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THE HINDU ORGAN.

JAFFNA, WEDNESDAY JANUARY 9, 1895.

THE PROPOSED ORDINANCE RELATING TO THE REGISTRATION OF MARRIAGES.

Of all the Legislative Measures introduced into the Legislative Council during the last session, the most important was the one to consolidate and amend the laws relating to the Registration of Marriages other than the Marriages of Kandyans or of Mohammedans. It was read a second time at the sitting of the Council on the 8th ultimo, after a most animated debate, during which the Hon'ble Mr. Coomaraswamy strenuously opposed the provisions of the Bill which make registration compulsory and the Bill was referred to a Committee of the Council consisting of the Hon'bles the Attorney-General, the Treasurer, the Government Agent W. P. Government Agent C. P., P. Coomaraswamy, Giles F. Walker, T. B. Panaboke and the acting Principal Collector of Customs who has charge of the Bill. The Committee have not yet made their report, and the Bill will soon become law with such modifications as the Legislature may finally adopt. It becomes, therefore, necessary that the feelings of the public on the subject should be made known to our legislators before it is too late.

The sections of the proposed Ordinance which seek to make marriage registration compulsory are as follows:

14 From the date when this Ordinance shall come into operation no marriage shall be valid unless it shall have been duly solemnized by a minister or a registrar and registered in manner and form as is hereinafter provided.

36(2) The entry made by the registrar in his marriage register book shall constitute the registration of the marriage, and shall be the only evidence thereof before all courts and in all proceedings in which it may be necessary to give evidence of the marriage.

Now these two clauses, if adopted by the Council, as they stand, will not only invalidate all unregistered marriages, but will also bastardize, as Mr. Coomaraswamy said in Council, the children of such marriages. This would indeed be repugnant to the feelings of all true Hindus to whom marriage is not merely a legal binding between two parties but something more sacred than that. The Registration of a Hindu Marriage has seldom or never taken place, and is not likely to take place hereafter, even if registration be made compulsory simultaneously with the solemnization of the marriage with the necessary religious ceremonies by the Priest of his religion. Hindu marriages are even now registered here, but this is done several months or, in some cases, years before or after the actual marriage of the parties. There are also several instances in which persons who had contracted a legal marriage having never lived as man and wife, either death having prevented the consummation of the actual marriage, or differences between the parties having led them to seek more agreeable alliances solemnized and made binding on them by the customary religious ceremonies.

The case is different with the Christians whose marriages are solemnized in their places of worship and registered at the same time by their Ministers. The customs of the Hindus, religious and social, and their present status as a community, would not permit them, under the pressure of any legislation, to register

their marriages as the Christians do. A real marriage in the eyes of a Hindu is the one solemnized by his priest with a number of religious ceremonies, and these marriages being solemnized in the houses of either the bride or bridegroom and in auspicious days and moments which may occur even in the dead of the night, their registration as in Christian marriages becomes generally impossible, more especially as the Hindu priests are not, by virtue of their profession, Registrars. Nor is it possible for Government to make every Hindu who claims to be a Priest Registrar of Marriages. It is, we believe, in view of these difficulties attending the registration of Hindu marriages that the framers of the law now in force relating to marriages enacted that registration shall be the best evidence of marriage and not, as in the proposed Ordinance, only evidence of it. We, therefore, earnestly hope that the Government will allow the marriage registration law to remain as it is under the Ordinance No. 13 of 1863.

SOME SOCIAL PROBLEMS.

Continued from our last issue.

(Communicated)

(In our last article under this heading occurs a passage which is likely to be misconstrued by some readers. We said that modern European philosophers have not made much advancement, in any essential point, upon the old schools of Hindu philosophy although they have made many refinements. We fear we would be taken to imply that modern European philosophers consciously used the ancient Hindu system as their basis of philosophy. We declare that no such implication was intended. It is an established fact that modern European philosophy is based on the Greek system, although the relation between the Greek and Hindu systems is shrouded in mystery, and although in recent times the Hindu system has enlarged to some extent the philosophical literature of Europe. Our meaning was only that the chief elements of modern European philosophy are found in the Hindu system.)

