but with the Chancellor. If the Executive Council and the Selection Committees disagree, the arbiter again is not the Court but the Chancellor. No teacher of the University who feels himself aggrieved by the decision of the Executive Council can appeal against it to the Court. The Court is only a toy. It is a perfectly useless body. If Government were entirely honest, they would abolish it and openly avow their determination to keep the University in official leading-strings.

By no stretch of language can the Lucknow University which has such a Court be called autonomous. It would be much nearer the truth to say that it is a department of the Government. All power is centralised in the hands of the Chancellor. He will dominate the University. He will be its dictator. However genuine and laudable may be the desire of Sir Harcourt Butler to extend and improve education in all its grades in these provinces, the political policy underlying the Lucknow University Bill cannot but be condemned as reactionary. It is not surprising that Pandit Jagat Narayan and Pandit Gokaran Nath Misra, who represent Oudh in the local Legislative Council, should have criticised it vigorously. Well may Pandit Gokaran Nath Misra say that unless the Bill is radically altered, Oudh will regret the day when it asked for a University of its own.

#### CURRENCY IN THE SUPREME COUNCIL.

THE Indian Coinage and Currency Bills, which have been under discussion in the Supreme Legislative Council, are measures fraught with the most important consequences to the economic condition of the country. By the first of these bills, Government seeks to secure legal sanction to the policy it has pursued during the past few months with

reference to Indian exchange and currency. The object of Government is nothing less than to alter permanently, so far as there can be any permanence in such matters, the ratio between the rupee and the sovereign from 15 : 1 to 10 : 1. The case of Government in defence of this change in the ratio is that it is in conformity with the recommendation of the Committee on Indian Currency and Exchange and that it is calculated to prove beneficial to the country. But the whole policy of Government in this regard has been strenuously and consistently opposed by Indian mercantile opinion which was given vent to in unmistakable terms by Mr. Tata in the Legislative Council. Opponents of the measure want Government to wait some time before the exchange situation clears itself. The position with respect to silver and foreign trade is not to day what it was when the Currency Committee reported, and all the efforts of Government to stabilize exchange have so far utterly failed. Under these circumstances, there is not the slightest reason for Government to fix the rate of exchange in the way it is trying to do. The Hon'ble Mr. Hailey contended that the change of ratio was necessitated by the risk of high prices which the country would have to face if Government allowed the exchange to go low and that the value of the rupee had to be fixed with a view to the attainment of stability.

Even admitting for the sake of argument the supreme necessity of regulating prices for the benefit of the consumers who form the bulk of the population, we question the imperative need and the wisdom of Government's policy of effecting a permanent change in India's standard of value. The Currency Committee based its recommendation in favour of a 24d. rupee on the assumption that the price of silver would rule high. Now, though the white metal has undoubtedly not gone down to anything approaching the pre-war level of prices, it has remained, for months, much below the range which the Currency Committee felt inclined to assign to it on the strength of the evidence placed before it. It is not right to legalize a high rate of exchange when it is not required by the circumstances. Sound currency policy would consist in giving to the rupee a value as near as possible to the melting point of the token coin, consistently, of course, with a sufficient allowance for the possibility of a temporary rise in the price of silver. The Finance Minister himself argued in the Legislative Council that with the steady deflation of the currencies of the leading nations of the world, the supply of gold would increase and India would secure her proper share of the metal. This argument may be applied equally to silver. At any rate, Government has not produced any evidence to prove that the price of silver will permanently remain at a high level, thus requiring and vindicating the adoption of a 24d. exchange. The view taken by the critics of Government was, therefore, perfectly right that the adoption of a fixed ratio between the rupee

and the sovereign should be postponed. The alteration of the standard of value can be defended only as an indispensable measure that has to be taken under the pressure of irresistible circumstances of a permanent nature. In the present case, this condition is conspicuous by its absence. Government is not being called upon to buy dear silver and the future of the price of that metal is admittedly uncertain. Why then this hurry to chain down by law the rupee to a value which refuses to attach itself to the coin in practice?

