

THE Servant of India

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CONTENTS.

	PAGE
TOPICS OF THE WEEK	97
ARTICLES :—	
2 The Premier's Call	100
3 Professor Karve. By V. S. Srinivasa Sastri ...	101
SPECIAL ARTICLES :—	
3 The Criminal Procedure Code Amendment Bill.—II. By Sir P. S. Sivaswamy Aiyar ...	102
3 Mrs. Bessant's Scheme of National Education. By Principal S. K. Rudra ...	104
REVIEWS :—	
3 Municipal Government in Bengal. By K. M. T. ...	105
LETTERS FROM THE PROVINCES :—	
2 Bombay	106
2 Madras	106
CORRESPONDENCE :—	
3 Mr. Gandhi in the Kaira District. By N. C. M. ...	107

TOPICS OF THE WEEK.

THE order which Sir Douglas Haig has issued to his troops very clearly reveals the gravity of the situation on the Northern front. He says the war has now taken a serious turn as the capture of Merville means an advance of seven miles in the North. Looking to the fact that the strip of territory which divides the Allied front and the coast in the North is very narrow, this advance in the North is much more serious than twice that distance in the South. Moreover, it contains many important points and railway junctions. The enemy is within a short distance of Bailleul, an important railway centre for feeding the Wytschaete front, and is more than halfway to Hazebrouck, another very important railway centre. He has also formed a comparatively broad flank in the direction of Bethune and the coal area of North France; so if he is checked in his advance northward he can go southward. His main objective seems to be to divide the British and the French forces, and to overwhelm the British force and to destroy it. Fortunately, the later messages clearly show that the response of British troops has been extremely satisfactory and has been uniformly marked by indomitable courage and endurance which is beyond all praise. The news is undoubtedly very encouraging and gives us just ground for entertaining the hope that the Allied armies will rise to the height of this tremendous opportunity and will be quite equal to the test to which they are subjected.

* * *

WE find further source of strength and encouragement in the news that the Empire as a whole has fully realised the situation. In the United Kingdom we witness the spectacle of a complete unanimity in the ranks of Labour on the necessity of a supreme effort at the time of such a crisis. They are sending out to the colours men who only a few weeks ago voted against "combing out." The Man Power Bill has been given a cordial welcome by all except the Irish members of the House of Commons, who it is suggested are holding back for fear lest their acceptance of conscription for Ireland should swell the ranks of the Sinn Feiners. All other parts of the Empire including India are only too eager to render all possible service. As for the people of this country, we hope and trust His Excellency the Viceroy will take them fully into his confidence. The Indians realise their responsibility and are eager to give their very best for the preservation of the lofty ideals of freedom and equality for which the war is being waged.

* * *

MR. BONAR LAW, in replying to a debate on national expenditure in the House of Commons on January 29, referred to the proposal of a levy on capital as a possible expedient of reducing war debt and he added: "It was not the only expedient. There was also the expedient, which came to his mind when he was at the Colonial Office, of paying part of the national debt by developing, through the State, the immense natural resources of many of the colonies." This sentiment was received by the House with a loud applause. Mr. Snowden in *New India* lays bare the "very dangerous character" of this proposal of exploiting the resources of colonies and dependencies for the purpose of paying the expenditure upon the war. He says: "A very powerful syndicate of financiers has been formed for the purpose of applying this policy to the development of British colonies in Africa . . . It is a vicious and immoral idea to regard the colonies or the dependencies as fields of exploitation for British capital, and the natives of these countries as instruments of profit for British capitalists and financiers. It is to be hoped, in the interests of the honour and credit of the British Empire, that this disastrous policy will never meet with popular support, however strong the temptation may be from a selfish point of view." Mr. Snowden's grave warning should make Indians watchful of their interests.

✓ THE *Social Reformer* has the following on the passive resistance movement started in Kaira:—
 "If the people are to be advised, whenever they think that the officials are in error, to abstain from obeying the law, all hope of improvement of an existing system by constitutional means should be abandoned. We are not concerned so much with the effect of such a movement on the administration for the time being, as with its effect on the temper of the public mind. Sir Henry Maine has pointed out that one of the perils of early society is just this temptation to throw overboard an established system, under the stress of some temporary hardship. The ancient Greeks gave way to this temptation. 'It was not for the ultimate advantage of mankind that they did so,' says the great jurist, 'though the immediate benefit conferred on their citizens may have been considerable. One of the rarest qualities of national character is the capacity for applying and working out the law, as such, at the cost of constant miscarriages of abstract justice, without at the same time losing the hope or the wish that law may be conformed to a high ideal.' "

* * *

THE self-sufficiency of the Britisher is proverbial. He considers himself a 'superior person' and is always conscious of it. He thinks he must bear the 'white man's burden' at all places and in all circumstances. It would appear that now the British woman is peeping out upon the scene and preparing to share the 'burden'. Last week the *Times of India* adumbrated the idea of a Women's Imperial Service which, we must own, fills us with grave apprehensions. In addition to the recently formed Women's Indian Medical Service and the Indian Educational Service, the *Times* unfolds a long list of careers for English girls as to "welfare workers, English advisers to various Samaj and social service movements, factory inspectresses, health visitors, &c." Instead of opportunities for service to the Empire, we are inclined to regard these in the light of fat jobs for average English girls and as such we should like to warn public men in India to be on their guard in this matter. Valuable guidance and advice we want from all quarters and we are ready to pay for them. But we do not want an indifferent article and to be called upon to pay an extravagant price for it, as is likely if the above scheme is put into operation. We have had exploitation enough in the past by British men. Now the British women seem to cherish the desire to have a hand in the game.