In our last article we shewed that the mere laws of population and of economy working in India under its peculiar conditions of climate, food, and soil, could not, notwithstanding what Buckle says to the contrary, lead to the misery and subjection of the mass of the Indian people. We tacitly assumed a good part of what Buckle says of the effects of the general aspects of nature upon the mind. We also shewed that climate, food and soil also have certain effects on the mind, and that in India these effects were similar to those of the general aspects of nature. What we wish to state now is that the seat of the ultimate cause of the low condition of the Indian people is in the mind as it has been moulded by the effects of the climate, food, soil, and the general aspects of nature, although there might have been other causes, subsidiary as well as accidental, favouring the operation of this principal cause. We have seen the reason why the physical sciences have been cultivated better in Europe than in India. In India man being amazed by the majesty and bounty of Nature had his attention rivetted on the sublime and the beautiful in it, and he sang. But his curiosity was roused and it led him to subtle metaphysical enquiries calculated to solve the problems of nature; so that it must be admitted that his imagination did not overpower his understanding at all times and in all places. The bounty of nature was such that he had leisure for these speculations. But he did not very much experiment with nature. It is a remarkable fact that necessity leads to experiments, which is illustrated by the proverb, "Necessity is the mother of invention." In

ages long past the Indian had no necessity. The bounty of nature was as great as at present; population was much less. So he had not to encounter nature. This is another reason why the physical sciences were neglected in India. The traces of these sciences that remain, however, reflect no small credit on the range of the Hindu mind. But metaphysics was the luxury of the Indian. Our ancestor, favoured by nature, led an easy life; and intellectually he was in a metaphysical trance. His bodily habits were not distinguished by much exertion. The turn of his intellect was speculative, not practical. Now, when this state of things had continued for a long while, came a revolution in society; a race of surpassing valour and intellect subjugated all the other races of India. It is a question, however, whether this race was one of the original races of India, or whether it was an invading race. On this question opinion is not unanimous. We have a strong conviction that it was one of the races of India, although we do not hold that all the races then occupying India belonged to the same stock. Now, this race took the place of dictator to the other races, and the other races acquiesced in the dictatorship, as this race was very much their superior. Gradually this ascendancy of the superior race grew. Gradually the inferior races were led from subjection to slavery. The impractical turn of mind of the Indian could not find a remedy. The inferior races yielded and yielded, not knowing the extent of the evil—but "ignorance was bliss where it was folly to be wise."—yielded till they were utterly degraded intellectually, physically, morally and socially, into the veritable Sudras. For this, we believe, was the origin of caste. The Indian caste is a plant of slower growth than the European feudalism. Likewise it is a mightier tree, to eradicate which more potent forces are required than what were required for the feudal system. This being so, it looks like sheer madness that some of our philanthropists intoxicated with some Western notion, and not knowing how to apply them in practice to Eastern society should venture to measure their strength against this mighty institution in the way they do. They want to eradicate caste from this land. They begin to do it by lopping a branch, and lo, to their utter mortification they find that for one branch they cut off, there shoot forth ten new and luxuriant branches as in the mythologies when one head of a certain monster was severed, immediately ten new heads sprang forth instead. We must say that caste is an evil, and a mighty evil. It is at present a constitutional disease of Eastern society, chronic in its nature. It requires a constitutional remedy. Violence will only aggravate it. This is not the time, however for us to enquire into the proper remedy for the caste system.

