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Voices of Indian Freedom Movement



J. C. JOHARI

**VOICES OF INDIAN
FREEDOM MOVEMENT**

VOICES OF INDIAN FREEDOM MOVEMENT

(VOICE OF NASCENT AND RESURGENT NATIONALISM)

VOLUME I
(Book 1)

Edited and Annotated by

J.C. JOHARI

M.A., LL.B., Ph.D.

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PREFACE

An account of the rise and growth of nationalism in the later part of the nineteenth century is a bold refutation of the arguments of the defenders of imperialism who contended with the power of all rhetoric at their command that there was never, nor could there ever be a thing like India as a nation, or that the British rule in any way would lead to the making of Indian nationalism. As a matter of fact, these 'observers' of the British rule had become so blind that they, like the Bourbons of France, could not read the bold writing on the wall. Obstinacy yielded place to sheer callousness and so they never liked to grasp the implications of this definite law of politics that a system of empire-building inevitably and irresistibly generates the sentiments and forces of nationalism. And while the callous minds like Sir John Seeley, John Strachey and George Chesney took pleasure in denying the existence of anything like Indian nationalism and, more than that, in scotching the possibilities of any such thing in time to come, there were some sensible Englishmen also who recognised the reality of the prevailing situation and, in the words of Edwyn Bevan, compared British Raj with 'a steel-frame which held the injured body of India together till the gradual process of internal growth had joined the dislocated bones, knit up the torn fibres, and enabled the patient to regain inner coherence and unity'.* Much earlier, an ex-judge of the Agra High Court (William Edwards) wrote in 1866 that 'a feeling of nationality has grown up in India'. The creation of the Indian National Congress in 1885 demonstrated that the Indian national movement had taken an organised form and since then it became the symbol as well as the instrument of, what Surendranath Banerjea termed, 'a nation in making'.

A proper study of the subject of India's freedom movement covers all what prominent Indian figures thought and did for the great cause; it also covers all important reactions, interpretations and pronouncements of the British leaders and 'observers'. As such, I have put the matter in two parts. While Part I contains original writings and statements of the great Indian figures, Part II has important readings representing the British point of view. The noteworthy point is that our national

*Edwyn Bevan : *Indian Nationalism* (London, 1913), pp. 45-46.

leaders spoke in different 'voices' and so I have sought to include their views in different volumes with a view to maintain, as far as possible, the unity of a particular trend. In this volume I have taken up the views of the great Indian leaders who set the trend that was followed by the leaders of the freedom movement. In this respect, they may be called the 'pioneers' of Indian nationalism. This study begins with Raja Ram Mohan Roy who launched the social reform movement in the early phase of the nineteenth century that had definite impact upon the growth of political consciousness in the country. The revolt of 1857 was crushed and then India came under the direct rule of the Crown in 1858. Since the British rulers could establish a strong and stable administration in the country as a whole, the way was cleared for the rise and development of Indian nationalism. Dadabhai Naoroji, Pherozesbah Mehta, M.G. Ranade, K.T. Telang, D.E. Wacha and Surendranath Banerjea took leading part in it, and they came to be known as 'liberals' by virtue of having their faith in the excellence of the English imperial rule under whose auspices India could achieve the goal of her social, economic and political regeneration. Swami Dayanand, however, adopted a different view that was dubbed by his critics as 'Hindu revivalism'. I could have included some more leaders in this volume which could not be possible owing to the limitation of space. For this I would crave the indulgence of my readers. I, however, hope that my scheme would receive the appreciation of my readers who would find here much for the purpose of their advanced study or research in this important field of modern Indian history and politics.

I have drawn material from numerous published sources, Indian and foreign, according to my own scheme and I offer my sincere gratitude to all of them. I am thankful to a large number of my friends for the help they extended to me for the completion of this project. I am much thankful to Seema Saxena and Seema Johari who assisted me in the collection and arrangement of the matter and checking of proofs. In particular, I am grateful to my Publishers who appreciated this project and took pains to bring out the volumes in a record time.

—J.C. Johari

INTRODUCTION

The developments of the nineteenth century mark a watershed in the history of modern India. The decline of the Moghul empire yielded place to the rise of English colonialism ; in turn, the benefits of the English colonial rule germinated conditions for its own termination as a result of the inevitable and irresistible rise and growth of Indian nationalism. The revolt of 1857, deliberately misnamed as the 'Mutiny' or the 'Sepoy Rebellion' by the English rulers and historians signified echoes of great convulsions. The replacement of the rule of the East India Company by the rule of the Crown in 1858 removed the intermediary (Company) and established direct connection between the rulers of an alien nation and the subjects of a dependent race. The curse of a 'responsible government', as lauded by Lord Palmerston, or a 'benevolent despotism' as designated by Lord Macaulay, eventually proved a blessing in disguise. The Royal Proclamation of 1858 and the inauguration of the policy of associating Indians with the administration of the country fostered conditions for the germination of a new consciousness of unity among the people that, after some time, appeared in the form of Indian nationalism. It showed a gradual recuperation of the people from the destabilising effects of that intellectual and moral exhaustion that was a natural consequence of their subjection to an alien power.

Irrefutable is the fact that the English people were aggressive as well as progressive in their colonial venture and so they could convert this big country into their 'colony'. But equally irrefutable is the fact that the colonial rule yielded certain positive results. The impact of the philosophy of liberalism based on the ideas of Locke, Burke, Bentham, Mill and Spencer made the people of India aware of the excellence of a democratic system. The imposition of English language as the medium of instruction and also as official language for all purposes of administration provided a common channel of communication and self-expression whereby the people of different parts of the country could meet and work together. The knowledge of the English language provided a very useful instrument in the hands of the Indian people who could read the history of the great revolutions that led to the establish-

ment of secular and democratic nation-states in the West. The new administrative set up promoted the growth and organisation of a new economic set up that procreated a native bourgeois class and that played its part in eventually terminating the hold of an alien economic power. As a result of all this, a growing consciousness of comradeship developed in the midst of subjugation and suppression. "All these forces naturally strengthened and stimulated those deep and intrinsic affinities—cultural, philosophical and spiritual—which have unified India from hoary antiquity into the baneful efflorescence as modern Indian nationalism. Raja Ram Mohun Roy, Dadabhai Naoroji and Mahadev Govind Ranade were the prophets and architects of this all-sided national renaissance."¹

Imperialism is a curse, of course. No nation would like to live under the control or subjugation of an alien people. But it is a blessing in disguise too, if the imperial power really does much for the 'Hellenisation' of the dependent peoples and, in turn, the dependent people have the wisdom, patience and courage to reap the benefits of colonial rule so as to prepare themselves for their emancipation in course of time. It may be regarded as enforced stewardship of an alien people by the hand of destiny. The credit for discovering this line of thought goes to Raja Ram Mohun Roy. He had a dim vision that India would eventually be free from this curse after her people would see the light of the day by virtue of being the subjects of a sane and well-intentioned imperialism. It was his conviction that British rule would unleash social revolution in the country and that would automatically lead to the outbreak of revolution in economic and political spheres. The disintegration of the present would yield place to integration in time to come in various directions as a definite consequence of India's awakening under the English rule. Thus, 'the father of modern Indian renaissance' could visualise India's social, economic and political regeneration leading eventually to her emergence as an independent and enlightened nation-state. We may appreciate the

1. M.R. Palande : "Introduction" in *Source Material for a History of the Freedom Movement in India*, Bombay Government Publication, 1957, Vol. II, p. 1.

view that "if anybody saw a dim vision long ago, it was only Ram Mohun, a true nationalist not only by intellectual affiliations with everything Indian but also by life-long hard work which contributed to the nations' progress."²

Raja Rammohun Roy is generally regarded as the pioneer of social reform movement. He founded the Atmiya Sabha in 1815, the Calcutta Unitarian Association in 1821, and the Brahma Sabha in 1828 that later became the Brahma Samaj. The philosophy of Brahma Samaj is a peculiar blending of the essential tenets of universalism, cosmopolitanism, rationalism and humanism. To him, however, religious reform "is both social reform and political modernisation."³ The first requirement is that the people want to live in a state of security and justice and if it is provided by the English rulers, then certainly it is a divine dispensation. The people had no such peace and security under the Muhammedan rulers as their property "was often plundered, their religion insulted, and their blood wantonly shed till Divine Providence at least, in its abundant mercy, stirred up the English nation to break the yoke of those tyrants and to receive the oppressed Natives of Bengal under

2. B.N. Dasgupta : *The Life and Times of Raja Rammohan Roy*, p. 224. It is evident from the extract of a letter that he wrote from England in 1832 to one of his friends in India : "Though it is impossible for a thinking man not to feel the evils of political subjection and dependence on a foreign people, yet when we reflect on the advantages we have derived and may hope to derive from our connection with Great Britain, we may be reconciled to present state of things which promises permanent benefits to one's posterity. Besides security from foreign invaders and internal plunders, let us ask ourselves, whether we would have rescued ourselves from the stigma of female murder (suttee burning) but for the English ? Whether we could have otherwise obtained the power of equalising ourselves with the rulers not only to civil but to criminal jurisprudence." *Ibid.*, p. 232 n 1 A.

3. Thomas Pantham : "The Socio-Religious and Political Thought of Rammohun Roy" in Thomas Pantham and K.L. Deutsch (ed.): *Political Thought in Modern India*, p. 36. Here we may endorse the view of M.A. Buch : "The Raja's religious liberalism is, therefore, not only implicit but also explicit a social and political liberalism also. He thus became the founder not only of the Brahma Samaj, but also of the Social Reform School of Ranade, and the Political Reform Movement of the early Indian National Congress" *Rise and Growth of Indian Liberalism (From Ram Mohun Roy to Gokhale)*, p. 79.

its protection.”⁴ Implicit in all such affirmations was his conviction that India, developed under the aegis of the English rule, would eventually emerge as a nation-state.⁵

The fact that the social reform movement of the Raja had economic and political offshoots may be noted in a host of his activities that sharpened the pace of consciousness of the people and thereby played its part in the rise and growth of national consciousness. As a result of his crusade, the evil of *suttee* was banned in 1829. When Governor-General Warren Hastings liberalised press censorship, he founded three journals—the *Brahmanical Magazine* in English and *Samvat Kaumudi* in Bengali in 1821 and *Mirat-ul Akhbar* in Persian in 1822. But when the succeeding Governor-General (John Adams) reimposed press censorship in 1823, he (with some others) submitted a petition to the Chief Justice of the Supreme Court of Judicature at Calcutta. It was rejected by Macnaghten. Then, he submitted a longer petition for the consideration of His Majesty-in-Council that had the same fate.⁶ It shows his ardent love for the freedom of the press. In November, 1826 he sent a petition to the British Parliament against Wynn’s Jury Act and in August, 1828 he sent a letter to the

4 See Sophia Dobson Collet : *The Life and Letters of Raja Ram Mohan Roy*, edited by Dilip Biswas and Prabhat Gangopadhyaya, pp. 431-99.

