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TOPICS OF THE WEEK.

AMIR AMANULLAHKHAN is to be pitied most. Two months ago he was only a prince, occupying a secondary position at Kabul, directly under the eyes of the late Habibullah. He found one morning that his father, the Amir, had been murdered apparently under suspicious circumstances. His local influence at the capital and the delay which the instigator of the murder had incurred in reaching Kabul and proclaiming himself King at that place gave him a chance to step in; perhaps he was impelled to it by the instinct of self-preservation. He proclaimed himself Amir of Afghanistan and secured to his throne the adhesion of the people and the army at a tremendous cost, viz., by promising concessions which he knew he could not afford. He held a Darbar where the perpetrators of the murder and their accomplices were tried and condemned, among them the reactionary, powerful and popular war-like Nasrullahkhan being the chief. He succeeded for the time being, but, poor man, he finds now that he cannot get rid of the influence of the Nasrullah faction in that way. Perhaps he already feels that he must get out of the difficulties in which he has landed himself by giving concessions to the army. And following the well-worn adage of old-world politics he has tried to distract the attention of his subjects by giving them a foreign trouble to think over, in place of the domestic one. He has made war on a powerful but peaceful friend and neighbour.

* * *

THIS appears to be, in short, the story of the Afghan troubles, which have so suddenly broken in upon us just on the eve of the conclusion of the Peace. Afghan war is now a fact. With a seasoned army to fight our battles, with equip-

ment fortunately readily available out of the vast stores accumulated for the vaster struggle which has just closed, with experience which is still fresh, the British Government enter on the struggle with confidence. The enemy's resources are small and his communications undeveloped. The war can have but one conclusion, and let us hope that the campaign will be a short one. At the same time, the disorganised condition of Central Asia and, what is worse, the danger of the influence of the hunger-stricken, miserable, desperate Bolshevist doctrinaire must not be lost sight of. Whether it is a short campaign or a prolonged, intermittent warfare, it is not of the Government of India's choosing; it is forced upon them by the Amir, and we must get through with it. The Government have the full support of the people.

* * *

MR. TILAK declared at a meeting in London that the differences between Moderates and Extremists on the reforms question related solely to tactics. It is well that he thus openly expressed what undoubtedly lies behind much of the discussion that goes on on this subject. The general favourable opinion which the Moderates hold on the reforms as outlined in the joint report is shared by many outside the Moderate party, but they seem to think that it is bad strategy to express it when the reforms are yet in a fluid condition. The best way to have the proposals enlarged or at any rate to prevent them from being whittled down is, according to them, to pronounce them thoroughly disappointing and not to let the Britisher know by any chance that if the present proposals are enacted they will win general support in India. Whatever the strategic advantage of such a course may be, it is clear that Mr. Tilak is not always equal to these tactics. For he repeated in this speech what he had remarked before that "if the Government were determined not to give anything more than was proposed he would take what they would give; but he claimed the right to express clearly what it was that India wanted. Indian Nationalists would state their case; it was for the Government to accept it or not."

* * *

THOSE who affect to be puzzled at the position of the Moderate party and think that the Moderates altogether give away the case for larger reforms so soon as they accord general support to the proposals officially put forward may now refer their riddles to Mr. Tilak for solution. They may

ask *him* what practical value attaches to the several amendments which have been so elaborately worked out by the Congress and upon which he insists in his representation to the Peace Conference after the declaration which he has made. The only difference between Mr. Tilak and the Moderates is this, that while the latter are prepared to accept the present scheme by way of compromise and without surrendering the right to agitate for more in the future because they believe the scheme to be substantial, Mr. Tilak, curiously enough, maintains the same attitude of acquiescence with reference to any scheme of reforms, no matter how slight or even reactionary it may be. The Moderates think that the question of acceptance cannot be decided independently of the merits of a scheme.

* * *

IN the present instance, Mr. Tilak thinks the proposals relating to the central Government to be retrogressive (*vide* his representation to the Peace Conference) and those relating to the provincial Governments to be "no better than a shadow" (*vide* an account of his speech in the *Hindu*), and yet he maintains that whatever may be conceded in the name of reforms must be accepted. The *Hindu* inverts Mr. Tilak's estimate as to the comparative value of the provisions of the proposed scheme in regard to the supreme and local Governments. It holds that the 'reforms' in provincial Governments are reactionary and those in the central Government insubstantial. The conclusion, however, remains the same, *viz.*, that the proposals must not be rejected. The Moderates do not make any such general proposition as Mr. Tilak does, but they limit their acceptance only to what they know to be a fairly good scheme of reforms. While the superior tactics which are said to consist in pretending to reject while desiring to accept are given over by Mr. Tilak, he makes his position fairly ridiculous by maintaining with unsuspected energy that the reforms scheme which is not like the curate's egg good in parts but wholly bad, conceding nothing but taking away something, must still be taken and made the most of, our own part being only to ask for more which the Government may grant or refuse at discretion. Even the Extremists will be constrained to admit that this position ill accords with one's idea of self-respect.

* * *

IN answer to the *Mahratta's* comments on the article on Mr. Tilak's representation to the Peace Conference contributed by him to the last issue of this paper, the "Critic" writes: The *Mahratta* puts in a defence of Mr. Tilak on the ground that, being the spokesman of the Congress, he could not ask for anything bigger than certain extensions in the M.-C. scheme, and that this is the extent of India's self-determination, as decided by the Congress. The objections which I have urged against this position in my article remain and the *Mahratta* has made no attempt to answer them. But my principal ground of complaint against the repre-

sentation is that it is so very indecisive. Since the *Mahratta* contends that Mr. Tilak does not want the official scheme thrown overboard, we will accept its word, as indicating Mr. Tilak's intention, but there is nothing in the representation from which we can infallibly draw that inference. What is asked for is a declaration that India is entitled to determine her form of government like other countries to which the principle is applied and the enforcement of this declaration. This demand is much more comprehensive, but it is so weakly put forward that it courts a prompt refusal. Perhaps Mr. Tilak means by self-determination, as the *Mahratta* remarks, only certain improvements in the M.-C. scheme, although he uses words which have a wider reach. This is mere toying with self-determination, and risking the realization of our hopes, as Mr. Vijiaghavachariar showed, for no countervailing advantage.