The Superior race abovementioned from the time of the acknowledgment of their superiority set down laws and regulations to the inferior races. These laws and regulations in due time comprised the whole sphere of the life of the individual. In order to the due observation of their laws in the future they set down the authority of custom to their laws; and custom became the essence of their laws. The thralldom of the Sudras, the mass of the people, was a thralldom of custom. Other races when composed of such numbers as against the few of the superior race would have succeeded in shaking off such yoke. But in India the thralldom was more or less a voluntary one, or at any rate, one from which to revolt it was

(continued on the 4th page)

sacrilege. For, there was custom to violate which it was not only sacrilege but high treason—crime against god and crime against the state. This opprobrious law of custom would not have had a place in India had not the mind of man been favourably constituted. The reverence which has always been a peculiar trait of the Hindu mind, and which in these degenerate times being wedded to hypocrisy has assumed the form of cringing and adulation, the reverence which first manifested itself when the mind of man grasped the awful majesty and beauty of nature and when it grasped the hidden meaning of these by metaphysical enquiries that led to a conception of God, the reverence which the Hindu again paid to every one superior to him in intellect and able to guide him by his wisdom, and which for these reasons the inferior races above-mentioned actually paid to the superior race, this reverence which, though in its subjective side is only the feeling, is yet in its objective side a law influencing conduct when it extended to the several relations of life became the law of custom. A host of things became invested with a sacredness to which this spiritual feeling of reverence was attached; and the intellect that was originally able to grasp abstruse metaphysical ideas became weakened and enfeebled by the very emotion that was aroused by the defection of those truths. The superior races were first revered for their wisdom; then a nature approaching to divine began to be attributed to them, and whatever they said or did was received with a pious submission. It was long, long, before the obnoxious nature of the particular laws and regulations was perceived or their burden felt.

This degradation which the superior race caused to the inferior races to serve their own ends, as well as a reaction on the superior race caused by their surroundings, has led to a wholesale intellectual and moral degradation in India; and a people intellectually and morally degraded cannot for any length of time be materially prosperous.

It will not be amiss after having noticed, however briefly, the downward course of the Indian people, to trace the direction that the European mind has taken. The Indian mind was speculative and impractical and came to be possessed of a morbid spirituality which attached the sacred feeling of reverence in some form or other to a host of things some of them evil in their nature. But in modern Europe the physical sciences have the upper place in relation to metaphysics. In India metaphysics had the upper place. It is not that metaphysics was cultivated in India better than it is cultivated now in Europe. But the mind in its relation to the two branches of knowledge was swayed by metaphysics in India and by the physical sciences in Europe. Intellectually metaphysical thought was the ruling principle in India; materialistic thought in Europe, although more metaphysical knowledge may be found to be possessed by the modern Europeans than by the Hindus. There are unmistakable signs of the tendency of modern European thought being materialistic. Religion which is the embodiment of the spiritual relations of man to his environment is becoming only an empty theory. All real spirituality is fast fading away before the advance of materialistic thought. Even morality is being separated from religion, and it is in its nature and tendency materialistic, not spiritualistic. Philosophers are trying to explain moral principles without any reference to religion by a utilitarian philosophy and by a theory of natural evolution. Religion is becoming a mere profession of empty formulae, and morality seems to be able to do without it. The preachings of missionaries and of priests in general all over the world are but the cry in the wilderness of materialistic thought, not, however, of a man fed with locusts and wild honey whose raiment is the skin of beasts, but of men themselves being unconsciously driven with the irresistible current of materialistic thought. Their cry sounds like the knell of the ruin of a religion of vacarious sacrifice which is too feeble to stand the test of modern philosophical thought. Spirituality a motive principle of society in general is dead and buried in the West. Let no one be deceived by appearances to the contrary. We would wish all those who sincerely want to revive it to make common cause with the Hindus with whom spirituality is not dead but survives in a most diseased form, and with whatever other people with whom some traces of it may be found, unless such a combined effort is made, the Western civilization as it penetrates into all parts of the

globe will be "materializing" mankind, and, spirituality being tottering everywhere where it may be found, no particular people who may possess traces of it will be able to resist the tide singly. And it is a question whether morality can long stand, whether it will have vitality enough to stand, upon the basis of pure materialistic thought divested of all spiritual relationship.

THE INDIAN NATIONAL CONGRESS.