With the rupee standing towards the sovereign in the ratio of 10 : 1, the price of gold must be less than Rs. 16 per tola. But the market price of gold stands at Rs. 24 a tola notwithstanding Government's sales of millions upon millions of tolas of gold to the public. At the new ratio, the sovereign cannot go into circulation, its bullion value being much higher than the nominal value. The 24d. gold rate of exchange is as much inoperative in foreign trade and remittances as in internal transactions. The continued sales of reverse councils failed to assist Government in its effort to support the rate of exchange it had plumped for and it had to climb down to a rate of 24d. sterling per rupee. But even that rate is not being maintained and the exchange stands in the neighbourhood of 22d. sterling. With the revival of export trade, the present depression may steadily disappear. The failure of the rains over a large part of the country cannot, however, be expected to help in the recovery, and the prospect is shrouded in darkness. The situation in the outside world, again, is far from reassuring; for the time being, it is menacing. All these considerations point only to one conclusion, and that is, that the time is not ripe for a final solution of the exchange question. The obligation for the stability of exchange which the Government has gratuitously assumed to itself is largely exaggerated. Stability is not in itself such an end of supreme importance that weighty considerations on the other side should be set aside. Frankly, we do not want Government to meddle in matters of exchange which must be left to the free working of economic forces. It is the artificial character of the Indian currency system which requires management. And far from attempting to place the system on an automatic basis, Government is only adjusting the old unsatisfactory arrangements to the conditions created by the prospect of the prevalence of high price of silver. But the kind of adjustment that is contemplated finds no support in the situation which is advanced as its justification. The currency question needs reconsideration and hasty action in connection with it must be emphatically deprecated. We would go further and demand that India should now be given a genuine gold standard and that an inquiry should be immediately undertaken with a view to the adoption of that system. The Currency Bill before the Supreme Council is calculated to render this reform difficult, if not impossible in the near future. In

fact, Government is inclined obstinately to regard the exchange standard as anything but satisfactory.

V. G. KALE.

#### HINDU LAW IN THE NEW ERA.

It is well known that the ban placed upon all attempts to change the personal law of Hindus and Mahomedans by the British Government on their conquest of India will be practically removed when the New Era will be ushered by the "Montford" reforms. The British Government since the commencement of their sway under Warren Hastings had enunciated a policy of absolute non-interference in the ancient laws governing the two great communities, and had given repeated assurances that only those ancient laws would be administered by the Courts of Law established by the East India Company. Such a declaration has indeed been always one of the means resorted to by the conquerors to make the changed régime as little galling to the minds of the conquered peoples as possible. Warren Hastings first embodied it in his order in 1772 that "Moulvis and Brahmins should respectively attend the courts to expound the law and assist in passing the Decrees." Subsequently when the Parliament invested the Governor-General in Council with the power of making regulations, the exact words of Warren Hastings' plan were incorporated into the first regulation enacted by the Bengal Government on 17th April, 1780. Section 27 of that Regulation provided "that in all suits regarding inheritance, marriage and caste and other religious usages and institutions, the laws of the Koran with respect to Mahomedans and those of the Shaster with respect to Gentus shall be invariably adhered to." Later on, on the overthrow of the Peshwas, the same policy was declared in sec. 27 of the Bombay Regulation IV of 1827.

It will thus be seen that the British Government in pledging themselves to strictly administer the Laws of the Koran and the Shaster practically instituted a self-denying ordinance precluding them from all attempts towards interference with those laws even with the laudable object of removing the hardships entailed by them upon poor and helpless people. This self-denial, proceeding as it did from the object of trying to reconcile the people to the new régime, remained in force very strictly only as long as that reconciliation was not fully effected. As soon as their object had been achieved, the policy of non-intervention gradually gave way. It must, however, in fairness be admitted that certain insuperable difficulties soon presented themselves in carrying out the policy of absolute non-intervention strictly. For the chief difficulty that arose, at least in the case of Hindus, was that the courts found themselves quite unable to accurately ascertain what were the laws that they had to administer. So Shastris and Pandits were appointed to expound the law to the Judges of the Supreme Courts, and these learned

Pandits used to give written opinions on points referred to them, together with the reasons and authorities that were relied upon by them in arriving at their opinions. In Bombay such Pandits continued till the year 1863 to advise the Supreme Court, by which time a large body of decisions was recorded and various Sanskrit works on Hindu Law had become available in English translations. The Government came to think by that time that sufficient material on Hindu Law had already become available to enable the Judges of the Supreme Court to dispense with making references to the Shastris in each case.