5. V. Jacquermont well noted : “The largeness and justice of his (Raja’s) ideas on the different states of Europe have surprised me. Formerly when he was young, he told me that the British, the rulers of the country, were odious to him. This blind patriotism of youth made him detest the English and all who came with him. Enlightened since then as to the benefits of all kinds which follow everywhere the establishment of their power, he regards it as an advantage for India...Conquest is very rarely an evil when conquerors are more civilised than the people conquered, because they bring to them the advantages of civilisation. Many years of English domination will be necessary before India will be able to resume her political independence without losing much.” Cited in Dasgupta, *op. cit.*, p. 218.

6. While acknowledging this Memorial (dated 15 September, 1822), Col. Leicester Stanhope wrote back to him : “The Memorial considering it as the production of a foreigner and a Hindoo of this age displays so much sense, knowledge, argument, and even eloquence that the friends of liberty have dwelt upon it with wonder.”

English Parliament forwarding Calcutta Citizens' Petition (with 100 signatures) to the same effect for keeping the jury system. He died in 1833 as the father of modern Indian renaissance and a precursor of Indian nationalism. For our purpose, apart from being a rationalist, a humanist, and cosmopolitan, he, as a Brahma philosopher (Brajendranath Seal) says, was "the nationalist reformer, the Renovator of Nationalist Scriptures and Revelations."⁷

The line of regarding British rule as a divine dispensation continued and it became more sharp after the transfer of power in favour of the Crown in 1858. Dadabhai Naoroji well represented it in his speeches and writings. He was not a social reformer like the Raja, but he expressed his ideas like an enlightened liberal thinker of the nineteenth century. As such, while the Raja eulogised British rule with dim but high hopes, Naoroji appreciated it with the force of his critical observations. He put his accusing finger at many lapses of the English rule and desired their eradication as early as possible. In this way, he inaugurated a new trend of loyal as well as critical liberalism that was followed by Pherozeshah Mehta, Mahadev Govind Ranade, K.T. Telang, D.E. Wacha and Surendranath Banerjea. He propounded the theory of 'economic drain' signifying export of India's wealth to Britain and that being the real cause of the poverty of the former and the affluence of the latter. As such, while the Raja stood on social and religious foundations, Naoroji utilised economic reasons for the same and thereby unleashed the trend of economic nationalism in India.

While Naoroji was candid enough to recognise some of the tangible benefits of the English rule to India accruing from the advanced humanitarian civilisation of Britain, he criticised the costly white bureaucratic rule that was suicidal to both India and England. Thus, he had the audacity to tell the British rulers about their pledges and duties to our country. Let the English rule continue in India in a true form (as prevailing in England) and it must be sustained by the moral

7. Cited in Pantham, *op. cit.*, p. 33.

force of the English and Indian people. In fine, in stead of pinning all hopes on the excellence of the English rule as the Raja did, Naoroji played the role of an active, independent and critical observer of the prevailing situation. He frankly admitted India's gratitude to the British Raj and, at the same time, sought to bring this point to the consciousness of the English rulers that "the union of hearts, feelings and sentiments constitutes the real basis of political power."⁸

Pherozechah Mehta followed the line of Naoroji without sustaining his argument on the economic factor. Instead, by virtue of being a man of law, he utilised legal sources for the same end. He championed the cause of Indianisation of public services and freedom of the vernacular press. In very clear terms he hit at the autocratic hold of white bureaucracy that was so evident in the fierce opposition of the European Defence Association to the Ilbert Bill. He eulogised the services of Viceroy Lord Ripon and supported the move for extension of his services in India. He also appreciated the services of Evelyn Baring (Earl Cromer) as Finance Member, but he protested against the move to honour Sir Richard Temple as the Governor of Bombay. And yet like a true liberal he counselled the way of 'patience and perseverance' that was invoked by his successors like Mrs. Annie Besant and Gokhale to put a check on the activities of the extremists and the militants. Like Naoroji, he desired perpetuation of the English rule in India in a true form. For this sake, he used these words of caution : "Englishmen donot do justice to themselves when they read Indian history in this way, though it cannot be denied that there are many pages in this history blotted by error and crime.

8. V.P. Varma : *Modern Indian Political Thought*, p 14. But due allowance should be given to the change of time. Raja Rammohun Roy lived in the days of the Company whose masters were engaged in dealing with the forces of lawlessness, while Naoroji lived in the days when India under the Crown had seen a well-established system of law and order. As B B. Majumdar holds : "As a matter of fact, the great problem which confronted the well-wishers of India in the first half of the nineteenth century was not autonomy for India but the basic recognition of the principles of justice and security of life and property." *History of Indian Social and Political Ideas*, p 27.

England has won India not simply by the sword, but in a large measure by the exercise of high moral and intellectual qualities which have not only guided its victories, but have always been on the alert to neutralise its baneful influences."

When we come to M.G. Ranade, we find a remarkable belending of the earlier tradition of social renaissance started by Rammohun and of critical liberalism followed by Naoroji and Mehta.⁹ Like the Raja, he set his foundation in social reform movement and thereby became the pioneer of awakening in Maharashtra. He was the source of inspiration for the foundation of the Poona Sarvajanik Sabha in 1870 and was the guiding spirit behind the Deccan Education Society founded in 1884. For some time he worked as the editor of a weekly published in Marathi language (*Indu-Prakash*) and remained the leading light of the Social Conference in India. In 1871 he joined as a judge and thus, like Mehta, could study many crucial issues from a legal standpoint. In 1885 he was appointed as a member of the Bombay Legislative Council and was promoted to the rank of a judge of the Bombay High Court in 1901. By virtue of being a member of the judicial department of the Bombay Government he could not formally join the Indian National Congress, though he continued his emotional association with it and also attended its conferences in an informal way so much so that its 'father' (Hume) regarded him (Ranade) as his 'guru'.¹⁰ His active involvement in Social Conference was not appreciated by some important Congress leaders who preferred to keep social problems aloof as it would create unnecessary differences among them on religious and cultural points.

Obviously, Ranade's place is unique in the sense that he could represent the best what we find in the ideas of a social

9. As Ranade said on one occasion : "You cannot have a good social system when you find yourself low in the scale of political rights, nor can you be fit to exercise political rights unless your social system is based on reason and justice. You cannot have a good economical system when your social arrangements are imperfect. If your religious ideals are low or grovelline, you cannot succeed in the social, economic or political spheres. This interdependence is not an accident, but is the law of our nature." *Indian Social Reform*, Part II, p. 127.

10. James Kellock : *Ranade*, p. 111.

reformist like Rammohun, a political economist like Naoroji, and a lawyer like Mehta. He frankly described English rule as a divine dispensation and, like others, he also criticised English rule for its lapses on many counts. And yet, unlike most of them, he revealed his attachment to the great and glorious past of India and in this respect he may be regarded as the sustainer of a new line of nationalism that had its brilliant manifestation in the ideas of Swami Dayanand, Swami Vivekanand, Tilak and Lala Lajpat Rai.¹¹ As such, Ranade deserves a unique distinction of being a precursor of the trend later followed largely by the moderate and, to some extent, by the extremist leaders of the Indian freedom movement.

Like Roy and Ranade, K.T. Telang held the view that social and political issues were inextricably intertwined. A neat and watertight division between the two was not possible and that even if "preference could be given to social reforms over political, it would not be feasible to enforce in it practice."¹² By virtue of being primarily a man of the legal profession like Ranade, he sought to mix up the solution of social and political questions with the propriety of rules and regulations of the state. Thus, like Raja Rammohun Roy, he desired legal measures to do away with many social evils and, like him, he also hoped that the eradication of social problems as those of illiteracy and slavery of women and children would lead to the solution of political questions. Several customs which were unjust to certain groups in society would impede the development of social institutions for political expression. As he insisted: "We must and ought to devote the greater portion of our

11. As Ranade said at the Social Conference held at Lahore in 1893: "I profess implicit faith in two articles of my creed: this country of ours is the first true land of promise; this race of ours is the chosen race. It was not for nothing that God has showered His choicest blessings on this ancient land of Aryavrata. We can see His hand in history. Above all other countries we inherit a civilisation and religious and social polity which have been allowed to work their own free development on the big theatre of time. There has been no revolution, and yet the old condition of things has been tending to reform itself by the slow process of assimilation." *Ibid*, p. 118.

12. *Selected Writings and Speeches of K.T. Telang*, Vol. I, pp. 259-99.

energy to political reform, but so as little to keep alive a warm sympathy for social reform." Different from all pioneers and trend-setters of Indian nationalism, he desired that political reforms could effect reforms in the social sphere. His argument was that "in the circumstances then prevailing, more energy should be devoted to political than to social reforms."¹³

Naoroji inaugurated the trend of economic nationalism, D.E. Wacha followed it with greater vigour. He not only hit at the fact of 'economic drain', rather he exploited all economic arguments to expose and denounce the nature of British bureaucratic rule in India. In particular, he attacked the huge military expenditure and could convince the Welby Commission with the cogency of his argument. He desired recruitment of more and more Indians to the Indian Civil Service with better salaries and emoluments. He also laid stress on the importance of education in the building up of nationalism. He frankly ridiculed Lord Curzon's idea that gold would flow into India from all gold producing countries. Like Naoroji and Mehta, he desired self-government for India within the Empire.

The character of the Indian National Congress underwent a change after 1900. In the face of repressive and reactionary measures of the administration of Viceroy Curzon, even great moderate leaders perforce had to be quite outspoken in their

13. A. Appadorai: *Indian Political Thinking in the Twentieth Century from Naoroji to Nehru*, p. 24. However, Telang is said to have raised a different point. His view was that while political unity among the people of India was possible, social unity was beset with the problem of serious differences among them on religious and regional grounds. But he makes his position a little confusing when he at one place says: "The need for improvement in political matters is not greater than in social, and the principles of movement in both are in substance identical whatever differences there may be in application." *Selected Writings and Speeches of K.T. Telang*, edited by Naik, Vol. II, p. 29 M A. Buch, therefore, advises that Telang's principle, unless properly interpreted, is liable to abuse. It is idle to argue that the need for social reform is greater than the need for political reform: for even if it is true, it will divert men from fighting their political battles at a time when they are required to fight them. It is idle to argue that political reform is more important than social reform, because even if it is true in some sense, it will make Indians forget the root weakness of the whole system." *Op. cit.*, p. 121.

condemnation of bureaucratic wrongs. Wacha represented this trend. For over a quarter of a century (since the creation of the Indian National Congress in 1885) he "lived like one of the most outstanding figures of the Congress. For versatile talents, for mastery of facts, and for an intimate knowledge of obscure subjects like the military question and of vague and widespread problems like the poverty of the people, there were few to equal and none to excel him."¹⁴

In eloquence like Burke of England and in action like a faithful disciple of Naoroji and Mehta, Surendranath Banerjea has a place of his own. Influenced by the nationalist ideas of Mazzini of Italy, he did remarkable groundwork for the cause of nascent nationalism. His dismissal from the Civil Service in 1873 on a set of false and fabricated charges gave a decisive direction to his political career that had its brilliant expression in the founding of the Indian Association in Calcutta in 1876 and then in his role as one of the founding fathers of the Indian National Congress. He had the chance of being in the Bengal Legislative Council for a couple of years where he could display himself as a critical liberal of his times. As a keen student of Indian history he took inspiration from the great and grand past of India and thus sought to reinforce Indian nationalism with the undercurrent of unity among the people of India belonging to different religions, races, castes and communities. Like Rammohun and Mehta, he struggled hard for freedom of the press. He condemned Lord Lytton's administration for organising a costly Durbar in Delhi at a time when the whole country was in the grip of a severe famine. In very sharp terms he denounced the Vernacular Press Act of 1878 that strangled the freedom of the press.