(communicated)

The Tenth Indian National Congress has met and dispersed. It held its sittings on the 26th, 27th, 28th and 29th December last, in a beautiful pavilion erected for that purpose in the Landon's Gardens at Madras. There were assembled in that pavilion nearly 1200 delegates and over 3500 visitors including ladies. Many of them had come from very distant parts of the Empire, at much personal sacrifice and expense—some to partake in its deliberations, others to witness its proceedings, and all to assist in the work of unifying the people of India and ameliorating their condition. When the Congress was started some 10 years ago, there were only 72 delegates who attended its first meeting at Bombay. At that time, the Indian bureaucracy looked upon it with unconcern and treated it with indifference, as it was little thought that the patriots who originated it had any higher object in view than the passing expression of a misguided enthusiasm for the rule of Lord Ripon. But as time passed by, and the Congress met year after year in an orderly and constitutional manner, asserting the rights of the Indian public, ventilating their grievances, pointing out the evils in the administration of their country, and suggesting the reforms required, the Anglo Indian community became alarmed and set about to organize an opposition that would nip the Congress movement in the bud. It is unnecessary for us to pursue the tactics employed by this body in their narrowminded and selfish endeavour to discredit and destroy the National Indian Congress which, in the words of the late Rajah Sir T. Madhava Row, is "the soundest triumph of the British administration and a crown of glory to the British nation." Suffice it to say that the Congress has successfully withstood the fierce storm of persecution and survived the withering blast of calumny and misrepresentation to which it was exposed, and it is today, a stern reality, a mighty power in the land, which it would be suicidal on the part of the powers—that be not to take into their confidence or even to recognize.

But to return to the Tenth Indian National Congress. It was opened, as we said, on the 26th December last when, the Honourable P. Rungiah Naidu, the veteran President of the Reception committee welcomed the assembled delegates with open arms, in an address pregnant with sound common sense and practical suggestions and worthy in every respect of the experience and sagacity of the speaker. He showed that in spite of the determined opposition from certain quarters and the obstacles thrown in its way by the shortsighted policy of some of the Indian officials, the Congress was yearly growing in strength and vitality and that the masses were beginning to take a lively and intelligent interest in its proceedings. He was certain that if the Congress worked steadily on the lines it had chalked out for itself and kept educating public opinion both in India and in England, all such opposition would vanish and India would come to occupy her proper position in the British Empire and her people enjoy the blessings of those privileges which Her Majesty's Proclamation of 1858 most magnanimously held out to them. He was sorry to see a certain section of the Mohammedan community keeping aloof from their proceedings, but he was persuaded that their aloofness was the outcome of a misconceived idea of self interest and that they were now beginning to realize that nothing short of a constitutional agitation, such as that of the Congress, would enlist on their behalf the sympathies of their rulers. At the conclusion of his address Mr. Rungiah Naidu called upon the assembled delegates to elect their President, when, Mr. Alfred Webb was unanimously chosen. He is M. P. for West Waterford, member of the Irish Parliamentary party and of the Indian Parliamentary Committee. He is a practical statesman, not a sentimental theorist or visionary politician. He is a gentleman of wide sympathies and cosmopolitan views whose country is the world and whose countrymen are mankind. He is a Protestant representing a Catholic constituency. As such he did not affect to question the choice that had placed him in the presidential chair at the congress. He frankly admitted that, to occupy that chair was the highest honour he could aspire to and proceeded to discharge the duties of his post under a sense of its privileges and responsibilities. His inaugural address is a masterpiece of simplicity, strength and lucidity. It was a plain and straightforward exposition of the relation between India and England, the right of the one and the duties of the other, the causes that tend to obscure these rights and duties and the conditions necessary to bring about a just and clear conception regarding them. There was no outburst of wild enthusiasm indiscriminately denouncing the administration of India by Englishmen. Rather, he was warm in his tribute of praise of the rulers of India and said "Never has more conscience been brought to the government of a conquered country." But, if he was generous, he was also just. Referring to the recent convention between England and Japan for abolishing consular jurisdiction rendering British residents in Japan amenable to native courts, he justly observed "How comes it that powers over British citizens considered inexpedient to accord to Indian Judges trained in British law have freely and almost without comment been granted to Judges in Japan?" He next dwelt upon the poverty of India, its financial embarrassment, the reckless manner in which its revenues were being spent in providing for the pensions of retired civil and military officers and the injustice of debiting her with large items incurred for Imperial purposes. He was sorry that the vote of the House of Commons in connection with simultaneous examinations was practically vetoed by the Secretary of State for India,