Another reason why Shastris were no longer considered necessary was to be found in the fact that the Judges often found it impossible to accept the statements of the Law coming from the Pandits as consistent with justice, equity and good conscience. Nor were the Pandits themselves always liable to blame for that anomalous state of things. Sir Thomas Strange has, in a characteristic passage, described the situation in the following words: "To those who have made the Hindu Law any part of their study, it cannot appear strange that it is so unsettled and contradictory. Many of the opposing writers are, in point of credit, equal to each other; and, regardless of consistency, texts are adopted by each for the purpose of sustaining his own particular doctrine. The obsolete, is confounded with the acknowledged, law. The context is often omitted, and passages which ought to be relatively considered are quoted as if they were absolute and independent in themselves. We cannot therefore wonder that so little satisfaction is to be obtained from authority; nor can we but lament that some effort has not long since been made to distinguish and separate those which are, from those which are not, rules of action."

It must be said, to the credit of the British Government, that they made sincere and serious endeavours to get clear of the boggy mire in which they had come to be entangled in consequence of their self-denying ordinance. Not only were regular translations of all important Sanskrit Law books encouraged and specially obtained, but in addition special works on Law were compiled in English to provide safe guides to the courts on all important legal matters. Warren Hastings' Vivadarnava Setu (विवादार्णवसेतु), Suverna Triwedi's Vivada Sararnava (विवादसारार्णव), Colebrooke's Jagannatha's Digest, the Vivada Bhangarnava (विवादभंगार्णव) may be cited as examples.

It will perhaps be news to many lawyers that in the beginning not only was the substantive Hindu Law on marriage, adoption and succession made applicable to Hindus, but even the Hindu adjective law was so utilised by the courts. All matters of procedure, including the summoning of parties and witnesses till the execution of the decree, were regulated by the rules of procedure contained in the old works on Hindu Law. In Macnaghten's Work on Hindu Law only 99 out of

273 pages deal with substantive rights and the rest deal with matters of procedure or adjective law.

We shall reserve for our next article the process by which the self-denying ordinance was gradually abrogated and how onslaughts were repeatedly made on the ancient citadel of Hindu Law. We shall show what small portions have still remained intact, and we shall further show how these remnants are only awaiting remodelling at the hands of the Legislative Councils under the New Era to be ushered in by the Reform Scheme.

LEX.

### TERMINOLOGICAL MISCHIEF.

PROF. MINTO describes in the following words the harm done to clear thinking by the prejudice generated by words: "Words are very common vehicles for the currency of this kind of prejudice, good or bad meanings being attached to them by custom. These verbal prejudices are Bacon's *Idola Fori*. . . Each of us is brought up in a certain sect or party and accustomed to respect or dishonour certain sectarian or party names, Whig, Tory, Radical Socialist, &c."

How true it is! As I reflect upon the harm done in politics by mere words, especially when they are question-begging, I think it is high time to give up the use of such phrases. It is very common in orthodox circles in England to run a man down by calling him a 'rationalist;' as if to act according to reason is a heinous sin or a criminal offence. Ordinary men rarely ponder over the true connotation of a word and are generally led to note the surface meaning.

What I have in mind just now is the pair of words 'Moderates' and 'Extremists,' which are currently applied to the two leading schools of political thought in India in the present day. If the words simply mean that the one party is moderate in its demands for self-government and the other is extreme in its position, asking for what at present is beyond the range of practical politics, there need be no objection to the employment of this terminology. But in practice we mean much more than that. It is the concealed innuendo that causes the mischief. Unless I am hopelessly mistaken, I think we suggest by this pair all sorts of diabolical attributes. In the hands of a 'Moderate,' the word 'Extremist' suggests that the bearer of the appellation is a rowdy demagogue, a revolutionary in the budding, a Radical of the reddest dye, a Socialist, a Bolshevik, a politician intending to spread destruction all round and demolish society or something of the same kind. Now, as a picture of reality this is a grotesque caricature.