* * *

THE warning uttered by Lord Ronaldshay that if the proposed constitution of advisory committees to consider cases of internment was not acceptable to public opinion the measure would be withdrawn, has naturally created not a little uneasiness in Bengal. The Hon'ble Mr. Chanda, who has laboured much in the Imperial Council to bring about this reform, feels concerned lest intemperate criticism in certain newspapers

should lose us the additional safeguards demanded by the public all these years and now promised by Government, and has addressed a letter to the Civil Rights Committee to form their judgment on the question. Therein he points out that the offer now made by Government concedes all that was asked for in the resolution moved by the Hon'ble Mr. Dadabhoj in February last year, and neither in the speeches of the non-official members nor in the comments of the press was any further demand made. Some members in fact expressly disclaimed any intention to ask for a repeal of the Defence Act; thus the Hon'ble Mr. Jinnah observed: "It is not that the Defence of India Act should be repealed. All we want is that while the guilty should be punished the innocent one is safeguarded." Mr. Chanda expresses his conviction that if Mr. Dadabhoj's resolution had been accepted by Government, it would have been welcomed with gratitude by the public. The offer of Government no doubt falls short of the popular demand inasmuch as the advisory committees to which they have agreed are to be purely official bodies, with no non-official element on them. Mr. Chanda however asks whether it will not be expedient to accept what has been offered and points out that the right now claimed by some does not exist even in England. It would indeed be a misfortune if a necessary reform in the administration of the Defence Act, secured after much struggle, were to be surrendered in a huff.

* * *

LECTURING to the Indian Liberal Club on April 10, Prof. Limaye defended the Congress-League scheme against certain criticisms which have been levelled against it. Among these that which has apparently made the greatest impression on the public mind is the absence of provision in it for responsible government, which has since been declared to be the goal of British policy in India. Mr. Limaye denied that a removable executive was of the essence of responsible government, as was instanced in the Swiss constitution, which was recognised on all hands as among the most democratic constitutions in the world. Under that constitution the executive placed their view before the legislature, but if it was not accepted they loyally carried out the decision of the legislature, if even when they did not fall in with it. So would it be here under the Congress-League scheme; and so long as the ministers were allowed to resign, it could not be contended with any show of reason that their conscience would be coerced. Mr. Limaye remarked that it was a superstition of English political philosophy that popular government did not reach full development until ministers could be removed from office; and he warned against the dangers of foisting a cabinet system on India under the influence of that superstition before conditions favourable for its adoption had made themselves apparent. He also counselled a spirit of sweet reasonableness in our advocacy

of the Congress-League scheme; while we ought to stand firm by the governing formulæ of that scheme, on other parts of it, not equally essential, negotiation should be possible.

* * *

THE need for enlisting the sympathies of Labour for our political advancement has brought conversion to many minds which before were stubbornly opposed to all measures of social reform. The support given by some conservative Indians to the movement for removing the taint of unchangeableness, enforced by custom, from the depressed classes, was due mainly to this new factor in our public life. What before was honestly regarded by them as a mere side-tracking of the energies of the nation, which in their view should be concentrated upon political reform, has now become, from our alliance with the Labour Party, a condition precedent to that reform, for Labour, we are told, will ask, before the status of India is raised, among other things, that our treatment of the depressed classes shall undergo a radical change. Already, journals like the *Amrita Bazar Patrika* have begun to write: "Without prejudice to the agitation for self-government, we should devote a part of our energies to the task of removing some of the glaring evils that stand in the way of the formation of an united nation in India. (The idea that an attempt towards social regeneration only causes a diversion from the true national work definitely receives a quietus here.) The most important question in this connection is that of raising the status of the lower classes of society by giving them education and by securing to them a larger measure of equality and justice, that will make them feel the impulse of a common nationality and will quicken their energies, which they will devote to their own improvement and that of society at large."

* * *

'A larger measure of equality and justice.' This sharply reminds us that we have our own Curtises, who are opposed to giving a full measure of freedom and equality of opportunity to the lower classes, but will only concede these in driblets, in the hope that by utilising these gifts in a proper manner they will in the fulness of time qualify themselves for a position of perfect equality with the higher classes. It is to be hoped that, under the pressure of having to secure the support of Labour in political reconstruction, if on no higher grounds, our politicians will be persuaded to renounce all caste privileges and abolish restrictions of caste and social inequalities even as the *samurai* in Japan parted, on October 12, 1871, of their choice with all their privileges and ceased to regard the *ata* and *hinin* from that day forward as unclean. If it should come about, this achievement cannot be put lower and will in no way be less beneficial than the attainment of home rule.

* * *

WE find that Mr. Polak's criticism on the proposals of the Inter-departmental Committee on

Indian emigration to crown colonies is misapprehended in certain quarters. He no doubt condemned the proposals as being conceived primarily in the interests of the colonies, and gave expression to his conviction that India could not afford to export labour on any large scale. Satisfied that some of the worst features of indentured labour were sought to be removed or softened in the scheme, he was not satisfied that the scheme recommended by the Committee, or for that matter any scheme, could afford adequate protection to the Indian emigrant. The point of his paper was that no system of State-regulated emigration, much less one intended to benefit the colonies, could be free from serious abuse—a conviction shared to the full by all Indians who have devoted any thought to the question. India would not allow herself to be regarded as a "coolie" country, supplying cheap and servile labour to foreign capitalists for exploitation. Though Mr. Polak thus stoutly opposed an artificial system of State-aided emigration, depending for its success wholly upon recruitment, with all its attendant evils, he made it clear that he was not opposed to genuine emigration of a voluntary character.

* * *

THE report of the Select Committee which was appointed to consider the Punjab Village and Small Towns Patrol Bill has been published. The object of the Bill is to provide for the performance of nightly patrol duty in villages and small towns, with a population not exceeding ten thousand, by the inhabitants on a system of village watch and ward known as *thikri-pahra*, which is now sought to be placed on a legal basis. Where the voluntary system fails to produce a sufficient number of men to patrol a village and where, in the opinion of the Deputy Commissioner, special measures are required to preserve the public peace, the Deputy Commissioner is empowered, under the Bill, call out all able-bodied male inhabitants for patrol duty. The number of patrols required and the mode of selecting them were to be determined, in the original Bill, by the *lumbardars*, in whose hands it was feared by the non-official members the power conferred by the Bill would be an engine of oppression. The Bill thus evoked a storm of opposition when it was first introduced on March 14. The Select Committee has now introduced some material modifications, the most important being that the function originally assigned to the *lumbardars*, as regards fixing the number of patrols and the method of selecting them, will now be performed by the municipalities and village *punchayats*. The effect of this amendment will be, in the words of the Select Committee, to entrust the detailed administration of the Bill to popular control. Sardar Bahadur Gajjan Singh, who had opposed the Bill at its introduction, has now signed the Select Committee's report.

A specimen copy of the *SERVANT OF INDIA* will be sent free of cost to any address on application.

THE PREMIER'S CALL.