* * *

MUCH play is being made in Nationalist circles of certain observations made by Mr. Srinivasa Sastri in opposing the Rowlatt Bill on its introduction. Mr. Sastri said :

The possession in the hands of the executive of powers of this drastic nature will not hurt only the wicked. It will hurt the good as well as the bad, and there will be such a lowering of public spirit, there will be such a lowering of the political tone in the country, that all your talk of responsible government will be mere mockery. You may enlarge your councils, you may devise wide electorates, but the men that will then fill your councils will be toadies, timid men, and the bureaucracy, armed with these repressive powers, will reign unchecked under the outward forms of a democratic government.

The last sentences in the above quotation are thought to conflict with his later utterances in which he emphasised the urgency and importance of reforms. The inconsistency, detected herein, is, however, only superficial. We had hoped that this obvious fact would be realised after a time. This does not seem to be the case, and it is best to give the answer. It is already given, though in another context, in Mr. Sastri's speech in the last stage of the discussion on this bill. He remarked :

We have been accused of exaggerating the harmful effects of the bill. I beg leave to state that as the bill came to us originally we were fully justified in expressing the alarms that were felt abroad, and it was only when in Select Committee we had persuaded the official members to put into the preamble and into the various sections some words clearly indicating the limited scope of the measure that the claim of the Hon'ble the Home Member to have effectually answered this criticism came to be partially fulfilled.

The wide-reaching powers proposed to be conferred on the executive in the original bill made practically all political life impossible, and although relief offered in this respect is not as complete as one would have wished it will be seen that it makes a substantial difference in the position and must involve a corresponding change in our outlook on reforms.

* * *

THE PEACE TERMS.

THE long-awaited peace terms are out at last, and though only a summary has been received in India, it shows that the desperate game which Germany began in August, 1914, has been completely lost by her. Nobody is likely to sympathise with her in the sorry plight of virtual extinction as a great Power in which she finds herself. Apart altogether from moral considerations, the only justification for her gigantic undertaking from her own point of view would have been success; this she did not achieve though at one stage in the long struggle she came very near it, in fact too near for us to contemplate the possibility with equanimity. It was altogether a grievous miscalculation of the larger factors involved, though in the estimate of the smaller material factors she was wonderfully correct. She did not expect that the whole might of the British Empire with the whole hearted co-operation of her dominions and colonies would be thrown against her in the beginning of the struggle as a consequence of the violation of Belgian neutrality, she miscalculated by a few days the possible length of Belgian resistance, she did not count upon the splendid powers of recuperation of the gallant French nation, she risked the intervention of America and Italy as of less importance than the immediate military and naval advantage to be derived from unrestricted submarine warfare, and above all she felt sure of finishing the war before the full results of the crushing naval superiority could make themselves felt. As a result of all these miscalculations she will now for many years be reduced to a fourth-rate Power by the Peace conditions which have been dictated to her, so weak that she can hardly resist the military might of Denmark or Holland. The crushing financial burden which has been imposed upon her in order to make proper reparation for the wrongs she committed upon Belgium and France and for the outrageous manner in which she conducted the war will cripple her for the next fifty years, and one seriously doubts whether she will ever be able to raise her head again.

It is needless to go into the detailed conditions, for they can scarcely be recapitulated within the limit of a few sentences. Suffice it to say that almost every claim that was urged against her by any of the Entente Powers has been allowed. France has been given back the much coveted Alsace and Lorraine and valuable concessions in the Saar Basin, the provinces that were filched from Poland a hundred and fifty years ago are to be restored to a resuscitated Poland, Danzig is to be made a free port, Silesia along with other provinces is to be constituted into Czecho-Slovakia, East Prussia is to be altogether cut off from main Germany though still remaining a part of Germany, all overseas colonies, possessions and concessions are to be given up, the Kiel Canal is to be opened to all nations and demilitarised, Schleswig-Holstein is to be determined by a plebiscite whether it is to belong

to Germany or Denmark, the Rhine provinces are to be occupied for fifteen years as a security for the fulfilment of the terms of the treaty, the iniquitous Peace of Brest and other similar understandings with Roumania, &c., are to be annulled, a large indemnity is to be paid during the course of the next generation, the German army is to be limited to a hundred thousand long term men with no conscription, her navy is to be practically extinguished, her merchant shipping is to be very materially reduced and the rest given up to the victors to make up for their losses. These and other terms ought to make Germany realise to the full the complete significance of *Vae Victis!* which she would herself have impressed on her enemies if she had been the victor, in spite of the fact that she was saved a military Sedan by President Wilson giving her the armistice only a fortnight before Marshal Foch was ready with his big scheme of advance through Lorraine. It is natural for everybody to feel a sneaking sympathy for the under-dog, but in this case sympathy will be completely wasted, for if Germany had won we know what had awaited the whole world from the writings of her then popular writers like Bernhardi. She played for world dominion or downfall, and it was her misfortune that she got only the latter. Those who wantonly play for such high stakes certainly deserve no sympathy on losing.