A 'Nationalist' on the other side is as much of a sinner when he employs the word 'Moderate.' He utilizes the root meaning to cast a slur on his so-called adversary. He gives a very rich connotation to the word and means to suggest that the bearer of the title is a servile flatterer, a grovelling sycophant, a place-hunter, a very slow coach, a champion of retrograde motion, a traitor to the



cause of his country, a plastic butter-like mass, a sheepish fellow and what not. Now, leaving aside rhetoric and sophistic quibbling, this is equally grotesque as an *argumentum ad rem*. As an *argumentum ad hominem*, it might make the mouth of the most astute lawyer water, but as a representation of reality, it is sadly deficient in the quality of likeness.

Now any one who has got the real interests of the country at heart will admit that this orgy of nick-naming should be given a decent burial. Passions are roused unnecessarily and vituperation becomes the order of the day on both sides. As one looks at the weekly journals, one sees nothing but vials of wrath poured on each other week after week, month after month. In the meanwhile, what about the country which both seem to love with an equal ardour and passion?

Judging from European precedents, it seems better to employ words which are more neutral and devoid of an innuendo. Indians especially ought not to be over-fond of this pair of epithets, because it was originally invented by Anglo-Indian journals to suit their particular fancies. It cannot be denied that even in Europe, the word 'extremist' or 'extreme wing' is often used and much capital is made out of these epithets. All the same, what is food to the one may be poison to another.

If the wishes of the parties are consulted, it would appear from their practice that they prefer the appellations, 'Nationalist' and 'Liberal.' Without discussing new suggestions, this pair seems to be more satisfactory than the usual catch-phrases of the last decade or so. But even here there is a little question-begging. If the word Liberal is used simply, it would appear that this party is not national but sectional. Now, it would be the height of paradox to say that Gokhale and Mehta were sectional in their views and activities. It might be said that that party should be called 'National' which has got a larger following in the nation and which has the larger number of votes at its back. But this would be giving to the word a significance which would lead to a change of designation at every election and thus produce a chaos. Suppose the Conservatives are beaten at a General Election in England, do they cease to be 'National'? In a sense both the Liberals and Conservatives are National. This meaning therefore cannot settle the question of proper epithets.

One solution would be to avoid the word 'National' altogether and designate the one party by the name 'Liberal' and the other by the well-known name in English politics, 'Radical.' If the 'Moderates' are 'Liberal,' then the party which wants to go a little further and have a root-branch reform is surely 'Radical.' Of course, if men are bent on mischief, they can put any amount of sting even in the phrases 'Liberal' and 'Radical.' At present I am interested in appealing to those who want to avoid mischief and work together in the common cause. From this point of view, therefore,

the pair I have suggested is immeasurably superior to the one now in vogue.

Even in Europe the pandemonium of party names in every country is becoming such a source of trouble that one does not know which is which. Can anybody tell us who are the 'Liberals' in England? How many parties India will have after the Reform scheme is inaugurated, it is too premature for the present to say. But judging from European experience, it is just possible that there might be more than two parties. And it behoves us to train ourselves to a rational use of party names instead of allowing the party names to degenerate into engines of mutual ill-will and mutual abuse.

At this point somebody will cry halt and say that this is mere metaphysical hair-splitting, a mere logomachy, a sophistic quibbling. "What is in a name?" All I would answer is: "Everything is in a name." In fact whether I am right or wrong, that is the main thesis which I am anxious to present for consideration. Readers of Lord Morley's 'Life of Gladstone' will recall to mind Gladstone's 'flesh and blood' argument during the campaign for Reform in 1867 and how much capital was made out of a simple innocent phrase. Many other instances might be given of the effect of names in overpowering the logical intellect. To those who believe that politics is immune from the laws of psychology, I have nothing to say. But to those who believe that the laws of mind cannot be set aside by any science, even if it be the science of politics, this evil power of words in clouding the understanding and creating prejudice is not to be lightly set aside.