THE stirring message which the Prime Minister has transmitted to the Princes and People of India, asking them to redouble their efforts to check the menace of the spread of German militarism in the East, gives us a grave warning. His Excellency the Viceroy has cancelled his tour, and he and the Secretary of State for India have returned to Simla with a view to conferring with competent authorities on the present situation. The Government of India have unfortunately taken no steps so far to bring home to the people of this country the hard realities of the situation, presumably under the misapprehension that such a course would give rise to unnecessary alarm and would unnerve the people. We do not share this view. We hold, on the contrary, that the leaders of this country should be taken into full confidence at such a critical juncture, which demands sustained and concerted effort if we are to come off with flying colours.

The Premier's message and the Viceroy's reply, if read between the lines, point inevitably to the conclusion that there is every possibility of the wave of militarism engulfing the East, and also reaching the frontiers of this country. To any one who closely follows the operations of this world-wide conflict, this seems to be a possibility, if not a probability. The *Times of India* made a passing reference to this aspect of the question a few days ago. After giving a lucid picture of the world-situation as it stands to-day it came to the conclusion that it was quite possible for the enemy to harass us by "fishing in the troubled waters of of the North-West." Observes our contemporary:—"The collapse of Russia has opened fresh and totally unforeseen contingencies. It is not without the bounds of possibility that the Turks may secure command of the railway from Batum to Baku, and with it the control of the Caspian. They may even cross that inland sea and win control of the trans-Caspian railway. Siberia is in a state of anarchy with hundreds of thousands of Austrian and German prisoners roaming about without let or hindrance. The situation in Siberia has been exaggerated; nevertheless anything may happen in a country with no Government. There is no Government in Persia beyond the range of the South Persia Rifles. In these circumstances, then, the Turks and their German masters may try and stir up trouble in Persia from the North. They may possibly threaten Meshed from Astabad on the trans-Caspian railway. The prisoners in Siberia, reorganised by German officers may use the Tashkent-Ozenburg railway to harass our good friend, the Ameer of Afganistan in the direction of Kushk and Termes."

In the face of this contingency we can assure His Excellency that the peoples of this country are at this hour quite ready and prepared to sink all their differences and to stand united as one man in their firm determination to destroy the German peril. We need not assure the British Government

that the intense loyalty of Indians to the British throne springs from the depths of their heart and is unshakable. It is, besides, a reasoned sentiment, based on a clear perception of the self-evident fact that the fortunes of India are, indissolubly bound up with those of the United Kingdom. So far we have done much for the defence of the Empire; we have rendered whatever assistance we could in the shape of money and materials. Our services have been handsomely acknowledged both here and in England. But we are prepared to do more. We consider it is the bounden duty of patriotic Indians to subscribe to the War Loan liberally and to try their best to encourage others to follow suit, and thus to utilise whatever money we can still spare for guaranteeing the safety of the British Empire.

As regards the other form of help, which at the present juncture is most needed, the help in the form of men, we are constrained to observe, our contribution in this respect would have been much greater than it is but for the policy of distrust which the British Government have been following in this country for so many years. Even so early as the early eighties when the danger from Russia was imminent the people of India asked that the military careers should be thrown open to them. They appealed to the Government but to no purpose. Even in the beginning of the present war they put forward a similar proposal, but the official response has been very disappointing. We have no desire to rake up old controversies at a time when the mind of the English nation and of the rulers of this country is concentrated on devising means to tide over the present difficulties. We have referred to this painful incident only to suggest that in future the veil of suspicion ought to be removed and a sincere and earnest effort made to secure the co-operation of the people. Indians must be made to feel that the cause for which they are fighting is their cause and that they are not subjected to invidious distinctions which are galling to their sense of self-respect. The British Government should lose no time in establishing military colleges and training some educated men as officers in the Army.

Is it fair, we ask, that the question of throwing open the commissioned ranks to Indians should still be under consideration? The other way to ensure a ready response is to encourage the Indian branch of the Defence Force by removing unnecessarily harsh restrictions as regards age limit and by giving them full military training. We are inclined to believe, the higher classes of India, who have so far been left practically untouched, will give an enthusiastic response, if the British Government give a satisfactory indication of a radical change in their military policy in this country. A suggestion has been made in Bengal that conscription in a limited form should be applied to India. That idea however will generally

be regarded as ill-judged in the present circumstances. The new-born interest in military matters does not, in our opinion, justify such a radical departure from the existing practice. Moreover even without introducing the element of compulsion we are quite sure the man power of India can be fairly tapped by the introduction of the element of trust and sympathy.

There is one other important aspect of the question on which we must touch before we close. There is a good deal of practical wisdom in the words of the Prime Minister who, while referring to conscription in the case of Ireland, observed: "It was right that they should feel that they were not fighting to establish the principle abroad which had not been applied to them." We sincerely hope that the British Government in this country will not fail to realise that human beings all the world over are actuated by identical motives. The response of the peoples of this country to the call of the Premier will therefore greatly depend upon the attitude which the people in England and the British officials in this country adopt towards the legitimate political aspirations which at present sway the hearts of the thinking section of the Indian community.

PROFESSOR KARVE.

THE life of Dhondo Keshav Karve will teach young India by what sort of persons and in what conditions the real uplift of the people is being wrought. Away from the familiar haunts of popularity and the flashes of the lime light, in inaccessible corners and amid poverty and hardships, the true nation-builders are at work,—dreaming great dreams, but content with humble beginnings, thinking out the hard problem of making small means compass large ends, and keeping the fire of unselfish zeal aglow in the midst of persecution, sneer, and every form of chilling discouragement. Prof. Karve's career will dispel the illusion that a gift of personality and charming address is sufficient or even necessary to secure admission into the portal of Fame. The story of his success will likewise teach the eternal truth that poverty does not always degrade the soul or hard living steel the heart to fine sensibility and humane ideals. Abiding benefit to society fell to the lot of the poor Brahman student of Murud whom no flashy intellectual gifts, no striking personal attractions, no high family connection distinguished in early life from the thousands of hungry lads who throng our schools and colleges. That out of his scanty means he helped the education of poor dependents, that he thought, amid the cares of his life in Bombay and Poona, of the improvement of the village of his nativity, that, rather than shock his orthodox mother, he would have preferred to sacrifice his own personal happiness,—are pleasing features which may be matched in the lives of many persons of his kind in Bom-