In spite of her crimes of the last sixty years, since the time when under the guidance of Bismarck she successively crushed Denmark, Austria and France, the world cannot forget the important part played by Germany as a great civilising nation. Will she continue to do so after her virtual extinction as a political Power? History is of no help, for while Greece's contribution to civilisation ceased with her political greatness, the political downfall of France after the war of 1870 only made her greater. We believe that Germany will also once again regain her moral and intellectual influence in the world. In fact most of the great Germans—Goethe and Schiller, Leibnitz and Kant, Humbolt and Gauss, Beethoven and Mendelssohn—were all the product of a Germany that was not even a political entity. There is no reason why history may not repeat itself and why the soul of Germany now convinced of the futility of aspiring after dominant Weltmacht should not concentrate upon itself and make contribution to civilisation as great as in the olden days. The mighty militarism that Germany did so much to rear may in later ages appear as a bad dream out of which the world awoke as the result of the great war.

What chance is there of the world becoming finally a safe place for democracy and representative institutions, for science and intellectual and moral advancement? The men who have been for the last six months engaged in drafting the lines of the final settlement after the war have also made rules for the League of Nations. Are they such as

would bear actual trial? Will Britain, France, United States, Italy and Japan be always willing to work together for the common good? For on their co-operation alone does the final settlement depend. Already unpleasant hints are being thrown out. Italy seceded at least for a time on the question of Fiume; Japan wanted a final declaration on the equality of the races; Marshal Foch wants for France firmer guarantees for safety on the left bank of the Rhine; the United States asked for and obtained the exclusion of the Monroe doctrine from the purview of the League; Britain must have secured the non-application of the principle of self-determination to Ireland, Egypt and India though this does not appear to have been a public demand and can only be inferred. The League can only be a workable arrangement if all the nations involved in it work in the proper spirit; otherwise it can only become the instrument for a glorified partition of German and Turkish empires. It is even possible that one astute nation can work the silently discordant forces in the League in such a manner that ere long the world might see a war even greater than the last. There are latent possibilities of such a catastrophe; but for the moment one can only hope for the best.

A NOTE ON THE INDIAN CRIMINAL LAW (AMENDMENT) BILL, 1919.

IN accordance with the recommendation of the Select Committee, the consideration of this Bill has been deferred. It has been republished and public criticism invited on it. It will be my endeavour to submit a few remarks on its important provisions.

Clause 2 of the Bill empowers the District Magistrate or the Chief Presidency Magistrate to order a preliminary enquiry in the case of any offence mentioned in section 196 or 196A of the Code of Criminal Procedure. These sections refer to offences, the prosecution with respect to which can only be instituted upon complaint by or under the authority of Government. These offences are mostly offences against the State, or against the public tranquillity, such as promotion of enmity or hatred between different classes. Under the existing law, prosecution follows as a matter of course on the presentation of a duly authorised complaint. The clause permits a preliminary enquiry by a police officer in all these cases. It has been suggested in the minute of dissent attached to the report of the Select Committee that the enquiry should be by an officer not below the rank of a Deputy Superintendent, whereas the Bill permits it to be conducted by an officer not below the rank of an Inspector. I do not think an accused person is likely to be injuriously affected if the investigation is conducted by an Inspector. These officers are now, as a result of the reorganization of the police in accordance with the report of the Police Commission, drawn from a better class of people than what used to be the case before, and

they are generally men of education with a due sense of duty. Moreover, the preliminary enquiry is intended as a help to the Magistrate and is not of such vital importance that it must be conducted by an officer not below the rank of a Deputy Superintendent. The number of these officers is comparatively limited, and it may cause administrative inconvenience to restrict the field of selection, as suggested in the note of dissent. I do not say that this consideration should weigh against the paramount duty of safeguarding the interest of the accused. But there is not much room for introduction of prejudicial matters during the trial, because the preliminary enquiry is conducted by an officer of the rank of an Inspector. Further, such enquiry must necessarily be under the supervision of the Magistrate ordering it, and it will always be open to the accused to seek redress from him if anything is being done which is likely to handicap him in his defence hereafter. So far as the main provision goes, it will be to the advantage of the accused to have a preliminary enquiry which may sometimes lead to the abandonment of the prosecution, for at present the Government order is passed entirely on information gathered behind the back of the accused. To limit the field of choice in the manner suggested may result in such enquiry being sparingly ordered and the advantage to the accused from the proposed law will thus be often lost.

Clause 3.—As would appear from the debate in council, this clause is liable to be misunderstood. It is clearly intended to apply to cases where an accused person, having received a pardon under section 337, Criminal Procedure Code, has bound himself to give evidence as a witness on oath. My remarks are made on the assumption that this is the right interpretation of the clause. The effect of section 343 of the Criminal Procedure Code, read with certain provisions of the Evidence Act, is to render inadmissible in evidence statement of an accused person made under the influence of a promise of temporal advantage. The clause relaxes what may be called a too rigid interpretation of the law by explaining that a promise of protection to an accused person against *criminal force* or any promise *properly and reasonably* incidental to a promise of such protection, shall not amount to influence within the meaning of the above provisions of law. One of the findings of fact of the Rowlatt Committee is that co-conspirators, who offered to give evidence as approvers against their confederates in trials for anarchical offences, were terrorised into silence by threats of criminal force. In some cases, those who offered to give or gave evidence were murdered. I may state here in passing that the findings on pure matters of fact of the Committee were generally accepted by the non-official members during the debates on this and the sister Bill. It thus became necessary to make it clear by an addition to the existing law that a promise of protection against criminal force would not amount to