Banerjea followed the line of critical liberalism in a vigorous manner. He lauded the Royal Proclamation of 1858 as the Magna Charta of the Indian people and desired self-government for India within the Empire. For this reason he appreciated the Indian Councils Acts of 1892 and 1909 which in his view were definite doses of reasonable constitutional reforms in the

14. Pattabhi Sitaramayya : *The History of the Indian National Congress*, Vol. I, p. 88

desired direction. But he made it very clear that his watchword was 'reform, not revolution'. For this reason, he did not appreciate the ways of the extremists and the militants in spite of the fact that he had denounced the partition of Bengal in such terms that behoved the line of extremist thought. On the whole, in terms of contribution to India's freedom movement in the pre-Gandhian era, his name leads all the rest in the list of great national figures. In the early phase of the present century, he was "the only person who could justly claim an all-India leadership."¹⁵

However, Swami Dayanand Saraswati, the founder of the Hindu reformist movement known as the Arya Samaj, has a peerless place in the history of our nascent nationalism. Like Ranade, he took inspiration from India's glorious past, but he went much ahead of him. He redefined the very idea of nationalism by asserting that India had been a nation since Vedic times.¹⁶ He gave the call of 'return to the Vedas'. He not only fought against social evils like Raja Rammohun Roy, he also worked for the upliftment of the downtrodden and thereby deserves to be taken as the precursor of Mahatma Gandhi. He often made use of the word 'swarāj' (self-rule) that was so passionately pronounced by the leaders of the Indian National Congress. He said: "Say, what you will, the indigenous native rule is by far the best. A foreign government perfectly free from religious prejudices, impartial towards all the natives and foreigners, kind, beneficent and just to the natives like their parents, though it may be, can never make the people

15. B.C. Pal : *Indian Nationalism*, p. 94.

16. European scholars like Hons Kohn, C.J. Hayes and Elie Kedourie have held the view that nationalism was a nineteenth century European invention, wholly developed in Europe, and that nationalism of the Afro-Asian countries was a 'reaction' against European domination. See Kedourie : *Nationalism*, p. 9. But such a view suffers from artificiality when we come to Swami Dayanand. Such observations "do not apply to him. He is the most authentically Indian of all Indian nationalists." See Anthony Parel : "The Nationalist Thought of Swami Dayanand Saraswati" in Ganga Ram Garg (ed.) : *World Perspectives on Swami Dayanand*, p. 229.

perfectly happy.”¹⁷ In fact, he preached a new kind of nationalism that became the source of inspiration for a section of nationalist leaders like Lokmanya Tilak, Lala Lajpat Rai and M.M. Malaviya and it enabled his critics to call him the prophet of Hindu revivalism and Hindu nationalism.

We may now safely conclude that leaving aside the case of Swami Dayanand, all other great liberal leaders thought in terms of Indian nationalism as an ally of British imperialism. In a particular sense, they regarded English government as ‘national government’, English language as ‘national language’ and looked towards British social and political institutions for inspiration. In this respect, they were not wrong, of course. The British rule was India-wide and the English language had become the common medium of expression and communication.¹⁸ This fact enabled them to regard both the English government and the English language as ‘national’. Their approach was also informed by this conviction that the English rulers had established a system that protected the person and property of the Indian people and thereby saved them from the conditions of utter anarchy that prevailed as a result of the decline of the Mughal empire. On the whole, the Indian Liberal “had the strength and the wisdom to face facts fairly and squarely. He was not necessarily a coward or a craven, when he hugged the British connection to his bosom. He considered the cooperation of Great Britain as absolutely indispensable, not only for the maintenance of the conditions of law and order, but also for the development of genuine democratic institutions. The Britisher, he accepted not merely as a police man, as a sentinel at the gate, but also as a teacher, a guide, a friend, and philosopher.”¹⁹

17 Swami Dayanand Saraswati : *Satyartha Prakash*, Chapter 11
As Prof. B.R. Purohit observes : “Long before Lokmanya Tilak propounded his theory of *swaraj*, here was a patriotic *sanyasin* sowing the seeds of Indian nationalism and Indian *swaraj*.” Refer to his paper : “The Social and Political Ideas of Swami Dayanand Saraswati” in Pantham and Deutsch, *op. cit.*, p. 64.

18. M.A. Buch, *op. cit.*, p. 176.

19. *Ibid.*, p. 307.

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PART I

PRECURSORS AND TREND-SETTERS OF INDIAN NATIONALISM

VANDE MATRAM

**I bow to thee, Mother,
richly-watered, richly-fruited,
cool with the winds of the south,
dark with the crops of the harvests,
the Mother !**

**Her nights rejoicing in the glory of the moonlight,
her lands clothed beautifully with her trees in flowering
bloom,**

**sweet of laughter, sweet of speech,
the, Mother, giver of boons, giver of bliss !**

(Eng. Translation by Sri Aurobindo)

1

RAJA RAM MOHUN ROY

[Raja Ram Mohun Roy (1772—1833) is rightly regarded as the 'father of modern Indian renaissance'. He was a prophet of universalism and a keen and ardent champion of individual liberty and dignity in all their phases. In 1933 Rabindranath Tagore referred to him as 'the luminous star in the firmament of Indian history and the only person in his time to realise completely the significance of the modern age.' But to our purpose, he was a firm lover of human worth and freedom and a supporter of self-government. He championed the cause of social regeneration that paved the way for national awakening. His Brahmo Samaj had its repercussions all over the country. It was his conviction that India under the English rule would be able to claim political independence after realising the goal of social, educational and economic development under the aegis of English rule. For this he regarded English rule as a divine blessing and thus precursed what the great liberal leaders of the later nineteenth and early twentieth centuries did afterwards. He should be credited with having been first to see a dim vision of social and political emancipation of the country.]

ON RIGHTS OF WOMEN*

With a view to enable the public to form an idea of the state of civilization throughout the greater part of the Empire

*This paper originally titled as 'Modern Encroachments on the Ancient Rights of Females according to the Hindu Law of Inheritance' was written by the Raja in 1822.

of Hindoostan in ancient days,* and of the subsequent gradual degradation introduced into its social and political constitution by arbitrary authorities, I am induced to give as an instance, the interest and care which our ancient legislators took in the promotion of the comfort of the female part of the com-

*At an early age of civilization, when the division into castes was first introduced among the inhabitants of India, the second tribe, who were appointed to defend and rule the country, having adopted arbitrary and despotic practices, the others revolted against them : and under the personal command of the celebrated Parasuram, defeated the Royalists in several battles, and put cruelly to death almost all the males of that tribe. It was at last resolved that the legislative authority should be confined to the first class who could have no share in the actual government of the state, or in managing the revenue of the country under any pretence ; while the second tribe should exercise the executive authority. The consequence was that India enjoyed peace and harmony for a great many centuries. The Brahmins having no expectation of holding an office, or of partaking of any kind of political promotion, devoted their time to scientific pursuits and religious austerities, and lived in poverty. Freely associating with all the other tribes they were thus able to know their sentiments, and to appreciate the justness of their complaints, and thereby to lay down such rules as were required, which often induced them to rectify the abuses that were practised by the second tribe. But after the expiration of more than two thousand years, an absolute form of government came gradually again to prevail. The first class having been induced to accept employments in political departments, became entirely dependent on the second tribe, and so unimportant in themselves, that they were obliged to explain away the laws enacted by their fore-fathers and to institute new rules according to the dictates of their contemporary princes. They were considered as merely nominal legislators, and the whole power, whether legislative or executive, was in fact exercised by the Rajputs. This tribe exercised tyranny and oppression for a period of about a thousand years, when Mussulmans from Ghazni and Ghor, invaded the country, and finding it divided among hundreds of petty princes, detested by their respective subjects, conquered them all successively and introduced their own tyrannical system of government, destroying temples, universities and all other sacred and literary establishments. At present the whole Empire (with the exception of a few provinces) has been placed under the British power, and some advantages have already been derived from the prudent management of its rulers, from whose general character a hope of future quiet and happiness is justly entertained. The succeeding generation will, however, be more adequate to pronounce on the real advantages of this Government.

munity ; and to compare the laws of female inheritance which they enacted, and which afforded that sex the opportunity of enjoyment of life, with that which moderns and our contemporaries have gradually introduced and established, to their complete privation, directly or indirectly, of most of those objects that render life agreeable.

All the ancient law-givers unanimously award to a mother an equal share with her son in the property left by her deceased husband, in order that she may spend her remaining days independently of her children, as is evident from the following passages :—

Yagnavalkya. “After the death of a father, let a mother also inherit an equal share with her sons in the division of the property left by their father.”

Katyayana. “The father being dead, the mother should inherit an equal share with the son.”

Narada. “After the death of husband, a mother should receive a share equal to that of each of his son.”

Vishnu the Legislator. “Mothers should be receivers of shares according to the portion allowed to the sons.”

Vrihaspati. “After his (the father’s) death a mother, the parent of his sons, should be entitled to an equal share with his sons ; their step-mothers also to equal shares : but daughters to a fourth part of the shares of the sons.”

Vyaṣa. “The wives of a father by whom he has no male issue, are considered as entitled to equal shares with his sons, and all the grand mothers (*including the mothers and step-mothers of the father*), are said to be entitled as mothers.

This Muni seems to have made this express declaration of rights of step-mothers, omitting those of mothers under the idea that the latter were already sufficiently established by the direct authority of preceding law-givers.

We come to the moderns.

The author of the *Dayabhaga* and the writer of the *Dayatutwa*, the modern expounders of Hindu Law (whose opinions are considered by the natives of Bengal as standard

authority in the division of property among heirs) have thus limited the rights allowed to widows by the above ancient legislators. When a person is willing to divide his property among his heirs during his life-time, he should entitle only those wives by whom he has no issue, to an equal share with his sons ; but if he omits such a division, those wives can have no claim to the property he leaves. These two modern expounders lay stress upon a passage of Yagnavalkya, which requires a father to allot equal shares to his wives, in case he divides his property during his life, whereby they connect the term "of a father," in the above quoted passage of Vyasa, *viz.*, "the wives of a father, & c." with the term "division" understood, that is, the wives by whom he has no son, are considered in the division made by a father, as entitled to equal shares with his sons ; and that when sons may divide property among themselves after the demise of their father, they should give an equal share to their mother only, neglecting step-mothers in the division. Here the expounders did not take into their consideration any proper provision for step-mothers, who have naturally less hope of support from their step-sons than mothers can expect from their own children.

In the opinion of these expounders even a mother of a single son should not be entitled to any share. The whole property should, in that case, devolve on the son ; and in case that son should die after the succession to the property, his son or wife should inherit it. The mother in that case should be left totally dependent on her son or on her son's wife. Besides, according to the opinion of these expounders, if more than one son should survive, they can deprive their mother of her little, by continuing to live as a joint family (which has been often the case,) as the right of a mother depends, as they say, on division, which depends on the will of the sons.