bay, Bengal or Madras. The characteristics that marked him out from the ruck were the clearness with which he saw his mission, the persistence with which he made his plans and stuck to them in spite of adversity, and the quietness and modesty with which he let his individuality disappear in his work and devoted such success and public recognition as came to the enlargement and improvement of that work. Woman everywhere in India is adorable: she must be peculiarly so in Maharashtra to inspire and draw to the service of her sex a succession of chivalrous and high-hearted workers among whom Karve and my colleague Mr. Devadhar are most distinguished. Many superficial differences seem to divide them and Mr. Devadhar is at present the victim of much misunderstanding and undeserved criticism in certain political circles in Bombay. But their souls are of genuine kin, equally sensitive to the age-long wrongs of woman in India, and equally seeking their happiness in the betterment of her lot and the furtherance of her cause. Equally blest are they in this, that the women with whom they are associated give them their fullest trust and confidence, and the voice of scandal, to which nothing is sacred, has let them altogether alone. This immunity of Messrs. Karve and Devadhar has been to me a never-ending wonder and a fountain of hope. The air of Madras, which I know pretty well, would have engendered a hundred fables and overwhelmed them and their institutions in a few months.

It is a noble saying that those live who labour for great ideals, the rest merely vegetate. The faith must be immense which sustained Mr. Karve in the early years of his Ashram. I have heard him say in a matter-of-fact tone that for several years he walked daily from Hingne Budruk to Bhamburda and from Bhamburda to Hingne Budruk, from work in the Widows' Home to work in the Fergusson College and back again, from a scene of self sacrifice which was complete to a scene of self-sacrifice which was all but complete. Few passages of autobiography show more grandeur of spirit or simplicity of self-revelation than this from one of Mr. Karve's lectures:

I could not leave the girls unprotected in this lonely spot and therefore would go there every evening and come back the next morning to Poona to do my College work. These were trying days indeed for all of us. The hut we built was not quite rain-proof and we had sometimes actually to cover ourselves with mats to keep our beds dry inside. During the rains the path was full of mud. But mud or no mud, day after day and month after month I went to the place for nearly two years with very few interruptions. I went there not only to give the residents there a sense of protection, but I had also to teach there the more advanced students. It was a labour of love and I never felt the fatigue of it. The real hardship that I sometimes felt was when my wife or child was sick at home and I had to leave them to take care of themselves and go away to my adopted child which has always been dearer to me than myself and my birth and kin. Whenever a conflict of duty presented itself to me there has always been a decision in favour of the institution, whichever it was. It has often pained me to the utmost to see my wife and children unduly suffer for my neglect of

them. But I could not help it. There were occasions when with tears in my eyes I would wend my steps towards the Widows' Home.

From this height of self-sacrifice a quaint touch of romance has led him to a greater height. Principal Paranjpye, grateful student and cousin and loving biographer, has recorded how he was dissuaded with difficulty from giving away his pension of thirty rupees a month to a fund in connection with the Deccan Education Society, to which he had already been contributing ten rupees out of his monthly salary, as a sort of penance for his having, during many years, given the first place in his heart to the Widows' Home, though he drew his maintenance from the coffers of that Society. But no one could dissuade him from starting in 1913 a Society based on a severer type of self-sacrifice, called the *Nishkama-Karma-Matha*. It is worth while transcribing its vows, both because they show the austerity of Karve's personal ideals and because they carry further the standard set up by Mr. Gokhale in the vows of the Servants of India Society.

- (a) From this day forward I shall devote my life to the work of the Matha.
- (b) I shall use my capabilities to their fullest extent, and while engaged in the work connected with the institution, I shall never wish for private gains.
- (c) I shall ungrudgingly submit to the decisions consistent with the rules of the institution.
- (d) I shall cheerfully remain satisfied with the arrangements made by the majority of votes regarding my maintenance and of those dependent on me.
- (e) I shall keep my private life pure.
- (f) My living and dress will be plain and simple.
- (g) I shall be generous in the matter of the religious belief of others and I shall do nothing to shock their susceptibilities.
- (h) I shall hate no one.

I was in Poona when this *Matha* was started and remember how it caused a commotion among those who had been Mr. Karve's co-workers threatening dismemberment of a great institution that had become the pride of Maharashtra and a place of pilgrimage for public workers all over India. Mr. Gokhale, to whom all parties referred the matters in dispute, arbitrated, and it was then he told me of the great personal esteem in which he held his old class-fellow and colleague, and added that he never would abandon hope of his country so long as it could discern the character and reward the work of men like Karve. To those who can see the soul within the ascetic's garb, the appeal of his personality is irresistible. When he honoured me by being my guest in his visit to Madras for propaganda work on behalf of his Women's University Scheme, I was at first sceptical; but his faith in the movement and his simple and artless zeal conquered me, and though my judgment would have held out, my reverence capitulated. So it was with others in this city. Starting as critics, they could not but open heart and purse to the simple-looking man who could say "While there is life in this body of mine this movement shall not perish."

V. S. SRINIVASAN.

THE CRIMINAL PROCEDURE CODE AMENDMENT BILL.

II.

UNDER the existing law the power of tendering pardon to accomplices can be exercised by a District Magistrate, a Presidency Magistrate, any magistrate of the first class inquiring into the offence or, with the sanction of the District Magistrate, any magistrate. Under the amending Bill it is not every magistrate of the first class who can exercise the power. It is proposed to be restricted to sub-divisional magistrates, and the District Magistrate can sanction the exercise of the power only by any magistrate of the first class. Three other important changes have been introduced in the law relating to approvers. The first change relates to the class of cases in which pardon can be tendered. Instead of being confined to offences exclusively triable by the Court of Session or the High Court, the power can be exercised in other cases also which are punishable with imprisonment for a term which may extend to 7 years. The next and, in one sense, a consequential amendment is that even in cases which are not exclusively triable by the Court of Session or by the High Court, if a pardon has been tendered, the magistrate inquiring into the offence is bound to commit the accused for trial to the Court of Session or High Court, if he is satisfied that there is a *prima facie* case. The last amendment is that where there is reason to believe that the approver has forfeited his pardon by not complying with the conditions and he is to be tried for the offence in respect of which the pardon was tendered, he shall not be tried jointly with any of the other accused, and in such separate trial he is entitled to plead that he has complied with the conditions of the pardon and the onus is thrown upon the prosecution of proving the breach of conditions. It need hardly be pointed out that the changes proposed are calculated to ensure greater discrimination in the granting of pardon and the chances of a fair trial of the approver where he is alleged to have forfeited the pardon.