acting evidently under pressure of, and out of deference to Indian official opinion, and thus furnishing an argument for the House of Lords to set at naught the solemn decisions arrived at by the Commons assembled in Parliament. Passing on to education, he deprecated the half hearted manner in which the Government grudgingly supported it, but, at the same time, he warned his hearers against the common mistake of supposing that education was a passport to Government employment, a warning which we, in Jaffna might profitably take to heart. The false notions of honour instilled into our breasts by English education have so thoroughly enervated and effeminated us that we are at our wits' ends either to dig or to beg. The President then wound up his address by saying that the Congress need not despair, as a large measure of success had already attended their labours, and that they had effected, in the space of a decade, reforms, which it had taken centuries of toil and effort in other countries to achieve. We, of this Sleepy Hollow, do not assent to these weighty utterances.

(to be continued)

LOCAL AND GENERAL.

The Weather—There were slight showers of rain throughout the District on Saturday Sunday and Monday last, which were very opportune. More rain will improve the paddy crops greatly.

The Libel Case—In the case of defamation brought by us against the Very Rev. Father Mauroit, the Proprietor of the "Jaffna Catholic Guardian," and Mr. C. Andrew, the Printer and Publisher of that paper, the Police Magistrate of Jaffna today, under instructions from the Attorney-General's Department, committed them to stand their trial before the ensuing Sessions of the Supreme Court here. They were bailed out on certified security of Rs. 500 each.

THE JAFFNA DISTRICT COURT—We understand that the number of institutions of cases in the Jaffna District Court has fallen to about half of what it had been before the introduction of the Civil Procedure Code, though the difference in institutions between the years 1892 and 1893 is not very great. It is said that the present acting District Judge is in favour of the amalgamation of the District Judgeship and the Police Magistracy of Jaffna, considering the great falling off of work in the District Court. As the Police Magistrate of Jaffna has also to do the work of the Mallagam Court, the success of the dual system is considered doubtful.

THE TOUTS ORDINANCE—So far as we can see there is no effect whatever of the new law against the touts, except perhaps that many of them are not found to talk to Proctors in Court. But it is an open secret that very many of the touts frequent the Offices of some of the Proctors. Some laymen very properly put the question why there should be any legislation on the subject when the remedy against the evil complained of is in the hands of the lawyers themselves who belong an honourable profession. If the lawyers do not encourage the touts the latter should cease to exist. No amount of legislation will eradicate the evils arising from the ignoble doings of the touts, unless the lawyers be honourable enough to discard the services of touts. We are indeed very much pleased to find that Mr. Woodhouse, the present Police Magistrate of Jaffna, has set his face so much against "these pestiferous rogues," as to be a terror to them. We hope that the laudable endeavours of the learned Police Magistrate to put down an undoubted evil which preys on the vitals of ignorant snitons, will be appreciated, if not supported, by the members of the Bar.

INDIAN CATTLE—More than 2000 bulls have been imported into Jaffna from India during the last two weeks and there will be another 1000 more obtained from India during the year, so that we obtain annually more than 3000 bulls from the Continent at a cost of not less than Rs 150,000 per annum. Why some of the local capitalists should not take to breeding cattle in Anuradhapura and Vavuniya Districts, where there are excellent pasture grounds, we cannot understand. We hope that some attempt in the direction of cattle breeding will be made in order that the sum of Rs 150,000 now sent annually to India may be saved to the Province.

A Grand Dramatic and Musical Entertainment—A correspondent has sent us a long account of this entertainment held in the Town on the 29th Ultimo. It is too long for publication in this issue.