Some of our contemporaries (whose opinion is received as a verdict by Judicial Courts) have still further reduced the right of a mother to almost nothing, declaring, as I understand, that if a person dies, leaving a widow and a son or sons, and also one or more grandsons, whose father is not alive, the property so left is to be divided among his sons and his grand-

sons, his widow in this case being entitled to no share in the property, though she might have claimed an equal share, had a division taken place among those surviving sons and the father of the grand-son while he was alive.* They are said to have founded their opinion on the above passage, entitling a widow to a share when property is to be divided among *sons*.

In short, a widow, according to the expositions of the law, can receive nothing when her husband has no issue by her ; and in case he dies leaving only one son by his wife, or having had more sons, one of whom happened to die leaving issue, she shall, in these cases, also have no claim to the property ; and again, should any one leave more than one surviving son, and they, being unwilling to allow a share to the widow, keep the property undivided, the mother can claim nothing in this instance also. But when a person dies, leaving two or more sons, and all of them survive and be inclined to allot a share to their mother, her right is in this case only valid. Under these expositions, and with such limitations, both step-mothers and mothers have, in reality, been left destitute in the division of their husband's property, and the right of a widow exists in theory only among the learned, but unknown to the populace.

The consequence is, that a woman who is looked upon as the sole mistress by the rest of a family one day, on the next, becomes dependent on her sons, and subject to the slights of her daughter-in-law. She is not authorized to expend the most trifling sum or dispose of an article of the least value, without the consent of her son or daughter-in-law, who were all subject to her authority but the day before. Cruel sons often wound the feelings of their dependent mothers, deciding in favour of their own wives, when family disputes take place between their mothers and wives. Step-mothers, who often are numerous on account of polygamy being allowed in these countries, are still more shamefully neglected in general by their step-sons, and

*This exposition had been set aside by the Supreme Court, in consequence of the Judges having prudently applied for the opinions of other Pandits, which turned out to be at variance with those of the majority of the regular advisers of the Court in points of Hindu Law.

sometimes dreadfully treated by their sisters-in-law who have fortunately a son or sons by their husband.

It is not from religious prejudices and early impressions only that Hindu widows burn themselves on the piles of their deceased husbands, but also from their witnessing the distress in which widows of the same rank in life are involved, and the insults and slights to which they are daily subjected, that they become in a great measure regardless of their existence after the death of their husbands : and this indifference, accompanied with the hope of future reward held out to them, leads them to the horrible act of suicide. These restraints on female inheritance encourage, in a great degree, polygamy, the frequent source of the greatest misery in native families ; the grand object of the Hindus being to secure a provision for their male offspring, the law, which relieves them from the necessity of giving an equal portion to their wives, removes a principal restraint on the indulgence of their inclinations in respect to the number they marry. Some of them, especially Brahmins of higher birth, marry ten, twenty, or thirty women, either, for some small consideration, or merely to gratify their brutal inclinations, leaving a great many of them, both during their life-time and after their death, to the mercy of their own paternal relations. The evil consequences arising, from such polygamy, the public may easily guess, from the nature of the fact itself, without my being reduced to the mortification of particularising those which are known by the native public to be of daily occurrence.

To these women there are left only three modes of conduct to pursue after the death of their husbands.

1. To live a miserable life as entire slaves to others, without indulging any hope of support from another husband.
2. To walk in the paths of unrighteousness for their maintenance and independence.
3. To die on the funeral pile of their husbands, loaded with the applause and honour of their neighbours.

It cannot pass unnoticed by those who are acquainted with the state of society in India, that the number of female suicides in the single province of Bengal when compared with those of any other British Provinces, is almost ten to one : we may safely attribute this disproportion chiefly to the greater frequency of a plurality of wives among the natives of Bengal, and to their total neglect in providing for the maintenance of their females.

This horrible polygamy among Brahmins is directly contrary to the law given by ancient authors ; for Yagnavalkya authorizes second marriages, while the first wife is alive, only under eight circumstances : *1stly*. The vice of drinking spirituous liquors. *2ndly*. Incurable sickness. *3rdly*. Deception. *4thly*. Barrenness. *5thly*. Extravagance. *6thly*. The frequent use of offensive language. *7thly*. Producing only female offsprings. Or, *8thly*. Manifestation of hatred towards her husband.

Manu, ch. 9th, v. 80th. "A wife who drinks any spirituous liquors, who acts immorally, who shows hatred to *her lord*, who is *incurably diseased*, who is mischievous, who wastes his property, may at all times be superseded by another wife."

81st. "A barren wife may be superseded by another in the eighth year ; she, whose children are all dead, in the tenth ; she, who brings forth *only* daughters, in the eleventh : she, who is accustomed to speak unkindly, without delay."

82nd. "But she, who, though afflicted with illness, is beloved and virtuous, must never be disgraced though she may be superseded by another wife."

Had a Magistrate or other public officer been authorized by the rulers of the Empire to receive applications for his sanction to a second marriage during the life of a first wife, and to grant his consent only on such accusations as the foregoing being substantiated, the above Law might have been rendered effectual, and the distress of the female sex in Bengal, and the number of suicides, would have been necessarily very much reduced.

According to the following ancient authorities a daughter is entitled to one-fourth part of the portion which a son can inherit.

Vrihaspati. "The daughters should have the fourth part of the portion to *which the sons are entitled.*"

Vishnu. "The rights of unmarried daughters shall be proportioned according to the shares allotted to the sons."

Manu, ch, 9th, v. 118. "To the unmarried daughters let their brothers give portions out of their own allotments respectively. Let each give a fourth part of his own distinct share, and they who feel dis-inclined to give this shall be condemned."

Yagnavalkya. "Let such brothers as are already purified by the essential rites of life, purify by the performance of those rites the brothers that are left *by their late father* unpurified ; let them also purify the sisters by giving them a fourth part of their own portion."

Katyayana. "A fourth part is declared to be the share of unmarried daughters and three-fourths of the sons ; if the fourth part of the property is *so small as to be inadequate to defray the expenses attending their marriage* the sons have an exclusive right to the property, *but shall defray the marriage ceremony of the sisters*. But the commentator on the Dayabhaga sets aside the rights of the daughters, declaring that they are not entitled to any share in the property left by their fathers, but that the expenses attending their marriage should be defrayed by the brothers. He founds his opinion on the foregoing passage of Manu and that of Yagnavalkya, which as he thinks, imply mere donation on the part of the brothers from their own portions for the discharge of the expenses of marriage.

In the practice of our contemporaries a daughter or a sister is often a source of emolument to the Brahmins of less respectable caste, (who are most numerous in Bengal) and to the Kayasthas of high caste. These so far from spending money on the marriage of their daughters or sisters, receive frequently considerable sums, and generally bestow them in marriage on those who can pay most. Such Brahmins and Kayasthas, I regret to say, frequently marry their female relations to men having natural defects or worn-out by old age or disease,

merely from pecuniary considerations, whereby they either bring widowhood upon them soon after marriage or render their lives miserable. They not only degrade themselves by such cruel and unmanly conduct, but violate entirely the express authorities of Manu and all other ancient law-givers, a few of which I here quote.

Manu, ch. 3rd, v. 51. "Let no father, who knows the law, receive a gratuity, however small, for giving his daughter in marriage ; since the man, who, through avarice, takes a gratuity *for that purpose*, is a seller of his offspring."

Ch. 9th, v. 98. "But even a man of the servile class ought not to receive a gratuity when he gives his daughter in marriage, since a father who takes a fee *on that occasion*, tacitly sells his daughter."

V. 100. "Nor, even in former births, have we heard the *virtuous approve* of the tacit sale of a daughter for a price, under the name of nuptial gratuity."

Kashyapa. "Those who, infatuated by avarice, give their own daughters in marriage, for the sake of a gratuity, are the sellers of their daughters, the images of sin, and the perpetrators of a heinous iniquity."

Both common sense, and the law of the land designate such a practice as an actual sale of females ; and the humane and liberal among the Hindus, lament its existence, as well as the annihilation of female rights in respect of inheritance introduced by modern expounders. They, however, trust, that the humane attention of Government will be directed to those evils which are the chief sources of vice and misery and even of suicide among women ; and to this they are encouraged to look forward by what has already been done in modifying, in criminal cases, some parts of the law enacted by Muhammadan Legislators, to the happy prevention of many cruel practices formerly established.

How distressing it must be to the female community and to those who interest themselves in their behalf, to observe daily that several daughters in a rich family can prefer no claim to

any portion of the property, whether real or personal, left by their deceased father, if a single brother be alive : while they (if belonging to a Kuleen (high) family or Brahmin of higher rank) are exposed to be given in marriage to individuals who have already several wives and have no means of maintaining them.

Should a widow or a daughter wish to secure her right of maintenance, however limited by having recourse to law, the learned Brahmins, whether holding public situations in the courts or not, generally divide into two parties, one advocating the cause of those females and the other that of their adversaries. Sometimes in these or other matters respecting the law, if the object contended for be important, the whole community seems to be agitated by the exertions of the parties and of their respective friends in claiming the verdict of the law against each other. In general, however, a consideration of difficulties attending a law suit, which a native woman, particularly a widow, is hardly capable of surmounting, induces her to forego her right ; and if she continues virtuous, she is obliged to live in a miserable state of dependence, destitute of all the comforts of life ; it too often happens, however, that she is driven by constant unhappiness to seek refuge in vice.

At the time of the decennial settlement in the year 1793, there were among European gentlemen so very few acquainted with Sanskrit and Hindu law that it would have been hardly possible to have formed a Committee of European Oriental scholars and learned Brahmins, capable of deciding on points of Hindu law. It was, therefore, highly judicious in Government to appoint Pandits in the different Zillah Courts of Appeal, to facilitate proceedings of Judges in regard to such subjects. But as we can now fortunately find many European gentlemen capable of investigating legal questions with but little assistance from learned Natives, how happy would it be for the Hindu community, both male and female, were they to enjoy the benefits of the opinion of such gentlemen, when disputes arise, particularly on matters of inheritance.

Lest any one should infer from what I have stated, that I mean to impeach, universally, the character of the great body

of learned Hindus, I declare, positively, that this is far from my intention. I only maintain, that the Native community place greater confidence in the honest judgement of the generality of European gentlemen than in that of their own countrymen. But, should the Natives receive the same advantages of education that Europeans generally enjoy, and be brought up in the same notions of honour, they will, I trust, be found, equally with Europeans, worthy of the confidence of their countrymen and the respect of all men.

ADDRESS TO LORD WILLIAM BENTINCK*

MY LORD : With hearts filled with the deepest gratitude, and impressed with the utmost reverence, we, the undersigned native inhabitants of Calcutta and its vicinity, beg to be permitted to approach your Lordship, to offer personally our humble but warmest acknowledgments for the invaluable protection which your Lordship's Government has recently afforded to the lives of the Hindu female part of your subjects, and for your humane and successful exertions in rescuing us for ever, from the gross stigma hitherto attached to our character as wilful murderers of females, and zealous promoters of the practice of suicide.