In cases tried by a Presidency Magistrate, section 362 of the existing code prescribes a record of the evidence in cases in which he actually imposes an appealable sentence. The language of this provision involves the absurdity of requiring the magistrate to anticipate the conviction and sentence at the time of recording the evidence. This is obviated by the amendment that the evidence shall be recorded in all cases in which an appeal lies.

The committee have introduced an amendment in the section relating to habeas corpus, which has the effect of excluding the applicability of the section to persons detained under the Indian Extradition Act, 1903. The change is said to have been necessitated by the decision of the Calcutta High Court that it is open to the High Court to examine the legal validity of warrants issued under this Act,

though not the sufficiency of the evidence upon which the Magistrate may have acted. It is observed by the committee that the framers of the Extradition Act clearly intended to exclude such orders from the purview of the habeas corpus provisions. Whatever might have been the intention of the framers of the Extradition Act, there is nothing in the view taken by the Calcutta High Court which requires a change of policy or is likely to cause any prejudice to public interests. On the other hand, public policy may well justify the extension of the power of issuing a writ of habeas corpus to District Courts also, or at any rate maintenance of the provisions of the present law. Under the English law, a person committed for extradition can have the validity of his commitment tested on a writ of habeas corpus.

To guard against abuse of the provisions which empower a person to apply for the transfer of a criminal case, the committee provide that, when an application for transfer is rejected or dismissed, the High Court may order that any costs incurred by any person opposing the application shall be paid by the applicant. The principle of awarding costs is not usually applied in criminal cases though it cannot be said to be unknown, but if it is considered necessary to punish improper applications for transfer, fairness requires that opposition to a transfer should be similarly dealt with. There have been several cases in which applications for transfer have been opposed by the Crown on vexatious or insufficient grounds. If any amendment is to be made, it should enable the Court to award costs in favour of a successful applicant, as well as against an unsuccessful applicant. The present law with regard to the payment of compensation out of fines is obviously defective. Under the bill provision is made for the payment of compensation to any *bona fide* purchaser of stolen property. As the law now stands compensation to such purchaser can be paid only out of any money which has been taken from the person of the accused on his arrest, but not from any fine which may be ordered to be paid. Clause 136 of the Bill is analogous to section 151 of the Code of Criminal Procedure and saves the inherent power of the High Court to make such orders as may be necessary to give effect to any order under the code or to prevent any abuse of process. The amendment of section 562 with regard to the release of convicted persons on probation permits a more liberal exercise of discretion by the Court in favour of the accused. Whereas the present law requires regard to be paid to the youth, character and antecedents of the offender, to the trivial nature of the offence and to any extenuating circumstance, the amending clause allows the Court to consider the age, character or antecedents of the offender and the circumstances under which the offence was committed and permits an order of this kind to be made or cancelled by an Appellate or a Revisional Court.

The law with regard to bail is left substantially unaltered, the only change proposed being that the Court may, in any case, for reasons to be recorded, direct that any person under the age of 16 or any woman, or sick, or infirm person accused of a non-bailable offence be released on bail. The scheme of the Criminal Procedure Code with regard to bail is to divide offences according to their gravity into those that are bailable and those that are non-bailable and to provide for a release on bail in the case of non-bailable offences under certain conditions. The principles governing the granting of bail in non-bailable offences are laid down in section 497. If there are reasonable grounds for believing that the accused has been guilty of the offence of which he is accused, he cannot be released on bail; but if it appears that there are no reasonable grounds for believing that the accused has committed the offence though there are sufficient grounds for further inquiry to his guilt, the accused must be released on bail. These provisions are, no doubt, more or less in conformity with the provisions of the English law, where the discretion as to bail is exercised with reference to the nature of the offence, the strength of the evidence, the character or behaviour of the accused and the seriousness of the punishment which may be awarded if the accused is found guilty. The real test to be applied, however, is whether there is any danger of escape and whether the person will not be forthcoming to take his trial. In the application of the test regard is usually had to two main objective conditions, the seriousness of the offence and the evidence. The code having declared certain offences to be non-bailable, section 497 of the code refers only to one test, whether or not there are reasonable grounds for believing that the accused has committed the offence. This, however, is not a very satisfactory state of things. In cases triable by courts of session the defence is often reserved, and the opinion of the committing magistrate is often based only on the evidence adduced by the prosecution. It has been held that sufficient ground for committal does not mean the same thing as sufficient ground for conviction, and that a committing magistrate is not bound to satisfy himself fully as to the guilt of the accused before making a commitment. The strict application of the principles laid down in section 497 would result in the refusal of bail in all cases committed to the sessions. Where the trial ends in acquittal, the previous refusal of bail will have been the cause of unmerited hardship and suffering, for which there can really be no compensation. The discretion of the courts also is in actual practice often exercised on arbitrary grounds. There was once a Chief Justice at Madras, who was very much disinclined to grant bail to accused persons if they were rich, on the police view that the accused, if enlarged on bail, may tamper with the prosecution evidence. The more humane rule to adopt with regard to bail is to allow bail, unless

there is reason to believe that the accused will abscond and will not be forthcoming at the trial. Instead of determining this question solely with reference to the test of the existence of a *prima facie* case or not against the accused, the Court might be directed to have regard to all the circumstances of the case. In America the constitutions of most states enact the safeguard that except in capital offences bail should be granted as a matter of right and even in capital cases there is very often a provision that except when the proof is evident or the presumption of guilt is great, bail should be granted. It is worth considering whether a similar rule of policy may not be adopted in this country. Exception may have to be made in cases where there is reason to fear that the enlargement of the accused on bail might be attended with danger to the community. It is also worthy of consideration whether the list of bailable offences might not be expanded by the addition of certain offences. For instance, offences under sections 124 (a) and 153 (a) (unless there is reason to apprehend a repetition of the acts complained of), 379 to 381, 406 to 409 and 411 to 414 of the Penal Code might well be added to the list of bailable offences.

P. S. SIVASWAMY AIYER.

MRS. BESANT'S SCHEME OF NATIONAL EDUCATION.