influence such as would vitiate the testimony of an accomplice. The clause attempts to do this and so far as it applies to *anarchical crimes*, I venture to think that no reasonable objection can be taken to it. Its effect is not so much to introduce a new principle of law as to make it clear that the position of an accused person who has agreed to give evidence shall not suffer, because he has offered to make a full and true disclosure of facts within his knowledge relating to the case under enquiry or trial. He is clearly entitled to all reasonable protection from the revengeful actions of his confederates and their friends. Public interests clearly demand that he should have this protection. It is, however, apprehended that the law here laid down may be used to the prejudice of a person tried for an offence under Section 124 A of the Penal Code. But this cannot ordinarily happen. For an offence under this section is not *exclusively* triable by the Court of Session or the High Court. And under section 337, Criminal Procedure Code, it is only in the case of an offence so triable that an accomplice can be made a witness by grant of pardon. But it may so happen that an accomplice may never be placed before a magistrate and thus made an accused or he may be separately complained against and tried. In such a case, section 337 could be circumvented, and he may be made a witness without any pardon being granted thereunder, and in a case not triable exclusively by the Sessions Court or the High Court. This contingency should be met. The considerations which have led to the introduction of this clause have no application to an ordinary case of sedition. The recommendation of the Rowlatt Committee in this respect is intended to apply to trial of persons charged with some anarchical or revolutionary crime and not to trial of ordinary sedition cases unconnected with any such crime. In fact, the clause as drafted is of general application, but nothing was said during the debate to justify this general expansion of the scope of the law in this matter. If it be said that it is no expansion of the existing law, then the clause is superfluous and there is no need to have it.

Clause 4.—The clause lets in evidence of persons convicted of an offence under chapter VI. of the Penal Code (offences against the State) for the purpose of proving criminal intention on the trial of any such offence. It similarly allows evidence to be given of association with persons convicted of any offence under that Chapter during any such trial. So far as anarchical crimes are concerned, that is to say, offences under any of the sections of Chapter VI. except Section 124 A, I have nothing to say against the underlying principle of the clause. Section 14 of the Evidence Act already allows facts including previous convictions to be proved showing the existence of any state of mind, when the existence of any such state of mind is in issue at the trial. The most common cases of this character are cases where a person is accused of receiving stolen property or passing counterfeit

coin. It has also been held in several decisions that where a person is being tried for an offence under section 124 A, his intention may be inferred from the particular speech or writing for which he is under trial, or it may be proved from that speech or writing considered in conjunction with what he has said or published on other occasions. This seems to satisfy all reasonable requirements in such cases. Whether section 14 does not also suffice in the case of other offences referred to in Chapter VI. of the Penal Code, I need not discuss. If it is thought that the matter should be placed beyond doubt by the enactment of a special law in this behalf, I have nothing to say. But I see no need for any such legislation in simple sedition cases under Section 124 A. The reference in the Rowlatt Report to this subject is very brief. It says that in all cases where there is a question of "seditious intent," evidence of previous conviction should be admissible. It is, however, added that the expression "seditious crime" should be accurately defined. The existing law bearing on the subject is not at all discussed. As regards evidence of association with convicted persons, it is not understood how it can be relevant in a case under section 124 A unconnected with any anarchical or revolutionary crime. In my opinion, such evidence should not be admissible in pure sedition cases. To let it in is to create a prejudice against the accused. He should be judged by an unprejudiced examination and interpretation of his own words or writings with respect to which he is tried with the help of such words and writings as may be admissible under section 14 of the Evidence Act but nothing beyond this.

As regards revolutionary and anarchical crimes intended to subvert the Government, they are generally not isolated acts of individuals, but part of an organised combination or conspiracy and on the trial of such offences, association with persons already convicted of such offences may without any unfairness be allowed to be proved.

Clause 5.—I am unable to support the inclusion of an offence under section 124A within the scope of this clause. This legislation is entirely based on the Rowlatt Committee's report. It no doubt recommends that the principle of section 565 of the Code of Criminal Procedure, which provides for an order requiring notification of residence after release in the case of persons convicted a second time for certain offences, should be extended to persons convicted of offences under Chapter VI. of the Penal Code. But as the report shows, the enquiry upon which the recommendations regarding legislation were based was confined to criminal conspiracies connected with revolutionary movements and had nothing to do with offences under section 124 A wholly unconnected with such movements.

Generally, I add that it is right and proper that the law should be strengthened where the need for such strengthening has been established by past experience in the case of revolutionary

and anarchical offences directed to subvert the Government. But it has not been shown that the existing law has broken down in the case of purely political offences coming under section 124 A of the Penal Code, and in the absence of any such proof, the application of the provisions of the Bill to such offences cannot be supported.

There is one technical defect in the Bill in its present amended form referred to by the Hon'ble Mr. Patel during the course of the debate in Council, to which attention may be drawn. In its present shape, it does not amend the Indian Penal Code in any respect. All reference to this Code in the description and preamble should, therefore, be deleted.

B. K. BOSE.

THE REFORM SCHEME.—V.

IMPEEIAL BUDGET.

IN the case of the budget procedure, however, the M.-C. Report leaves matters just as they are. There is not the slightest advance towards popular government. The Assembly is precluded from voting the budget. It will be a silent listener. It can only pass resolutions which have no legal efficacy. This is very unsatisfactory. As the Hon. Mr. Sastri says in one of his brochures, "The power of regulating policy and making laws will be illusory unless it be accompanied by the power to dispose of the material resources of the State." A little further on, after mentioning the various disabilities of the council in fiscal matters, he says "... these have rendered the discussion of the budget a solemn waste of time and vexation of spirit."