Excessive jealousy of their female connections, operating on the breasts of Hindu princes, rendered those despots regardless of the common bonds of society, and of their incumbent duty as protectors of the weaker sex, insomuch that, with a view to prevent every possibility of their widows forming subsequent attachments, they availed themselves of their arbitrary power, and under the cloak of religion, introduced the practice of burning widows alive under the first impressions of sorrow or despair, immediately after the demise of their husbands. This system of female destruction, being admirably suited to the selfish and servile disposition of the populace, has been eagerly followed by them, in defiance of the most sacred authorities, such as the *Upanishads* or the principal parts of

*It was presented by the Raja to the Governor-General on 16 January, 1830 upon the adoption of the Suttee Abolition Act.

the *Vedas*, and the *Bhagvad-Gita*, as well as of the direct commandment of Manu, the first and the greatest of all the legislators, conveyed in the following words : 'Let a widow continue till death forgiving all injuries, performing austere duties, avoiding every sensual pleasure', and c. (Ch. 5. v. 158).

While in fact fulfilling the suggestions of their jealousy they pretended to justify this hideous practice by quoting some passages from authorities of evidently inferior weight, sanctioning the wilful ascent of a widow on the flaming pile of her husband, as if they were offering such female sacrifices in obedience to the dictates of the *Shastras* and not from the influence of jealousy. It is, however, very fortunate that the British Government under whose protection the lives of both the males and females of India have been happily placed by Providence, has, after diligent inquiry, ascertained that even those inferior authorities, permitting wilful ascent by a widow to the flaming pile, have been practically set aside, and that, in gross violation of their language and spirit, the relatives of widows have, in the burning of those infatuated females almost invariably used to fasten them down on the pile, and heap over them large quantities of wood and other materials adequate to the prevention of their escape—an outrage on humanity which has been frequently perpetrated under the indirect sanction of native officers, undeservedly employed for the security of life and preservation of peace and tranquillity.

In many instances, in which the vigilance of the magistrate has deterred the native officers, of police from indulging their own inclination, widows have either made their escape from the pile after being partially burnt, or retracted their resolution to burn when brought to the awful task, to the mortifying disappointment of the instigators : while in some instances the resolution to die has been retracted, on pointing out to the widows the impropriety of their intended undertaking, and on promising them safety and maintenance during life, notwithstanding the severe reproaches liable thereby to be heaped on them by their relatives and friends.

In consideration of circumstances so disgraceful in themselves, and so incompatible with the principle of British Rule,

Your Lordship in Council, fully impressed with the duties required of you by justice and humanity, has deemed it incumbent on you, for the honour of the British name, to come to the resolution, that the lives of your female Hindu subjects should be henceforth more efficiently protected ; that the heinous sin of cruelty to females may no longer be committed, and that the most ancient and purest system of Hindu religion should not any longer be set at nought by the Hindus themselves. The magistrates, in consequence, are, we understand, positively ordered to execute the resolution of the Government by all possible means.

We are, My Lord, reluctantly restrained by the consideration of the nature of your exalted situation, from indicating our inward feelings by presenting any valuable offering as commonly adopted on such occasions ; but we should consider ourselves highly guilty of insincerity and ingratitude ; if we remained negligently silent when urgently called upon by our feelings and conscience to express publicly the gratitude we feel for the everlasting obligation you have graciously conferred on the Hindu community at large. We, however, are at a loss to find language sufficiently indicative even of a small portion of the sentiments we are desirous of expressing on the occasion ; we must, therefore, conclude this Address with entreating that Your Lordship will condescendingly accept our most grateful acknowledgments for this act of benevolence towards us, and will pardon the silence of those who, though equally partaking of the blessing bestowed by your Lordship, have through ignorance or prejudice omitted to join us in this common cause.*

*In this connection the following reply of Lord William Bentinck to the above address may be read with interest. "It is very satisfactory for me to find that, according to the opinions of so many respectable and intelligent Hindus, the practice which has recently been prohibited, not only was not required by the rules of their religion, but was at variance with those writings which they deem to be of the greatest force and authority. Nothing but a reluctance to inflict punishment for acts which might be conscientiously believed to be enjoined by religious precepts, could have induced the British Government at any time to

PETITION TO THE HOUSE OF COMMONS*

The humble Petition of the undersigned Natives of India :
Sheweth.

That a practice has prevailed throughout India particularly in Bengal, of burning those widows on the funeral piles of their deceased husbands, who could be induced to offer themselves as voluntary sacrifices.

That this barbarous and inhuman practice has been happily abolished by the Government of the Right Honourable Lord William Cavendish Bentinck, who has thus conferred an inestimable benefit on the native population of India.

That the regulation prohibiting the practice has been received with gratitude by many, while the majority of the native population have remained passive and acquiescent, although nearly a twelve-month has elapsed since the abolition took place.

That as a proof of your Honourable House of the feeling entertained on the subject by a numerous portion of the native community, the sub-joined Address was presented to the

permit, within territories under its protection, an usage so violently opposed to the best feelings of human nature. Those who present this address are right in supposing that by every nation in the world, except the Hindus themselves, this part of their customs has always been made a reproach against them, and nothing so strangely contrasted with the better features of their own national character, so inconsistent with the affections which unite families, so destructive of the moral principles on which society is founded, has ever subsisted amongst a people in other respects so civilized. I trust that the reproach is removed forever; and I feel a sincere pleasure in thinking that the Hindus will thereby be exalted in the estimation of mankind, to an extent in some degree proportioned to the repugnance which was felt for the usage which has now ceased."

*A counter-petition to the memorial of the advocates of suttee which the Raja took with him to England and presented it to the House of Commons. It had its effect and the Parliament upheld the abolition of suttee by dismissing the petition of the memorialists (seeking repeal of the anti-suttee law) in July, 1832.

Governor-General-in-Council expressive of their thanks for his benevolent interference.

That your petitioners have, however, learned that a number of natives, professing to be attached to the ancient practice, have prepared a petition to your Honourable House, soliciting the re-establishment of the rite of burning their widows ; and therefore to prevent your Honourable House from supposing that their sentiments are those of the whole native population, your petitioners respectfully present themselves to the notice of your Honourable House, and pray that the Regulation of the local Government may be confirmed and enforced.

That your petitioners cannot permit themselves to suppose that such a practice, abhorrent to all the feelings of nature, the obligations of society, and the principles of good government, will receive the sanction of your Honourable House, much less that, having been abolished, the British name and character will be dishonoured by its re-establishment.

That your petitioners confidently rely on receiving from your Honourable House a full and final confirmation of the Act of the Governor-General-in-Council abolishing the rite of widow-burning.

And your petitioners will ever pray.

FREEDOM OF THE PRESS*

To The Honourable Sir Francis Macnaghten,
Sole Acting Judge of the Supreme Court of
Judicature at Form William in Bengal.

My Lord,

In consequences of the late Rule and Ordinance passed by His Excellency the Governor-General-in-Council, regarding

*In 1823 Buckingham, the proprietor of a newspaper (*Calcutta Journal*), having incurred the displeasure of the then officiating Governor-General (Mr. Adam) was ordered to leave the country, and soon afterwards a Rule and Ordinance was passed on 14 March, 1823, curtailing freedom of the press. Thus, the matter relating to freedom of the press arose and was heard by Sir Francis Macnaghten. For such an occasion this memorial was drawn up and was read before the Court by the Registrar on 31 March, 1823.

the Publication of Periodical Works, Your Memorialists consider themselves called upon with due submission, to represent to you their feelings and sentiments on the subject.

Your Memorialists beg leave, in the first place, to bring to the notice of your Lordship, various proofs given by the Natives of this country of their unshaken loyalty to, and unlimited confidence in the British Government of India, which may remove from your mind any apprehension of the government being brought into hatred and contempt, or the peace, harmony, and good order of society in this country, being liable to be interrupted and destroyed, as implied in the preamble of the above Rule and Ordinance.

First : Your Lordship is well aware that the Natives of Calcutta and its vicinity have voluntarily entrusted government with millions of their wealth, without indicating the least suspicion of its stability and good faith, and reposing in the sanguine hope that their property being so secured, their interests will be as permanent as the British Power itself, while on the contrary, their fathers were invariably compelled to conceal their treasures in the bowels of the earth, in order to preserve them from the insatiable rapacity of their oppressive Rulers.

Secondly : Placing entire reliance on the promises made by the British Government at the time of the Perpetual Settlement of the landed property in this part of India, in 1793, the Landholders have since, by constantly improving their estates, been able to increase their produce, in general very considerably ; whereas, prior to that period, and under former governments, their forefathers were obliged to lay waste the greater part of their estates, in order to make them appear of inferior value, that they might not excite the cupidity of government, and thus cause their rents to be increased or themselves to be dispossessed of their lands,—a pernicious practice which often incapacitated the landholders from discharging even their stipulated revenue to government, and reduced their families to poverty.

Thirdly : During the last wars which the British Government were obliged to undertake against neighbouring Powers, it is well known, that the great body of Natives, of wealth and respectability, as well as the Landholders of consequence, offered up regular prayers to the objects of their worship for the success of the British arms from a deep conviction that under the sway of that nation, their improvement both mental and social, would be promoted, and their lives, religion, and property be secured. Actuated by such feelings, even in those critical times, which are the best of the loyalty of the subject, they voluntarily came forward with a large portion of their property to enable the British Government to carry into effect the measures necessary for its own defence, considering the cause of the British as their own, and firmly believing that on its success, their own happiness and prosperity depended.

Fourthly : It is manifest as the light of the day, that the general subjects of observation and the constant and the familiar topic of discourse among the Hindu community of Bengal, are the literary and political improvements which are continually going on in the state of the country under the present system of government, and a comparison between their present auspicious prospects and their hopeless condition under their former Rulers.

Under these circumstances, Your Lordship cannot fail to be impressed with a full conviction, that whoever charges the Natives of this country with disloyalty, or insinuates aught to the prejudice of their fidelity and attachment to the British Government, must either be totally ignorant of the affairs of this country and the feelings and sentiments of its inhabitants, as above stated, or, on the contrary, be desirous of misrepresenting the people and misleading the government, both here and in England, for unworthy purposes of his own.

Your Memorialists must confess, that these feelings of loyalty and attachment, of which the most unequivocal proofs stand on record, have been produced by the wisdom and liberality displayed by the British Government in the means adopted for the gradual improvement of their social and

domestic condition, by the establishment of Colleges, Schools and other beneficial institutions in this city, among which the creation of a British Court of Judicature for the more effectual administration of Justice, deserves to be gratefully remembered.

A proof of the Natives of India being more and more attached to the British Rule in proportion as they experience from it the blessings of just and liberal treatment, is, that the Inhabitants of Calcutta, who enjoy in many respects very superior privileges to those of their fellow-subjects in other parts of the country, are known to be in like measure more warmly devoted to the existing government; nor is it at all wonderful that they should in loyalty be not at all inferior to British-born Subjects, since they feel assured of the possession of the same civil and religious liberty, which is enjoyed in England, without being subjected to such heavy taxation as presses upon the people there.

Hence the population of Calcutta, as well as the value of land in this City, have rapidly increased of late years, notwithstanding the high rents of houses and the dearness of all the necessaries of life compared with other parts of the country, as well as the Inhabitants being subjected to additional taxes, and also liable to the heavy costs necessarily incurred in case of suits before the Supreme Court.