THE problem of education is a difficult and complex one, especially in India, where peculiar circumstances have interfered with its natural development, different and conflicting ideals have been set up, and its character largely determined by a people who, though highly enlightened, broad-minded and sympathetic, yet happen to be foreign and are not able, therefore, to enter fully into the spirit of India and its traditions. About a century ago, when the English accepted the responsibility of educating the Indian youth—never mind from whatever motives—there was hardly any national life in the modern sense of the word, and the indigenous system of education, if it can be called a system at all, was chiefly in the hands of a highly privileged and exclusive class, who only glorified the past in the cloisters of traditional learning forbidden except to a select class or classes. The new education, on the other hand, introduced by the English stood for liberal thought and universality and set loose spiritual and social forces of the most revolutionary character in the Indian social and religious fabric. It was in a sense foreign. But no science, art or truth can be condemned as foreign; they are the common heritage of man and are universal. No doubt there is such a thing as local colour; and the environment and the traditions of a people are important factors of life which it is impossible to disregard. If these factors were forgotten or ignored in the State English system we cannot wholly be surprised, as the peo-

ple responsible for it were not natives of the country.

The problem of national education to-day, therefore, brings these considerations into prominence, as it ought to do. A right system of education aims at the development not only of the personal character of each individual, but of the national character of the people as a whole. The knowledge we impart must in the first instance be not only easily assimilable, but it must also be suitable and meet the actual needs of the people. Whatever merits the present system may have, it is unfortunately true that it has not been national in the true sense of the word and has failed to produce the fruits one might have expected of it. The medium of instruction is foreign, many instructors in the universities are foreigners and the educational machinery and methods are almost entirely imported from the West. Too much emphasis cannot be laid on the questions of the medium of instruction and the personnel of the teachers. The language is not to be considered as a mere medium of thought; the forms of expression embody not only ideals, which may admit of universal application, but also racial peculiarities and habits and are highly coloured by local environments. It represents in a way the genius and culture of the people. The defect of the present system lies not only in the maintenance of a foreign medium of instruction, but also in throwing the Indian vernaculars and the Indian classics into the background. A national system should give as much importance to the study of Sanskrit, Pali, Arabic, and Persian as the western universities to Greek and Latin. Indeed they give an insight into the life and culture of the East as the latter into that of the West.

My experience as a teacher has made me realise the difficulties of the Indian students. An artificial system of examinations on the one hand and the foreign medium of thought and expression on the other and consequently 'cram,' have made education a burden, and assimilation and a natural growth of the mind are, too often, almost an impossibility. Western teachers, however sympathetic they may be, cannot be expected to see the points of view and know the habits of thought of their students as Indian teachers may. The intimate touch is lacking. There are no doubt instances in European history in which foreign teachers have achieved wonders in education. The European renaissance is a case in point. In India also the influence of English education and foreign teachers has not been different. The new national awakening and the revival of thought and activity are largely due to western education. Yet the ultimate goal, it may be maintained, is the education of a people by itself. It is extremely doubtful if India can be independent of foreign teachers to-day. Perhaps she is not competent, as yet, to undertake the entire responsibility of educating herself. But what is here suggested is the gradual change of the personnel of the teachers with a view

to the ideal of national education. The point is that the state system of education should be nationalised and this can be done.

I do not know if Mrs. Besant and others are seriously thinking of setting up a system of national education, independent of State control and separate from the existing educational organisation. I do not think this is feasible on any large scale. Education, especially primary education, is a function of the State; and in a country like India it needs all the resources of a well-organised Government. Two separate and independent systems of education, existing side by side, will only complicate matters and will not effectively remove the defects of the present system. I do not doubt the ability and resources of my countrymen; but I do consider it a bad economy of energy to run a separate system of education, when the present one can be gradually modified to suit the circumstances. What is really wanted is an enlightened and powerful public opinion which may guide and control the educational policy of the Government; and the efforts of the Government to secure a better system of education by the appointment of the Sadler Commission ought not to be forgotten.

It is very pleasing to find that in the scheme for national education in India prominence has been given to religious education. No thoughtful educationalist will fail to see its significance and value; but religious education in schools and Colleges involves considerable difficulties. Apart from the difficulty of having compulsory classes, one has to face the fact that there are so many religions in India, and that the principal ones have so many forms and expressions. Take for instance the case of Hinduism. I find it sometimes extremely baffling to define it. If we follow the logical process of eliminating the differences to get at the essential features, we come to a mere negation without positive content. Look at the difference between a vedantist and an ordinary idol worshipper. Mrs. Besant tells us of the fundamental unity of all religions, but this unity reduces itself to, at best, a vague and indefinite generalization difficult for the ordinary work-a-day world to understand. How far this unity will appeal to juvenile minds it is not easy to see. There is of course the other alternative, to teach every child his own religion. But is it practicable in schools to which students from different religious communities come? I do not know if the ideal of sectarian schools will appeal to the public or whether it will be good for the national life of India. I mention these difficulties not because I do not feel the need for religious education, but simply to show that by having a system of national education, separate from the State system (in which the policy of religious neutrality makes religious education difficult), we do not solve the difficulty.

Mrs. Besant's general scheme is an admirable syllabus, but it strikes one as too rigid. Only experts in pedagogics can give an authoritative

opinion on the subject. When we have made up our minds on the fundamental principles, the details may be gradually worked out by educational experts in relation to the peculiar circumstances of the place where they are to be applied. The success of even the best scheme, however, depends on the character and ability of the men who carry it out. Mrs. Besant's scheme will call for the very best of men. I only hope they will be found. That really is the crux of the situation.

Mrs. Besant has done well in calling attention to vocational training side by side with a literary training in the school stage of education. This is the crying need of the country to prevent the waste of energy, time and money that is going on all around us. It is also gratifying to find that English is given a prominent place in her scheme of education. We—a certain proportion of the population—must be able to read and write English as well as the English themselves.

The question of girls' education is of more than ordinary importance, and the work to be done in this direction is stupendous. This will also naturally involve questions of social reconstruction.

The phrase "Politics-side" in Mrs. Besant's scheme, though it may sound misleading to some, is indeed significant. It implies the encouragement and development of our "other-regarding" instincts which, when fostered and trained, are the foundations of our moral as well as national life. Too much stress cannot be laid on it.

I believe that the chief aim of the Board of National Education should be the education of public opinion. An educated public opinion will not only be able to guide the Government in reforming its present system, but also to improve the home conditions, on which Mrs. Besant lays so much stress, and rightly.

S. K. RUDRA.

REVIEWS.

MUNICIPAL GOVERNMENT IN BENGAL.