In this respect the Congress-League scheme proposal is decidedly more in consonance with the spirit of the times without being revolutionary in character. According to this, all financial proposals must be embodied in bills and all such bills must be submitted for the vote of the Assembly, barring certain specified heads like the military charges. If it is apprehended that the Assembly may not pass items of expenditure vitally necessary to secure good administration, the remedy would have been to 'certify' certain allotments as absolutely indispensable. But to debar the Assembly from having any say in the matter of the fiscal resources of the State, and their disposal is hardly even a preparation for responsible government. It is no wonder, therefore, that this part of the Report has been handled very severely both by Radical politicians and Moderate politicians. It is to be hoped that this part of the scheme will be largely modified in its final form.

The failure to grant fiscal autonomy to India has another sinister aspect. It means a perpetuation of the regime of free trade with consequent economic dependence of this country on England. Similarly, the development of the resources of the country will be left to the good sense and good conscience of the Government of India, which may

not shake itself free from the interested advice of British manufacturers. In currency matters our fate would be determined by a handful of bankers in London, as during the last twenty years. Now, under these conditions there is no guarantee that India's needs will receive prompt consideration.

NO ELEMENT OF RESPONSIBILITY.

It is clear that the Government of India is not prepared to transfer any of its powers to the popular element in the legislature. Barring the increase of the number of the members of the supreme council and barring their participation in normal legislation, there is nothing to induce us to regard the constitution of the Government of India as partaking of responsible government.

One justification offered by the supporters of the scheme is that pending the time that the popularised provincial Governments are acquiring experience and trying new paths, it is necessary to have a strong controlling agency which might check their vagaries and delay hasty or reactionary legislation. If both the provincial Governments as well as the Government of India were popularised simultaneously, like constitutions would breed like mistakes and there would be nothing to check a headlong career of wild and rash legislation except the veto of the Secretary of State. It is worth while examining this plea at some length.

In the first place, to suppose that provincial Governments with the majority of elected members are sure to run amok is an insult to the good sense and general intelligence of the councillors. I do not think any such catastrophe need be feared. But without going the length of supposing that the new provincial councils will be intemperate, obstructive and ultra-radical, we have to think of the possibility of sectional legislation, legislation based upon fads, legislation good in intention but utopian, and legislation of a socialistic character. Now against such legislation there is no check on the lower rung of the ladder except the veto of the Governor. If the Governor-General in Council is powerless to veto such legislation or if a popularised Government of India were itself to endorse such legislation, the result would be such as to cause disappointment as well as anxiety.

It appears so far that the Government of India needs to be so constituted as to be free from the faults which are expected to appear in a democratised provincial Government. It ought to be compact, more autocratic than provincial Governments and strong enough to exercise a complete and unquestioned authority over the provincial Governments. The central fact of the Indian political life is the responsibility of the Government of India to Parliament; and unless and until this is either abrogated or modified it will be difficult to divest it of its official and consequently autocratic character. However unpalatable this truth may be to many, to my mind it is a truth which cannot be ignored. This condition of things has been brought about by the peculiar circumstances of India in the past,

and we can no more shake it off than we can deny our parentage.

As in India the constitution is the gift of a monarch to the people and not the gift of the people by an assembly of their own choice, the comparison of India to a modern federal State is misleading. The constituent parts in India are not and were not in the past independent States, but were themselves created by administrative fiat for purposes of convenience. Hence arises the fact that the Government of India is not the Government of a compound State but is the Government of a single monarchical State. Whatever may be, therefore, the extent of delegation to the provincial Governments, the Government of India remains primarily responsible for the administration of the whole country as a single unit. Its undisputed supremacy, therefore, is an essential condition of any constitution that is adopted.

The issue, therefore, between M.-C. scheme and the Congress-League scheme is whether the Government of India as constituted in the latter is a strong executive Government of the type [that we have described above. The supporters of the latter scheme answer the question in the affirmative, while the signatories of the Report answer it in the negative. The words of the Report are decisive on this point: "We have carried the advance right up to the line beyond which our principles forbid us to go." In other words, with an enlarged responsibility offered to the elected members of the Assembly, the Government of India would in their opinion be disabled from performing its essential functions and from preserving the energy and coherence of administrative action essential to the central organ of a unitary State.

But when all is said and done, it has to be admitted that complete freedom in internal government in India and a training in responsible government are not attainable unless in the Government of India the elected representatives of the people have got a larger scope in the determination of the policy of the State. To put off this demand by saying, "Dehli is yet far off," may be good poetry, but bad politics. If, therefore, the statesmen in England are not prepared to go an inch further then what they have done they will at least take to heart the spirit of the following remarks in the body of the report itself. "We seek to reserve to the decision of the Council of State *only* those measures which it must have power to carry in the discharge of its continuing responsibility for the good government, &c., . . . to restrict the official bloc to the least frequent activity that is compatible with the guiding principle, . . . to confine the use of the special machinery of autocracy to essential cases." Let us hope that give and take and a spirit of compromise will supply the place of written stipulations.

THE INDIA OFFICE.

Coming to the India Office, it is proposed that when certain functions have been transferred to representative bodies in India, the Secretary of

State will cease to control the administration to that extent. It is also proposed to give a wider discretion to the Government of India in order to economise references to the Home authorities. Similarly, greater liberty will in future be given to provincial Governments divesting the Government of India of control in specified matters according to rules sanctioned by Parliament. All this is in consonance with the principle of decentralization which it appears has been now thoroughly appreciated. Centralization had been in the past a great obstacle to reform and had been the principal cause why the whole machinery of government was moving slowly.