It might be said that it is the reality which has created the terminology and a mere change in that will not alter reality, however you might juggle with words. This may or may not be true generally; but in this particular case it is not true that the terminology is in consonance with reality. On the contrary the terminology is at least made to express much more than exists as a matter of fact. All that is contended is that words should not be used which tend to exacerbate feeling, and create a prejudice much stronger than is justified by the real difference of opinion between the two parties. We do not want to cavil at the difference of opinion or to deny it or explain it away. Differences there will be and there must be. But why put sting into words which are angelic and make them diabolical?

V. N. GODBOLE.

## REVIEW.

### BARODA ADMINISTRATION REPORT. 1918-1919.

VERY few Indian States would have cared to put themselves to the trouble of writing their administration reports every year, but for the fact that the all-powerful Political department insists on them. Still fewer would be those, which, having issued their reports, would dare send them to the Press for review or for comments. Some of these reports, prepared with the sole view of satisfying the obligations of the Political depart-

ment, leave a good deal to be desired in the matter of the information they contain; indeed they conceal more than they show. We are glad, however, that the administration report of Baroda for 1918-19, which has been recently issued, is free from these defects. The very fact that it is sent to the Press outside the State for notice, is an indication of the fact that hardly anything is kept back which the public should know. But why such a long delay in its publication? It is for the year before last; but was not submitted to His Highness the Maharaja till the beginning of April of this year, evidently the printing etc. taking all the time since then. An otherwise interesting report suffers a good deal from this delay, which ought to be avoided as much as possible. The failure of monsoon and the influenza epidemic seem to have interfered with the working of almost every department of the State, though everything possible was done to minimise the hardships of the people by such means as the opening of cheap grain shops and like measures. It is creditable to His Highness that he made a donation of ten lacs for the purpose. While the work of medical relief and sanitation went on without any obstruction and while the departments of agriculture and co-operation can claim credit for some good work, education seems to have received a set-back, the compulsory education act having had to be suspended. The State, however, continued to offer the usual educational facilities to the students of the backward classes. But the features worthy of note are the introduction of courses in Domestic Science and Household arts in the curriculum of girls' schools and that of agricultural courses in rural schools. The influenza epidemic rendered a crèche orphanage for the benefit of infants rendered parentless a necessity and this was started during the year under report.

But even with all these educational advantages, the demand for more political power on the part of the people does not appear to have grown to any considerable extent. It is a curious fact that though educationally backward, the people in British India show better perception of the advantages of political power, for whose attainment they have to work under greater difficulties. One of the favourite arguments for keeping back political power from the people of India on the part of many Anglo-Indians until quite recently used to be that there was an insufficient spread of education among the Indian people. The state of things in Baroda hardly supports that theory. There, the people seem to be quite contented with such political rights as they already possess. Apart from the fact that there were no new additions to the already existing local bodies, their powers and privileges hardly underwent any material expansion. In most of them the nominated-element continued to be in the majority; while State officials continued to be their presidents and vice-presidents. The Baroda Municipality, which has 24 elected and 12 nominated members, enjoys the right of electing its vice-presidents; the commissioner being its president. The panchayats seem to be doing good work and the experiment of giving them judicial powers in petty civil and criminal cases is reported to have proved a success. This ought to set at rest any doubts the Government of Bombay, who are so carefully fighting shy of these provisions in their own bill, may have on the point. But this is by the way. The Dewan has recommended, for His Highness's favourable consideration, the popular demand for elected non-official presidents and it is hoped it will be conceded in due course.

The State has also got a legislative council, which is not yet two years old. Considering that it came into existence after the publication of the Joint report of Mr. Montagu and Lord Chelmsford, its constitution could easily have been made more representative. Out of its 26 members, only 10 are elected at present. Beyond passing such legislation as comes before it, it seems to have no other functions. It is not clear whether it can vote on the budget or has power to cut down items of expenditure. Its members can ask questions and move resolutions on matters of public importance; but as for any real power, they do not enjoy any. It is time the constitution of the council were liberalised and its powers extended.