THE ANNUAL REPORT ON THE WORKING OF THE MUNICIPALITIES IN BENGAL FOR THE YEAR 1916-17.

AFTER the publication of the Government of India's Resolution on Local Self-Government in the year 1915 which lays down in definite language the principles which should guide the development of local institutions, the Bengal Government took some steps to increase the financial responsibilities of municipal commissioners, to extend the elective system and to relax official control. It is very gratifying to find that the first results of this liberal policy have been declared to be quite satisfactory, even by the Government of Bengal, whose opinion is evidently based on the favourable reports of the Divisional Commissioners. This bears striking testimony to the fact that the people of Bengal are not devoid of the sense of civic responsibility, as is alleged by some critics. The apathy which is generally evident is due to lack of real power.

The number of municipalities is 113. There was an increase of one in consequence of the partition of South Barackpore into two separate municipal divisions. The opening balances amounted to Rs. 16,55,012 and the total income aggregated Rs. 56,92,488, as against Rs. 54,06,316 during the

previous year. The increase in income was due principally to an increase of nearly 2 lacs in receipts from municipal taxation. The total expenditure came up to Rs. 57,25,203 and the closing balance was thus reduced to Rs. 15,83,492. The closing balances of municipalities are either unaccountably large or disproportionately small. Some municipalities have balances amounting to one quarter of the total expenditure, which must be regarded as excessive. The municipalities of Dacca, Howrah and Darjeeling had actual balances of over a lakh. Six municipalities closed the year with a balance of less than 5 per cent. on current expenditure, while Burdwan had the balance of only Rs. 2000 although the annual expenditure of the municipality is Rs. 1,69,000. It is necessary that some steps should be taken to fix a minimum balance as recommended by the Decentralisation Commission.

The outstanding feature in the municipal expenditure during the year under review was a decrease of nearly 2 lakhs in the amount spent under the head "Public Health and Convenience." It is due to a necessary reduction in expenditure on new water-works. Important water-works and drainage schemes had to be held up owing to lack of funds. The Bengal Government make a complaint about the inefficient management of Municipal water-works and also about the fact that only a few municipalities have so far fulfilled the statutory obligation of employing a sanitary staff. It is hoped steps will be taken to remedy this defect.

The registration of vital statistics is one of the most important functions of the municipalities. Government have, therefore, rightly directed the examination of the present system with a view to its improvement to ensure an accurate record.

The educational expenditure increased by Rs. 26,819 during the year under review of which Rs. 22000 was spent upon the spread of primary education. Looking to the fact that the Government Grant did not exceed that of the previous year by more than Rs. 11,000 it may be safely deduced that a sincere attempt is being made to spread elementary knowledge among the people. The total expenditure on primary schools, Rs. 1,10,561 is less than half the whole amount spent on education by the municipalities. Obviously this is quite inconsistent with the policy laid down by the Government of India while reviewing the report of the Decentralisation Commission that the municipalities and local boards ought first to satisfy the needs of the people as regards primary education before taking to secondary education. About 25 municipalities failed to reach even the moderate standard of spending 3.2 p. c. of their income on primary education,—the proportion which was estimated some years ago as the cost of providing for the elementary education of half the boys of school-going age.—42 municipalities on the other hand spent as much as 5 p. c. The Burdwan Municipality spent only $\frac{1}{2}$ p. c. on primary education (Rs. 591) as against Rs. 22,090 on secondary education. The Government of Bengal have begun to take precautions against the commission of similar mistakes in the future by the municipalities, and they have disallowed the provision made by the Baranagore Municipality to establish a fresh high school.

K. M. T.

LETTERS FROM THE PROVINCES.

BOMBAY.

THE SITUATION IN KAIRA.

THE no-rent campaign in Kaira on one hand and the policy of reprisals adopted by Government on the other are going on apace. More than 2000 cultivators have taken the pledge for the non-payment of the assessment on the advice of Mr. Gandhi and his followers, who are going about from village to village preaching passive resistance. Government on their side have strengthened the staff of revenue collectors

by the appointment of additional men and have already begun to use the coercive powers given to them by the land-revenue code for the collection of the revenue from defaulters.

The public mind of the Presidency seems to be in a hesitant mood. Most people sympathise with the demand of the cultivators for an open inquiry into the situation, and there is also a general disapproval of the policy adopted by the Government officials of taking their stand on the authority given to them by law to be the final arbiters in revenue matters. People also feel that the Government of Lord Willingdon have practically abandoned their appellate function by accepting without reserve the judgment of the Collector and the Commissioner in this matter. This has sharply brought home to people the essential defectiveness of the land revenue system inasmuch as it does not provide an effective appeal from the decisions of the revenue officials in the matter of the collection of the assessment, and this has strengthened their resolve to urge upon the attention of Government the necessity of having the system reformed so as to remove the cause of discontent always likely to arise in these matters.

Although the generality of people sympathise with the cultivators of Kaira, they do not seem to have made up their mind as to the necessity of starting a no rent campaign. In the first place the public mind is not yet satisfied about the existence of such keen and widespread distress in the Kaira district as to justify the extreme measure of passive resistance. Secondly, the critical situation of the war makes the starting of the no rent campaign at this time peculiarly inopportune. The public mind is thus wavering. During the last fortnight Mr. Gandhi twice visited Bombay and held conferences with some of the important public men in the city in order to secure their support for his movement. But nothing seems to have yet been decided upon. On the Government side, Mr. Pratt, the Commissioner of the Northern Division, held a meeting of the cultivators of Kaira at Nadiad and explained to them the position taken up by Government. It is indeed very rare to find the highest revenue official defending his policy to the general public, as Mr. Pratt was driven to do on this occasion.

As the leaders in Bombay have not yet made up their minds, there is no surprise in the fact that the important organs of public opinion in the Presidency are silent on the matter. Neither the *Times of India* nor the *Bombay Chronicle* have written anything on it since the no rent campaign was started. Only the *Indian Social Reformer* has expressed itself on this question, and it strongly disapproves of the use of passive resistance in this case. Nor have public meetings been held in any of the towns in the Presidency to support the movement.

MADRAS.

THE NATIONAL EDUCATION WEEK.