Your Lordship may have learned from the works of the Christian Missionaries, and also from other sources, that ever since the art of printing has become generally known among the Natives of Calcutta, numerous Publications have been circulated in the Bengalee Language, which by introducing free discussion among the Natives and inducing them to reflect and inquire after knowledge, have already served greatly to improve their minds and ameliorate their condition. This desirable object has been chiefly promoted by the establishment of four Native Newspapers, two in the Bengalee and two in the Persian Languages, published for the purpose of communicating to those residing in the interior of the country, accounts of whatever occurs worthy of notice at the Presidency or in the country, and also the interesting and valuable intelligence

of what is passing in England and in other parts of the world, conveyed through the English Newspapers of other channels.

Your Memorialists are unable to discover any disturbance of the peace, harmony, and good order of society, that has arisen from the English Press, the influence of which must necessarily be confined to that part of the community who understand the language thoroughly ; but they are quite confident, that the publications in the Native Languages, whether in the shape of a Newspaper or any other work, have none of them been calculated to bring the government of the country into hatred and contempt, and that they have not proved, as far as can be ascertained by the strictest inquiry, in the slightest degree injurious ; which has very lately been acknowledged in one of the most respectable English Missionary works. So far from obtruding upon government groundless representations, Native Authors and Editors have always restrained themselves from publishing even such facts respecting the judicial proceeding in the Interior of the country as they thought were likely at first view to be obnoxious to government.

While your Memorialists were indulging the hope that government, from a conviction of the manifold advantages of being put in possession of full and impartial information regarding what is passing in all parts of the country, would encourage the establishment of Newspapers in the cities and districts under the special patronage and protection of government, that they might furnish the Supreme Authorities in Calcutta with an accurate account of local occurrences and reports of Judicial proceedings,—they have the misfortune to observe, that on the contrary. His Excellency the Governor-General-in-Council has lately promulgated a Rule and Ordinance imposing severe restraints on the Press and prohibiting all Periodical Publications even at the Presidency and in the Native Languages, unless sanctioned by a License from Government, which is to be revocable at pleasure whenever it shall appear to government that a publication has contained anything of an unsuitable character.

Those Natives who are in more favourable circumstances and of respectable character, have such an invincible prejudice against making a voluntary affidavit, or undergoing the solemnities of an oath, that they will never think of establishing a publication which can only be supported by a series of oaths and affidavits, abhorrent to their feelings and derogatory to their reputation amongst their countrymen.

After this Rule and Ordinance shall have been carried into execution, your Memorialists are therefore extremely sorry to observe, that a complete stop will be put to the diffusion of knowledge and the consequent mental improvement now going on, either by translations into the popular dialect of this country from the learned languages of the East, or by the circulation of literary intelligence drawn from foreign publications. And the same cause will also prevent those Natives who are better versed in the laws and customs of the British Nation, from communicating to their fellow subjects a knowledge of the admirable system of government established by the British, and the peculiar excellencies of the means they have adopted for the strict and impartial administration of justice. Another evil of equal importance in the eyes of a just Ruler, is, that it will also preclude the Natives from making the government readily acquainted with the errors and injustice that may be committed by its executive officers in the various parts of this extensive country; and it will also preclude the Natives from communicating frankly and honestly to their Gracious Sovereign in England and his Council, the real condition of His Majesty's faithful subjects in this distant part of his dominions and the treatment they experience from the local government: since such information cannot in future be conveyed to England, as it has heretofore been, either by the translations from the Native publications inserted in the English Newspapers printed here and sent to Europe, or by the English publications which the Natives themselves had in contemplation to establish, before this Rule and Ordinance was proposed.

After this sudden deprivation of one of the most precious of their rights, which has been freely allowed them since the

Establishment of the British Power, a right which they are not, and cannot be charged with having ever abused, the inhabitants of Calcutta would be no longer justified in boasting, that they are fortunately placed by Providence under the protection of the whole British Nation or that the King of England and Lords and Commons are their Legislators, and that they are secured in the enjoyment of the same civil and religious privileges that every Briton is entitled to in England.

Your Memorialists are persuaded that the British Government is not disposed to adopt the political maxim so often acted upon by Asiatic Princes, that the more a people are kept in darkness, their Rulers will derive the greater advantages from them ; since, by reference to History, it is found that this was but a short sighted policy which did not ultimately answer the purpose of its authors. On the contrary, it rather proved disadvantageous to them ; for we find that as often as an ignorant people, when an opportunity offered, have revolted against their Rulers, all sorts of barbarous excesses and cruelties have been the consequence ; whereas a people naturally disposed to peace and ease, when placed under a good government from which they experience just and liberal treatment, must become the more attached to it, in proportion as they become enlightened and the great body of the people are taught to appreciate the value of the blessings they enjoy under its Rule.

Every good Ruler, who is convinced of the imperfection of human nature, and reverences the Eternal Governor of the world, must be conscious of the great liability to error in managing the affairs of a vast empire ; and therefore he will be anxious to afford every individual the readiest means of bringing to his notice whatever may require his interference. To secure this important object, the unrestrained Liberty of Publication, is the only effectual means that can be employed. And should it ever be abused, the established Law of the Land is very properly armed with efficient powers to punish those who may be found guilty of misrepresenting the conduct or character of government, which are effectually guarded by the

same Laws to which individuals must look for protection of their reputation and good name.

Your memorialists conclude by humbly entreating your Lordship to take this Memorial into your gracious consideration; and that you will be pleased by not registering the above Rule and Ordinance, to permit the Natives of this country to continue in possession of the civil rights and privileges which they and their fathers have so long enjoyed under the auspices of the British nation, whose kindness, and confidence, they are not aware of having done anything, to forfeit.

Chunder Coomar Tagore
Dwarka Nath Tagore
Rammohun Roy
Hurchunder Ghose
Gowree Churn Bonnergee
Prosunno Coomar Tagore

FREEDOM OF THE PRESS*

TO THE KING'S MOST EXCELLENT MAJESTY
MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's faithful subjects, natives of India and inhabitants of Calcutta, being placed by Providence under the sovereign care and protection of the august head of the British nation, look up to Your Majesty as the guardian of our lives, property, and religion, and when our rights are invaded and our prayers disregarded by the subordinate authorities, we beg leave to carry our complaints before Your Majesty's throne, which is happily established in mercy and justice, amidst a generous people celebrated throughout the earth as the enemies of tyranny, and distinguished under your royal auspices, as the successful defenders of Europe from continental usurpation.

*Since Sir Fancis Macnaghten dismissed the memorial relating to the freedom of the press, an appeal was made to the King-in-Council in 1823.

2nd. We, Your Majesty's faithful subjects, now come before you under the most painful circumstances, the local executive authorities having suddenly assumed the power of legislation in matters of the highest moment, and abolished legal privileges of long standing, without the least pretence that we have ever abused them, and made an invasion on our civil rights such as is unprecedented in the history of British Rule in Bengal, by a measure which either indicates a total disregard of the civil rights and privileges of Your Majesty's faithful subjects, or an intention to encourage a cruel and unfounded suspicion of our attachment to the existing government.

3rd. The greater part of Hindustan having been for several centuries subject to Muhammadan Rule, the civil and religious rights of its original inhabitants were constantly trampled upon, and from the habitual oppression of the conquerors, a great body their subjects in the southern Peninsula (Dukhin), afterwards called Marhattahs, and another body in the western parts now styled Sikhs, were at last driven to revolt; and when the Mussulman power became feeble, they ultimately succeeded in establishing their independence; but the natives of Bengal wanting vigour of body and adverse to active exertion, remained during the whole period of the Muhammadan conquest, faithful to the existing government, although their property was often plundered, their religion insulted, and their blood wantonly shed. Divine Providence at last, in its abundant mercy, stirred up the English nation to break yoke of those tyrants, and to receive the oppressed natives of Bengal under its protection. Having made Calcutta the capital of their dominions, the English distinguished this city by such peculiar marks of favour, as a free people would be expected to bestow, in establishing an English Court of Judicature, and granting to all within its jurisdiction, the same civil rights as every Briton enjoys in his native country; thus putting the natives of India in possession of such privileges as their forefathers never expected to attain, even under Hindu Rulers, Considering these things and bearing in mind also the solicitude for the welfare of this country, uniformly expressed by

the Honourable East India Company, under whose immediate control we are placed, and also by the Supreme Councils of the British nation, your dutiful subjects consequently have not viewed the English as a body of conquerors, but rather as deliverers, and look up to Your Majesty not only as a Ruler, but also as a father and protector.

4th. Since the establishment of the Supreme Court of Judicature in Calcutta till the present time, a period that has been distinguished by every variety of circumstances, the country sometimes reposing in the bosom of profound peace, at others shaken with the din of arms—the local government of Bengal, although composed from time to time, of men of every shade of character and opinion never attempted of its own will and pleasure to take away any of the rights which Your Majesty's royal ancestors with the consent of their Councils, had been graciously pleased to confer on your faithful subjects. Under the cheering influence of equitable and indulgent treatment and stimulated by the example of a people famed for their wisdom and liberality, the natives of India, with the means of amelioration set before them, have been gradually advancing in social and intellectual improvement. In their conduct and in their writings, whether periodical or otherwise, they have never failed to manifest all becoming respect to a government fraught with such blessings; of which their own publications and the judgement passed upon them by the works of their contemporaries, are the best proofs. Your faithful subjects beg leave in support of this statement to submit two extracts from English works very lately published, one by a native of India, and the other by English Missionaries; the first is from a work published on the 30th of January last, by Rammohun Roy, entitled. "A Final Appeal to the Christian Public," which may serve as a specimen of the sentiments expressed by the natives of India towards the government.

"I now conclude my Essay in offering up thanks to the Supreme Disposer of the universe, for having unexpectedly delivered this country, from the long continued tyranny of its former rulers, and placed it under the government of the

English, a nation who not only are blessed with the enjoyment of civil and political liberty, but also interest themselves, in promoting liberty and social happiness, as well as free inquiry into literary and religious subjects, among those nations to which their influence extends.”—Pages 378, 379.

5th. The second extract is from a periodical work published at the Danish settlement of Serampore, by a body of English Missionaries, who are known to be generally the best qualified and the most careful observers of the foreign countries in which Europeans have settled. This work, entitled the *Friend of India*, treating of the native newspapers published in Bengal, thus observes : “How necessary a step this (the establishment of a Native Press) was for the amelioration of the condition of the natives, no person can be ignorant who has traced the effects of Press in other countries. The natives themselves soon availed themselves of this privilege ; no less than four weekly newspapers in the native language have now been established, and there are hopes, that these efforts will contribute essentially to arouse the native mind from its long lethargy of death ; and while it excites them to inquire into what is going forward in a world, of which Asia forms so important a portion, urges them to ascertain their own situation respecting that eternal world, which really communicates all the vigour and interest now so visible in Europeans. Nor has this liberty been abused by them in the least degree ; yet these vehicles of intelligence have begun to be called for, from the very extremities of British India, and the talents of the natives themselves, have not unfrequently been exerted in the production of essays, that would have done credit to our own countrymen.”—*Friend of India*, quarterly series, No. VII, published in December, 1822).