The idea of the Congress-League scheme to abolish the India Office is not very happy. The dissatisfaction with the India Office in the past was due to the inefficiency of the Council and the languidness which it displayed. For a decade or so it looked as if the India Office was a retiring place of rest for the ex's in India. Sir George Chesney's picture of the working of the council is familiar to most of the readers. But the remedy is not to abolish the council, but to take steps that the personnel of the council is properly constituted and the procedure of the council is improved.

It is a trite saying that the Secretary of State is an amateur politician just like other English Cabinet ministers. In the words of Sidney Low: "But an English Cabinet is a group of political leaders, not a body of persons trained to administration. They have risen to prominence by the arts of the platform, the senate or the salon; and they are not selected as a rule for high office because of any special knowledge or understanding of the important departmental work they are appointed to control. . . . But they are seldom experts in a business to which they bring no more than a general knowledge of affairs. . . . The Empire of India with its clash of races and religions, its feudatory princes and its two hundred and fifty dusky oriental millions may be represented by a Nonconformist solicitor." ("The Governance of England," pp. 134-135.) Under these circumstances he ought not to be left without the advice of experts who know India firsthand.

If, however, it is admitted that the Secretary of State's interference is an anachronism when the council government is set on its legs in India, we can and ought to reduce the number of members from ten or fourteen to about six or seven of which three should necessarily be Indian. Two of these or at least one of these three members might be elected by the non-official members of all the legislative councils of India, as was suggested in Lord Crew's abortive bill. The suggestion given in the Report about amalgamating the Indian Civil Service and the India Office is also valuable and ought to be acted on. This will place in the India Office more men who have obtained firsthand experience of administrative routine in India.

The appeal contained in the Report for a more intelligent and sustained interest in Indian

affairs and greater practical sympathy at the hands of Parliament is significant of the new trend of thought. The discussion of the Indian budget in England has long been a by-word of scorn. We feel assured that this appeal would not be addressed to deaf ears. The periodic Commissions appointed to review the political progress of India, the placing of the Secretary of State's salary on the British estimates and the appointment of a Select Committee on Indian affairs are all agencies calculated to rouse and then sustain the interest of Parliament in Indian affairs. British publicists who are never tired of referring with pride to the 'brightest jewel in the British diadem' ought to remember the adage, '*Noblesse oblige.*' Leaving the administration of India to the idiosyncracies of individual Secretaries of State has been a source of endless mischief in the past. We cannot help admiring the boldness with which the signatories of the Report have put forward their suggestions with regard to the Home Government, in many respects the most vital part of the whole machinery of the government of India. The courage with which they have thrown to the winds the orthodox ideas on this object most of which are worn threadbare, is deserving of the highest praise.

There is not the least doubt that when the Government of India is freed from excessive interference of the Home Government, it can plunge boldly into new legislation of a social kind, spend money without the delay involved in the present system and be more and more responsive to influences from below instead of simply receiving their cue from the powers above.

To-day it is stagnant almost beyond description. Its hands are tied down by codes and regulations of various sorts, and its liberty of action is curtailed in various ways. It cannot undertake political legislation for fear of offending Englishmen at home; it cannot dabble in social legislation for fear of offending the people; it cannot launch on schemes of economic reform for fear of offending the manufacturer in England and on account of being circumscribed with the ring-fence of free trade. And so forth we might as well have a decalogue of 'thou shalt not's. All this will go, and we shall have a Government of India free to move in various directions in response to the considered opinion of the representatives of the people.

V. N. GODBOLE.

A LETTER FROM LONDON.

(FROM OUR OWN CORRESPONDENT.)

LONDON, APRIL 17.

MR. DEVADHAR'S RETURN.

BY the next mail Mr. G. K. Devadhar is returning to India, after six months of most useful inquiry into social and economic conditions in this and other countries. He has made it his business to see what this country could teach his own, that

was good. For that purpose he has travelled, so far as circumstances permitted, to Scotland and Ireland, and has even paid a brief visit to Denmark, in order to study at first hand some of the most successful experiments in co-operative credit societies connected with the development of agriculture. He has made up his mind that there is a great deal of organizing methods and results that can profitably be applied to Indian conditions, and with a view to establishing his knowledge on a firmer basis, he has made a point of interviewing experts on the various subjects that vitally interest him. Everywhere he has made the best of impressions as an earnest, ardent, and modest patriot, with well-balanced views, and his kindness and genuine enthusiasm for the many features of Western life that tend towards human welfare. He does not lose heart because of the difficulties inherent in his own problems or the enormous differences between social and economic conditions here and in India. But he has been bravely persistent in finding out whatever is helpful and constructive, with a view to placing all the information that he has been able to acquire after a good deal of research undertaken at great expenditure of energy, at the service of his Motherland.

This week he had his reward in the formation of a Committee in London, which later on will probably have branches or representatives in other English towns, with a view to give support to the objects of the Poona Seva Sadan, which has done so much valuable work for the promotion of the welfare of Indian women. The President of the new Committee is Lord Reay, and among its Vice-Presidents are Mrs. Fawcett, who presided at Monday's inaugural meeting, and must have been much flattered at all the appreciative things that one speaker after another said of her, the Aga Khan, Lord Carmichael and Lady Ratan Tata. Sir Mancherji Bhownagree is another. Among the members of the Committee are Lady Carlyle (wife of Sir Robert Carlyle), and Lady Sydenham. The Honorary Secretaries are Miss Annie Smith, Mrs. Polak, and Mr. K. V. Mavlankar, a well-known Indian merchant here. Mr. A. S. M. Anik is the Treasurer. One of the first objects of the Committee is to help the Seva Sadan to send here one or more Indian trained nurses to undergo training in "post-graduate" nursing, to study methods relating to the work of the lady almoner's department attached to the big London hospitals, and the work of district and parish nurses. When Mr. Devadhar arrives, I can see a rush being made for his services as a lecturer on some of the many subjects in which he hopes to interest his compatriots, and you know, even better than we here, what an enthusiastic propagandist he is. All being well, this should not be his last visit to this country.