WE have come nearly to the end of the National Education Week. Whether people understand the full significance of the movement or not, they are quite enthusiastic in going through the various items of the week's programme. So far as this city is concerned, the financial results are expected to be commensurate with the trouble taken by the Committee to organise the week. What, however, is most interesting is the adoption of western methods for philanthropic causes and the ease with which our people seem to have taken to them. Who would have thought, for instance, that Indian ladies of good families, who shrink from public gaze and who are shy to a fault, would successfully ply the part of enterprising saleswomen and by using unsuspected arts, to drain the pockets of the visitors of any cash there may still be remaining? Again who would have expected them to take part in amateur theatrical and organised special concerts.

of their own? One hopes that these innovations have come to stay and will enrich the aesthetic life of the country.

THE PACHAYAPPA'S CHARITIES.

The affairs of the Pachayappa's College culminating in the resignation of five trustees out of nine, have created a sensation in the public life of this presidency. The five trustees resigned as a protest against the decision, by the chairman's casting vote, that a European be appointed to the vacant principalship and that Rao Bahadur K. B. Ramanatha Iyer, though Vice-Principal and one of the most distinguished educationists in this presidency, be not given the chance even to act as Principal. Another matter of difference was with regard to the Professor of Physics who for his peculiar conduct last year had to resign the fellowship of the University and membership on the Board of Examiners. A resolution had been passed relieving him from his Professorship in the college from next year. But the resolution was rescinded again by the Chairman's casting vote, at the last meeting of the trustees. The five trustees felt that the reputation of the college would be lowered by this step. The Trustees who have resigned are highly respected in public life, and two of them, Messrs. C. P. Ramaswamy Iyer and V. Masilamoni Pillay, have been striving hard to make the college a residential institution. It is widely believed that a section of the trustees, including the chairman, have been misguided in these decisions by sectarian preferences. The incident has created great indignation among the public.

WAR LOAN MEETING.

At a War Loan meeting presided over by H. E. the Governor, an incident happened which shows the increasing manner in which public life in this presidency is fast losing dignity and a sense of proportion. Mr. K. Vyasa Rao proposed an amendment to the main resolution in which he wanted that the exodus of the Government to the Hills should be stopped. The incident reminds one of the ingenious ways of the suffragettes who used to cry 'Votes for Women' in the most surprising situations. Especially in the matter of public meetings it will not be wrong to say that we are getting to be a bundle of uncontrolled nerves.

CORRESPONDENCE.

MR. GANDHI IN THE KAIRA DISTRICT.

SIR,—I have always admired the singleness of purpose and the practical sagacity which generally characterise Mr. Gandhi's actions. From the way in which he has been handling the questions regarding the position of our women, of the depressed classes, of the vernaculars in our national life, one is led to hope that Mr. Gandhi's sincerity and steadfastness may win where logic failed. Mr. Gandhi has achieved a veritable miracle in Gujarat. People who but a few years ago were practically indifferent to politics are now roused to a sense of duty and sacrifice, which would not have been regarded possible for so eminently business-like and conservative a community as the Gujaratis. Mr. Gandhi stands alone in the political life of India; there is no second who has his indomitable spirit, which recognises no defeat and stands unshaken by the storms that may be ahead. His is a unique personality—a spiritual force which radiates strength and inspiration wherever it is felt. It is just for this reason that one feels concerned at the course he has taken in the Kaira district.

Mr. Gandhi has advised the cultivators to resort to passive resistance, to refuse payment of the revenue, if they are convinced that they are entitled to relief under the existing law, in the shape of postponement, suspension or remission of revenue. The crux of the matter is that there is a difference of opinion between the Government and the non-officials regarding the extent of the failure of the crops, and that the Government is not prepared to accept the valuation of the

latter or to appoint a committee of officials and non-officials to re-examine the question. Mr. Gandhi has started passive resistance, which in plain terms is nothing more or less than the defiance of lawful authority, to enforce the non-official view. The only practical question is whether Mr. Gandhi is justified in the course of action he has advised the ryots to follow, whether the hardships caused by passive resistance—for passive resistance is a terrible weapon even to those who use it—will be less than those involved in the immediate payment of revenue. There is no question of principle or politics. The issue is simply one of comparative suffering. I for one feel that Mr. Gandhi has taken a very unwise step which will cause needless suffering to the poor people and strain the relations between the authorities and the ryots.

Passive resistance can have no place in such parochial matters. It is neither practical nor advisable. If Mr. Gandhi and his followers think that the collection of revenue at present will entail hardship on the cultivators, the most obvious thing to do is to help them by means of money. Even the Government may be induced to take a more lenient and generous attitude, if they feel, apart from the question of the valuation of the crops, that the economic position of the people is not sufficiently strong to bear the strain of full collections. There is no question of any fundamental conflict between the people and the Government. I can conceive of no Government—not even the most democratic home rule—which can submit to arbitration on every question of routine administration—whenever there is a difference of opinion between the responsible officers and the people, without abdicating its proper functions. In the present instance the officials do not think that the crops have failed to the extent suggested by Mr. Gandhi and his volunteers. On a *priori* grounds, the judgment of the former who are trained for the purpose should approximate more to the reality than that of amateurs, and I think, people with a modicum of administrative experience will agree with me here. Why the Collectors and Commissioners should be biased against the ryots, I cannot imagine. If the people are dissatisfied with the award of the district authorities, they must appeal to the higher authorities, whose decision must be final. In a civil dispute the judge's view must prevail, and even if felt to be wrong, must be accepted, on preference to that of the litigants or even of the independent Bar, provided it be *bona fide*. There can be no jury in matters such as these.

Passive resistance is the last resort of a civilised community, to be used only when vital principles—issues of national urgency, are at stake. It is no use making a mountain of a mole-hill. We cannot expect the Government to overrule its officials, unless it is convinced that they are wrong. It certainly cannot allow their decisions to be submitted to arbitration every time they are disliked by some section of the people. If it did, even the passive resisters may have to resort to passive resistance to prevent the administration becoming a chaos. Mr. Gandhi knows very well that compromise is the essence of practical life, and perhaps it may be best to leave the people of Kaira in the hands of the officials who, whatever their other failings may be, are certainly not known to be unsympathetic and hostile to them. The Government does not now-a-days need being reminded that in the prosperity of the people lies the success of its administration.—Yours, etc.

Jhansi, April 8.

N. C. M.

[We cannot agree with the correspondent's view that the decision of the revenue officials must be final, and that the ryots cannot be allowed to have a say in the matter.—Ed.]

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