6th. An English gentleman, of the name of Buckingham, who for some years published a newspaper in this place, entitled the Calcutta Journal, having incurred the displeasure of the local government, was ordered to leave this country, and soon afterwards, the Hon’ble John Adam, the Governor-General-in-Council, suddenly without any previous intimation of his intentions, passed a Rule and an Ordinance, on the 14th

of March, thus taking away the liberty of the Press, which Your Majesty's faithful subjects had so long and so happily enjoyed, and substituting his own will and pleasure for the Laws of England, by which it had hitherto been governed. (This Rule, Ordinance, and Regulation is annexed : vide Paper annexed No. 1).*

7th. It being necessary according to the system established for the government of this country that the above Regulation should receive the approbation of the Supreme Court by being registered there, after having been fixed up for 20 days on the walls of the Court room, before it could become Law, on the following Monday, (the 17th of March), Mr. Fergusson, Barrister, moved the Court to allow parties who might feel themselves aggrieved by the New Regulation, to be heard against it by their Counsel before the sanction of the Court should establish it as Law, and the Honourable Sir Francis Macnaghten the sole Acting Judge, expressed his willingness to hear in this manner, all that could be urged against it, and appointed Monday the 31st of the same month of March, for Counsel to be heard. His Lordship also kindly suggested, that in the meantime, he thought it would be advisable to present a Memorial to government, praying for the withdrawal of the said Rule and Ordinance. These observations from the Honourable Sir Francis Macnaghten, inspired Your Majesty's faithful subjects at this Presidency, with a confident hope, that His Lordship disapproved of the Rule and Ordinance, and would use his influence with government to second the prayer of the Memorial be recommended to be presented, or that at least in virtue of the authority vested in him for the purpose of protecting your faithful subjects against illegal and oppressive acts, he would prevent the proposed Rule from passing into law.

8th. Your faithful subjects agreeable to a suggestion of this nature, proceeding from such a source, employed the few days intervening, in preparing a Memorial to government, containing a respectful representation of the reasons which

*These annexed papers have not been published in this Volume.

existed against the proposed Rule and Ordinance being passed into Law ; but in preparing this Memorial in both the English and Bengalee Languages, and discussing the alterations suggested by the different individuals who wished to give it their support and signature, so much time was necessarily consumed, that it was not ready to be sent into circulation for signature until the 30th of March ; consequently only fifteen natives of respectability had time to read it over and affix their signature before the following day on which it was to be discussed in the Supreme Court and finally sanctioned or rejected. Besides that, this number was considered insufficient, it was then too late for the government to act upon this Memorial, so as to supersede the discussions and decision that were to take place in the Court, and a few individuals, therefore, of those who concurred in it, hastily prepared another Memorial of the same tenor in the morning of that day, addressed the Supreme Court itself, demonstrating our unshaken attachment to the British Government, and praying the Court to withhold its sanction from a Regulation which would deprive up of an invaluable privilege, firmly secured to use by the Laws of the Land, which we had so long enjoyed and could not be charged with ever having abused. (Annexed paper No. 2). And although from these circumstances, the Memorial had still fewer signatures. Your Majesty's faithful subjects reposed in the hope, that in appealing to a British Court of Law they might rely more on the justice of their cause, than the number or weight of names, especially, since it is well known that there are many under the immediate influence of government, who would not express an opinion against the acts of those in power at the time, although it were to secure the salvation of all their countrymen.

9th. This Memorial being, by the order of the Judge, read by the Registrar of the Court, Mr. Fergusson, (who besides his professional skill and eminence as an English Lawyer, has acquired by this long practice at the Calcutta Bar, a very intimate acquaintance with the state of this country) in virtue of the permission granted him, entered into an argument, showing the Rule and Ordinance to be

both illegal and inexpedient. (The grounds on which he opposed it are given at length, annexed paper No. 3)

10th. These and other conclusive arguments, urged by Mr. Fergusson, and also by Mr. Turton, both eminently skilled in the Laws of England, powerfully strengthened the hopes previously created by the observations that formerly fell from the Bench, that the learned Judge would enter his protest against such a direct violation of the Laws, and un-invasion of the rights of your faithful subjects.

11th. Notwithstanding, we observed with astonishment and regret, that His Lordship, in giving his decision, paid no regard whatever to the above Memorial, not alluding to it in the most distant manner, nor to the argument it contained; and His Lordship further disclosed, that at the time he expressed a desire to hear every objection that could be urged, and recommended a Memorial to government against it, from which your faithful subjects unanimously hoped that the mind of the Judge was undecided, and rather unfavourable to the Rule, His Lordship had previously pledged himself by promise to government to give it his sanction. (Annexed paper No. 4, containing the speech made by Sir Francis Macnaghten, the Judge, who presided on the occasion).

12th. Your Majesty's faithful subjects cannot account for the inconsistency manifested by Sir F. Macnaghten in two different points with regard to the sanctioning of this Regulation. In the first place, according to His Lordship's own statement from the Bench, he refused not only once, but twice, to see the Regulation before it passed in Council, probably because His Lordship thought it improper for him to give it his approbation until it came before him in the regular manner; but he afterwards, when application was made to him a third time, not only consented to read it, but with some alterations agreed to give it his sanction, a change of conduct for which no reason was assigned by His Lordship. Again, when application was made to His Lordship to hear the objections that might be urged against it, before giving it his judicial approval His Lordship withhold from the knowledge

of the public, not only that he had already to pledged himself : but even that he had previously seen the Regulation, and expressed himself ready to hear all that could be said respecting it, in the same manner as if his mind had been unfettered by any promise, and perfectly open to conviction. Consequently, some of Your Majesty's faithful subjects prepared a Memorial and retained Counsel against the new Regulation, and had afterwards the mortification to find, that their representations were treated with contemptuous neglect, and that the arguments of the most able Lawyers could be of no avail.

13th. Your Majesty-in-Parliament has been graciously pleased to make it a part of the Law of this country, that after a Regulation has passed the Council, it must be fixed up for twenty days in the Supreme Court, before it can be registered, so as to receive the full force of Law, and interval which allows the Judge time for deliberation and to hear from others all the objections that may exist to the proposed measure, and might have the effect of preventing the establishment of injudicious and inexpedient or unjust and oppressive acts ; but if, as in this case, the Judges enter into previous compact with the Local government, and thus preclude the possibility to any effectual representation from your faithful subjects, who have no intimation of what is meditated till it be finally resolved upon, the salutary effect to twenty days' relay is lost, and your faithful subjects will be in constant apprehension, that the most valuable and sacred of their rights may, as in this instance, be suddenly snatched from them at a moment's warning, before they know that such a measure is in contemplation, or have time to represent the evils which it is calculated to inflict upon them.

14th. In pursuance of the Regulation passed as above described, the government issued an official order in the Government Gazette of the 5th of April, commanding the attention of Editors of Newspapers or other periodical works, to certain restrictions therein contained, prohibiting all matters which it might consider as coming under the following heads :

(1st.) Defamatory or contumelious reflections against the King, or any of the Members of the Royal Family.

(2nd.) Observations or statements touching the character, constitution, measures or orders of the Court of Directors, or other public authorities in England, connected with the Government of India, or the character, constitution, measures, or orders of the Indian Governments impugning the motives and designs of such authorities of governments, or in any way tending to bring them into hatred or contempt to excite resistance to their orders, and to weaken their authority.

(3rd.) Observations or statements of the above description, relative to, allied, or friendly native Powers, their Ministers, or Representatives.

(4th.) Defamatory or contumelious remarks or offensive insinuations levelled against the Governor-General, the Governors or Commander-in-Chief, the Members of Council, or the Judges of His Majesty's Courts at any of the Presidencies or the Bishop of Calcutta, and publication of any description, tending to expose them to hatred, obloquy or contempt, also libellous or abusive reflections and insinuations against the Public Officers of government.

(5th.) Discussions having a tendency to create alarm or suspicion among the native population of any intended official interference with their religious opinions and observances, and irritating and insulting remarks on their peculiar usages and modes or thinking or religious subjects.

(6th) The republication from English, or other papers, of passages coming under the foregoing heads

(7th.) Defamatory publications tending to disturb the peace, harmony, and good order of society.

(8th) Anonymous appeals to the Public, relative to grievances of professional or official nature, alleged to have been sustained by Public Officers in the service of His Majesty or the Honourable Company.

This Copy of the Restrictions will be authenticated by the annexed Copy (No. 5).

15th. The above restrictions, as they are capable of being interpreted, will in fact affect government and all its Functionaries from the highest to the lowest complete immunity from censure or exposure respecting anything done by them in their official capacity, however desirable it might be for the interest of the country, and also that of this Honourable Company, that the public conduct of such public men should not be allowed to pass untouched. It can scarcely be doubted that the real object of these Restrictions is, to afford all the Functionaries of government complete security against their conduct being made the subject of observation, though it is associated with a number of other restraints totally uncalled for, but well calculated to soothe the supreme authorities in England and win their assent to the main object of the Rule—the suppression of public remark on the conduct of the Public Officers of Government of India.

16th. Your Majesty's faithful subjects could have surely no inducement in this distant quarter of the world to make contumelious and injurious reflections on Your Majesty or any of the members of Your Majesty's illustrious family, or to circulate them among people to whom Your Majesty's name is scarcely known and to the greatest part of whom, even the fame of your greatness and power has not reached ; but to those few natives who are possessed of sufficient information to understand the political situation of England, the English newspapers and books which are constantly brought to this country in great abundance, are equally intelligible with the periodical publications printed in Calcutta.

17th. Neither can Your Majesty's faithful subjects have any wish to make remarks on the proceedings of the Court of Directors, of whose beneficent intentions they are well convinced, but that the Honourable Body who have so often manifested their earnest desire to ameliorate the condition of their Indian dependants, must be naturally anxious to be made exactly acquainted with the manner in which their wishes are carried into execution, and the operation and effect of the acts passed relative to this country.

18th. Whoever shall maliciously publish what has a tendency to bring the government into hatred and contempt or

excite resistance to its orders, or weaken their authority, may be punished by Law as guilty of treason or sedition ; and surely in a country enjoying profound peace externally and internally, and where seditious and treasonable publications are unknown, it could not be necessary for government to throw aside of a sudden, the Laws which for anything that has appeared, were fully sufficient, and arm itself with new and extraordinary powers at a time when that government is more secure than at any former period.

19th. It may surely be left for British Judges and Juries to determine whether the mention made of the proceedings of government, be malevolent, seditious and dangerous to the State, so as to render a writer or publisher culpable and amenable to punishment ; but if the mere mention of the conduct of government without misrepresentation or malice on the part of the writer bring it into hatred and contempt, such conduct will never receive the countenance or protection of Your Majesty by the sanction of a Law to prevent its exposure to public observation, and the discovery of that dissatisfaction it may have occasioned, which would afford the higher authorities an opportunity of removing them.