THE DISTURBANCES.

The latest news from India is very gloomy. The disturbances have not been altogether unexpected. Unrest of one kind or another has been prevalent there for some time, and it is most

unfortunate that, instead of giving pent-up feeling a healthy outlet by proceeding as rapidly as possible with the reforms, the Government should have given the impression, not merely that they were sympathetic to attempts to prevent or whittle them down, but that they were determined to defy popular opinion in regard to the Rowlatt Bills. A legitimate outlet for energy having been thus denied, what more natural than that an illegitimate one should have been sought? Mr. Gandhi, I am perfectly sure, must be as horrified as most at the shocking scenes that have occurred in various parts of the country. But, having regard to the previous history of the case, one is compelled to declare, with all possible emphasis, that, as in Egypt, it is the Government's own mistakes that have been responsible for these tragic happenings. Had India been England, and had the Viceroy been Mr. Lloyd George, he would have hurried to the centre of things, have taken control of the situation personally, and have arranged a settlement that would have redounded to the credit of the administration and of the opponents of its methods.

Under a bureaucracy, anything may happen. It is occasionally possible that it may do the right thing of its own initiative; but that is almost to expect the impossible. As a rule, the bureaucracy is blind to signs and symbols, it turns a deaf ear to protests, it disregards portents, and it winds up by clenching its teeth and fighting for its life. Having set up an altar to the great god Prestige, it worships regularly, continuously, and with loud cries at the shrine, offers up burnt offerings—the news comes that bombs have been employed to disperse the mobs—and after the most infernal tomtomings to its divinity, someone comes along to tell it that, after all, it has made a bloody mess of a somewhat simple business, and that it had better do what it swore at first it would not do. Then for the time it puts away its god—ready for use on some other appropriate occasion—and puts on sackcloth and ashes in mourning over its defeated ambitions. In Egypt they have begun to see reason. The obstinacy of the bureaucracy there has been broken by the tact and good sense of General Allenby. Is there no Allenby that can prevent disaster in India before it is too late? Who is going to be recalled for this wretched mess? I am more than doubtful whether Mr. Montagu has more than a nominal responsibility for it. He must be appalled at the stupidity and recklessness of those who have, secretly and openly, endeavoured to wreck his proposals to secure the confidence and goodwill of the Indian leaders and the Indian people. In the long run, you may be assured, I think, that Mr. Lloyd George will stand by his sturdy lieutenant against the reactionaries: in his own ranks who will wish to utilise these unfortunate happenings to discredit the reform proposals, and either postpone their consideration or urge the adoption of still further measures of repression.

Ireland is to-day all but irreconcilable. Egypt is in a ferment, from which anything may emerge. And how will India come out of the present troubles? What must Europe and America think of the British failure to conciliate three victims of a ridiculous and outworn Imperialist system? The continental peoples and the Americans will not be able to realise that Indians of responsibility would like to be on Britain's side in all the matters in which she is involved among the nations of the world. They would like to co-operate upon equal terms. But what are they to do when, in effect, they are told that they are not really trusted, that their protests must remain unheeded because the rulers know so much more than the people? How can they co-operate? What more natural than that they should be compelled to stand aside and say to the rulers: 'Having sown the wind, you must now reap the whirlwind? It is absurd that, just when there were signs of better times and a greater mutual understanding, your blind bureaucracy should have poured oil on the flames, instead of helping to put them out by expressing sympathetic appreciation of India's aspirations so strongly stimulated during the war. But these are the ways of the bureaucracy. In a way, perhaps, it is as well that these things should be known to people here. Omelettes cannot be made without breaking eggs. Perhaps the few eggs that will be broken to make this omelette will awaken the British people to the need of leaving to Indians themselves, in the highest possible degree, the management of their own affairs.

DISCUSSION IN PARLIAMENT.

The present situation in India is, it is hoped to be the subject of discussion in the House of Commons after the Easter recess, and the Labour members are certain to take the matter up with their usual earnestness. A good deal of strong language may be expected and a good deal of nervousness displayed. The *Times* is already feeling very shaky. Its recently-found courage to insist upon reform in spite of a few odd riots in India is rapidly oozing out of the pores of its editorial columns. But the *Manchester Guardian* and the *Westminster Gazette* are firm in adjuring the British people that it is their bounden duty to take warning by the signs of the times, and push forward the reforms before it is too late to satisfy India with what is already proposed. If not, they concur, there will be as few Moderates left in India as there are snakes in Iceland.

INTERNATIONAL LABOUR CHARTER.

In my last letter, I wrote of the attitude of Japan towards the international Labour proposals. Her opposition has borne fruit and is more successful than her attempt to secure the inclusion of a clause in the government of the League of Nations, providing for the removal of racial barriers between the nations. She argued that conditions of Labour in the East were so entirely different from those of the West, and that industry was still so little developed in Eastern countries as com-

pared with Europe and America, that any attempt to impose upon them binding covenants of universal application would defeat their very object, and would merely destroy all prospects of industrial development, a prospect that Japan could not, so far as her own industries were concerned, observe with equanimity. With these objects, on even stronger grounds, the Indian delegates heartily concurred, and, as a result, the draft International Labour Charter, which was adopted at a plenary session of the Peace Conference last week, omits all mention of compulsory application or any idea of uniformity of any regulations or conventions agreed to by the proposed annual International Conferences of representatives of employers and workers. There is to be no coercion and no inelasticity. There will only be a moral obligation imposed upon the high contracting parties, and provision is made for differences due to imperfections of industrial development or climatic difficulties in particular countries. Lord Sinha and the Maharaja of Bikaner, who had no difficulty in associating themselves with these amended proposals, have been obliged to remain in Paris, in order to place before the Council of Four the Indian Mussulman views regarding the position of Turkey, of which very bad news appears in to-night's papers. It is feared that a widespread revolution is on the point of breaking out, fomented by the Committee of Union and Progress. What the real facts are we shall probably know during the next few days. But it is certain that, just now, in spite of Easter, the world is not a very happy place to live in.