## HALF-YEARLY REPORT OF THE GUJRAT RAJAKIYA MANDAL.

THE Mandal is the executive of the Gujrat political Conference and in that capacity seems to have done some good work. It concerns itself more with the hardships faced by poor ryots and villagers in their every-day life than with mere agitation over public questions of more than local interest. To mention only one among the many activities which engaged the attention of the Mandal during the period of the report, it was able to get the Irrigation authorities to reduce the penalty for unauthorised use of canal water from Rs. 7 to Re. 1. Some cases of forced labour were also inquired into. It is really practical work of this kind that is needed in the interests of the ignorant rural populations of India and we can never have too many institutions of this kind.

## CORRESPONDENCE.

### LORD SINHA'S APPOINTMENT.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—Since the publication of my last letter, I have had exceptional opportunities of gauging public opinion of this province by various means, and your readers will be glad to hear that all the prominent public men I had occasion to interview were unanimous in welcoming the appointment. I did not find any the slightest trace of Mr. Pal's mischievous agitation against the Bengalee Peer having made any the least impression on the public mind. The province has since met in conference and has expressed its whole-hearted approval of the appointment. The president of the conference indeed assured Mr. Pal that his advice, of course gratuitous, to make the life of the Bengalee Governor impossible, had not even the ghost of a chance of finding favour with the people of Bihar. And it really has been so. But people have been wondering why a gentleman in Mr. Pal's position who calls himself a Nationalist and who is himself a Bengalee should ever think of starting such an unrighteous agitation; and the cynics among us go so far as to attribute personal and not very complimentary motives to the editor of the *Independent*. However that may be, the fact is there, that Babu Bepin Chunder Pal's motives in starting the movement remain inexplicable. I do not wish to be in any way unfair to him; but I must not conceal the fact that he had put forward certain considerations in support of his position. The Biharees, however, unite in characterising them as childish and not worthy of serious consideration. All his attempts to put Bihar on what in his opinion is the right path having failed, Mr. Pal has now begun to express his astonishment that even such a wholesome piece of advice as he had seen fit to offer failed to create any enthusiasm among the people of this province. If there is any lesson more than another that Mr. Pal should learn from all this, it is that one should never offer uncalled for advice and that movements based on other than national motives and having some personal ends to serve will at all times meet with the failure they deserve.

As for Lord Sinha, he will have the hearty co-operation of the people in his efforts to alleviate the backward condition of the people and all their good-wishes in the success of his mission.—Yours, etc.

A BEHAREE.

Patna, Sept. 4.

MR. M. AHMADKHAH, B. A. (Rao Romba, Hyderabad, Deccan) informs us that we were in error in stating, as we did in the issue of July 15, that no prayers were offered at the present time for the Sultan of Turkey in the Nizam's Dominions. He tells us that prayers are offered for the Sultan. We regret our mistake and are much obliged to our correspondent for correcting it.

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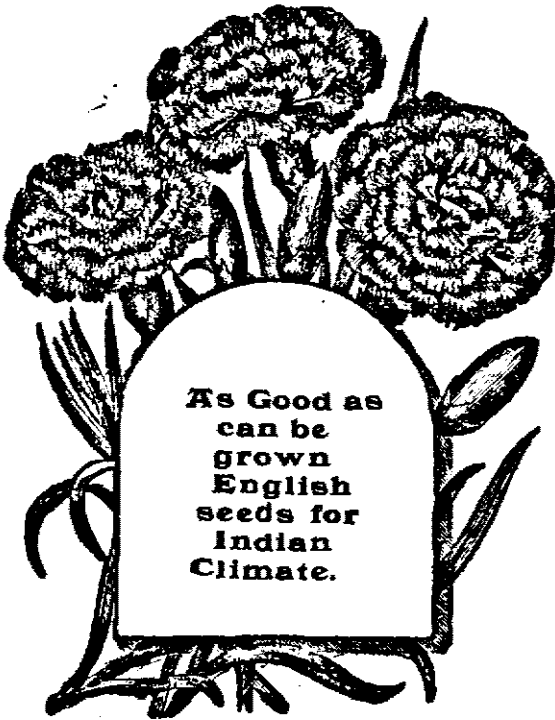
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