CORRESPONDENCE.

THE RECENT OUTBREAKS AND RELIGIOUS PERSECUTION.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—As one who believes in Home Rule on principle and tries his best to support any scheme that makes for progress and righteousness in India, I am a bit taken aback by the recent occurrences in the Punjab and your own wishy-washy condemnation of them. The point that troubles one in arguing with reactionaries is not that there were riots and that damage was done to Government property, for that is Government's business. But when men who had no connection whatever with Government were murdered, when people who were not even British subjects were in danger of their lives, Indian Christian churches were wrecked, what answer is one to give to those who hold that the people of India are not to be trusted with power, because they would use it to exclude all foreigners and to persecute every faith not their own? We know that there are many who would not do so, but one has to reckon with the common people whether in India or England. Our only reason for supporting British rule in India is that, along with many Indians, we believe that as yet India is not able to defend itself against foreign aggression without British help and that if Britain went out some other nation would step in and our last state would be worse than the first. I am not an Englishman and have no vote in the United Kingdom, but after all the English have treated

us better than any other country similarly ruled has been treated. So till we are able to stand alone we had better choose English rule. But we should move as quickly towards standing alone as possible, which does not mean that we leave the Empire any more than Australia.

But how are we to move towards full self-government when every paper in India and every organisation deals with deliberate persecution of fellow-citizens on account of their religious opinions as though it were a light matter? It is a heavy matter that rioters were shot down in the Punjab and elsewhere and will not be forgotten, as an Indian correspondent wrote to the *Englishman* of Calcutta. It is a "regrettable occurrence" when five Englishmen are murdered, absolutely without cause, for they had not the slightest connection with the Rowlatt Bill, but "Government should forget it speedily and act with leniency." It is not even worthy of mention that Indian Christians were persecuted and their church burned down. I should be very glad if, by personal letter or through your columns, you would give me an answer that would allay my fears and enable me to reply to the charges of the reactionaries.—Yours, etc.

CHAS. D. DONALD.

Rose Bank, Landour, Mussooree,
May 7, 1919.

[Our condemnation of mob violence is as strong and genuine as that of any one else, including Englishmen. Doubts are sometimes cast on the attitude of the Moderate Party, merely because it unfortunately so happens that they have to accompany condemnation of lawlessness with the condemnation of the 'militarist repression', to use the phrase which Mr. T. P. O'Connor used in a recent Irish debate, on which the Punjab Government has embarked. This repression, to judge from the information which is available to the public, is not justified. But the correspondent's complaint rather is that religious intolerance lies behind these outbreaks, and this feature of the popular distemper goes uncensured. If the burning of a Christian church has escaped notice in the orgey of destruction, it is hardly sufficient to charge Indians with a desire to persecute other faiths. Nothing will fill us with greater alarm and anxiety for the future than this charge, if it were true. But we are convinced that the lurid picture drawn above is overdone. It is absolutely untrue to suggest that public bodies and newspapers in India treat deliberate religious persecution as a light matter. They do not. If on enquiry it is found that the spirit of religious persecution has inspired the rioters, the Indian public will be shocked beyond measure. But it seems to us highly improbable. It should also be remembered that the Hindu-Moslem unity was never stronger in recent times than now. Believing as we do that those who have stirred up trouble are not infected with religious animosity, it is unnecessary to consider if reforms must be withheld from a people a few among whom are moved by bigotry to acts of lawlessness.—Ed.]

SELECTION.

ANTI-UNTOUCHABILITY LEAGUES.

IN March last year an Anti-Untouchability Conference was held in Bombay under the presidentship of H. H. the Gaekwar of Baroda, in which an organised effort was made to rouse the public conscience against the grievous wrongs done by the higher castes to the depressed classes. In order to carry into effect the resolutions of this Conference, Anti-Untouchability Leagues are being formed, so that persistent attempts may be made by them and practical measures taken to remove gradually the disabilities from which the depressed classes suffer. One such attempt is indicated in the formation of Rate-payers' Associations for these classes with a view to securing adequate representation for them on the local bodies. The Leagues are to take steps in other directions also. During his

tour in South India last year, the General Secretary of the Depressed Classes Mission formed Anti-Untouchability Leagues at Madras and Calicut and intends to form branches of such Leagues throughout India. With a view to enlist the sympathy and co-operation of the public, he has circularised the following questions to those who are interested in this great movement:—

(1) If an Anti-Untouchability League or its Branch is already started in your District or Province what will you kindly do to promote the above efforts in co-operation with the League?

(2) If not will you kindly start such a League in your district with a view to promote the literary and technical education of the Depressed Classes in schools and colleges and also their civic education by securing their adequate representation on local bodies and Legislative Councils?

(3) If you happen to be an active member of a local the British dominions or a Government official in a Native State, what will you be good enough to do to help the cause of this Anti-Untouchability Movement both by your experienced advice and active personal service to this Mission from time to time?

(4) I have been organizing an All-India Anti-Untouchability League and shall feel not only very highly obliged but effectively helped by your frank and full reply, which I earnestly request you once more to give me at your early convenience.

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