20th. After a body of English Missionaries have been labouring for about twenty-five years by preaching and distributing publications in the native languages in all parts of Bengal, to bring the prevailing system of religion into disrepute no alarm whatever prevails, because Your Majesty's faithful subjects possess the power of defending their religion by the same means that are employed against it, and many of them have exercised the freedom of the Press to combat the writing of English Missionaries, and think no other protection necessary to the maintenance of their faith. While the teachers of Christianity use only reason and persuasion to propagate their religion, Your Majesty's faithful subjects are content to defend theirs by the same weapons, convinced that true religion needs not the aid of the sword or of legal penalties for its protection. While Your Majesty's faithful subjects perceived that government showed no displeasure, and claimed no arbitrary power

of preventing the publication of what was written in defence of the prevailing religion of the country, it was impossible to entertain any such suspicion as that intimated in the 5th article, viz., that government would interfere with the established faith of the natives of this country. Nevertheless, if any person with a malicious and seditious design were to circulate an unfounded rumour that government meant so to interfere with our religious privileges, he would be severely punished by law : but if the government really intended to adopt measures to change the religion of the country, Your Majesty's faithful subjects would be absolutely prohibited by the present restrictions from intimating the appalling intelligence to their countrymen : and although they have every reason to hope that the English nation will never abandon that religious toleration which has distinguished their progress in the East, it is impossible to foresee to what purposes of religious oppression such a Law might at some future time be applied.

21st. The office of the Lord Bishop of Calcutta not calling him to preach Christianity in that part of the town inhabited by the natives, or to circulate Pamphlets among them against the established religion of the country, but being of a nature totally distinct, and not at all interfering with the religious opinion of the native population, they could never dream of vilifying and defaming his character or office.

22nd. The Judges of the Supreme Court in Calcutta and of the English Courts of Judicature at the other Presidencies, enjoy, in virtue of their office, the power of protecting their characters and official conduct from defamation and abuse ; since such would be either a contempt of the Court, liable to summary punishment, or punishable by those Laws enacted against libel. It is therefore hard to be conceived, that they stand in need of still further protection, unless it should be wished thereby to create an idea of their infallibility, which however is incompatible with the freedom allowed to barristers, of delivering their sentiments beforehand on the justice or injustice of the opinions the Judges may pronounce, and in case of appeal, of controverting the justice and equity

of their decision. The only object such a restriction is calculated to attain, must therefore be defeated, unless it be meant thereby to prevent the publication of the pleadings which as they take place in an English Court of Judicature are by Law public, and ought to be accessible to all.

23rd. The seventh restriction prohibiting defamatory publications tending to disturb the peace, harmony, and good order of society, is equally unnecessary since the British Legislature has already provided a punishment for such offences by the Laws enacted against libel.

24th. Your Majesty's faithful subjects will not offer any more particular remarks on the superfluous restrictions introduced to accompany those more important ones which are the principal object of government, and will conclude with this general observation, that they are unnecessary, either because the offences prohibited are imaginary and improbable or because they are already provided for by the laws of the Land, and either the government does not intend to put them in force at all, or it is anxious to interrupt the regular course of justice, abolish the right of trial by Jury and, by taking the Law into its own hands, to combine the Legislative and Judicial power, which is destructive of all civil liberty.

25th. Your Majesty's faithful subjects have heard that, Your Majesty constantly submits to the greatest freedom of remark among your British-born subjects without losing any part of the homage and respect due to your exalted character and station, and that the conduct of your Ministers is constantly the topic of discussion, without destroying the dignity and power of the government. While such is the case in a country where it is said above nine-tenths of the inhabitants read newspapers, and are therefore liable to be led by the opinion circulated through the Press, its capability of bringing a government into hatred and contempt must be far less in a country where the great mass of the population do not read at all, and have the greatest reverence for men in power, of whom they can only judge by what they feel, and are not to be moved by what is written, but by what is done, where conse-

quently government can only be brought into hatred and contempt by its own acts.

26th. The Marquis of Hastings, who had associated for the greater part of his life, with Kings and Princes, entertained no apprehension that the salutary control of public scrutiny which he commended, would bring him or his Indian administration into hatred and contempt ; and in effect, instead of such being the result, the greater the freedom he allowed to the European conductors of the Press, only rendered his name the most honoured and revered in this part of the world, because it was universally believed, that his conduct proceeded from a consciousness of rectitude which feared no investigation.

27th. But your faithful subjects might forbear urging further arguments on this subject to Your Majesty, who with your action open to observation, possess the love, the esteem, and the respect of mankind, in a degree which none of the despotic monarchs of Europe or Asia can ever attain, whose subjects are prohibited from examining and expressing their opinions regarding their conduct.

28th. Asia unfortunately affords few instances of Princes who have submitted their actions to the judgement of their subjects, but those who have done so, instead of falling into hatred and contempt, were the more loved and respected, while they lived, and their memory is still cherished by posterity ; whereas more despotic monarchs, pursued by hatred in their life time, could with difficulty escape the attempts of the rebel or the assassin, and their names are either detested or forgotten.

29th. The idea of the possession of absolute power and perfection, is evidently not necessary to the stability of the British Government of India, since Your Majesty's faithful subjects are accustomed to see private individuals citing the government before the Supreme Court, where the justice of their acts is fearlessly impugned, and after the necessary evidence being produced and due investigation made, judgement not unfrequently given against the government the judge not feeling himself restrained from passing just

sentence by any fear of the government being thereby brought into contempt. And Your Majesty's faithful subjects only pray, that it may be permitted by means of the Press or by some other means equally effectual, to bring forward evidence regarding the acts of government which affect the general interest of the community, that they also may be investigated and reversed, when those who have the power of doing so, become convinced that they are improper or injurious.

30th. A government conscious of rectitude of intention, cannot be afraid of public scrutiny by means of the Press, since this instrument can be equally well employed as a weapon of defence, and a government possessed of immense patronage, is more especially secure, since the greater part of the learning and talent in the country being already enlisted in the service, its actions, if they have any shadow of Justice, are sure of being ably and successfully defended.

31st. Men in power hostile to the Liberty of the Press, which is a disagreeable check upon their conduct, when unable to discover any real evil arising from its existence, have attempted to make the world imagine, that it might, in some possible contingency, afford the means of combination against the government, but not to mention that extra-ordinary emergencies would warrant which in ordinary times are totally unjustifiable, Your Majesty is well aware, that a free Press has never yet caused a revolution in any part of the world, because while men can easily represent the grievances arising from the conduct of the local authorities to the supreme government and thus get them redressed, the grounds of discontent that excite revolution are removed, whereas, where no freedom of the Press existed, and grievances consequently remained unrepresented and unredressed, innumerable revolutions have taken place in all parts of the globe, or if prevented by the armed force of the government, the people continued ready for insurrection.

32nd. The servants of the Honourable Company are necessarily firmly attached to that system from which they derive their consequence and power, and on which their hopes

of higher honours and still greater emoluments depend ; and if it be possible to imagine, that these strong considerations are not sufficient to preserve subordination among them, the power of suspension and ruin which hangs over their heads for any deviation from duty, is certainly sufficient to secure that object.

33rd. After the British government has existed for so many years, it has acquired a certain standard character in the minds of the natives of India, from the many excellent men who have from time to time held the reins of power, and the principles by which they have been guided. Whatever opinion, therefore, may be entertained of the individuals composing it at a particular period, while the source of power remains the same, Your Majesty's faithful subjects cannot of a sudden lose confidence in the virtue of the stream, since although it may for a period be tainted with corruption, yet in the natural course of events it must soon resume its accustomed character. Should individuals abuse the power entrusted to them, public resentment cannot be transferred from the delinquents to the government itself, while there is a prospect of remedy from the higher authorities ; and should the highest in this country turn a deaf ear to all complaints, by forbidding grievances to be even mentioned, the spirit of loyalty is still kept alive by the hope of redress from the authorities in England ; thus the attachment of the natives of India, to the British government must be as permanent as their confidence in the honour and justice of the British nation, which is their last Court of Appeal next to heaven. But if they be prevented from making their real condition known to England, deprived of this hope of redress, they will consider the most peculiar excellence of the British Government of India, as done away.

34th. If these conclusions drawn from the particular circumstances of this country, be met with such an argument as that a colony or distant dependency can never safely be entrusted with the liberty of the Press, and that therefore natives of Bengal cannot be allowed to exercise the privileges they have so long enjoyed, this would be in other words to tell them, that they are condemned to perpetual oppression and

degradation from which they can have no hope of being raised during the existence of the British Power.

35th. The British nation has never yet descended to avow a principle so foreign to their character, and if they could for a moment entertain the idea of preserving their power by keeping their colonies in ignorance, the prohibition of periodical publications is not enough, but printing of all kinds, education, and every other means of diffusing knowledge should be equally discouraged and put down. For it must be the distant consequences of the diffusion of knowledge that are dreaded by those (if there be any such) who are really apprehensive for the stability of government, since it is well known to all in the least acquainted with this country, that although every effort were made by periodical as well as other publications, a greater number of years must elapse before any considerable change can be made in the existing habits and opinions of the natives of India, so firmly are they wedded to established custom. Should apprehensions so unworthy of the English nation prevail, then unlike the ancient Romans who extended their knowledge and civilization with their conquests, ignorance and degradation must mark the extent of British Power. Yet surely even this affords no hope of perpetual rule, since notwithstanding the tyranny and oppression of Gengis Khan and Tamerlane, their empire was not so lasting as that of the Romans, who to the proud title of conquerors, added the more glorious one of enlighteners of the world. And of the two most renowned and powerful monarchs among the Moghuls, Akbar was celebrated for his clemency, for his encouragement of learning, and for granting civil and religious liberty to his subjects, and Aurungzeb, for his cruelty and intolerance, yet the former reigned happy, extended his power and his dominions, and his memory is still adored, whereas the other, though endowed with equal abilities and possessed of equal power and enterprise, met with many reverses and misfortunes during his lifetime, and his name is now held in abhorrence.

36th. It is well known that despotic governments naturally desire the suppression of any freedom of expression which might tend to expose their acts to the obloquy which ever

attends the exercise of tyranny or oppression, and the argument they constantly resort to it, that the spread of knowledge is dangerous to the existence of all legitimate authority, since, as a people become enlightened, they will discover that by a unity of effort, the many may easily shake off the yoke of the few, and thus become emancipated from the restraints of power altogether, forgetting the lesson derived from history, that in countries which have made the smallest advances in civilization, anarchy and revolution are most prevalent—while, on the other hand, in nations the most enlightened, any revolt against governments, which have guarded inviolate the rights of the governed, is most rare, and that the resistance of a people advanced in knowledge, has ever been—not against the existence—but against the abuses of the governing power. Canada, during the late war with America, afforded a memorable instance of the truth of this argument. The enlightened inhabitants of that colony, finding that their rights and privileges had been secured to them, their grievances redressed by the British Government, resisted every attempt of the United States to seduce them from their allegiance to it. In fact, it may be fearlessly averred, that the more enlightened a people become, the less likely are they to revolt against the government power, as long as it is exercised with justice tempered with mercy, and the rights and privileges of the governed are held sacred from any invasion.

37th. If Your Majesty's faithful subjects could conceive for a moment, that the British nation actuated solely by interested policy, considered India merely as a valuable property, and would regard nothing but the best means of securing its possession and turning it to advantage, even then, it would be of importance to ascertain whether this property be well taken care of by their servants, on the same principle that good masters are not indifferent about the treatments of their slaves.

38th. While therefore the existence of a free Press is equally necessary for the sake of the governors and the governed, it is possible a national feeling may lead the British people to suppose, that in two points, the peculiar situation of this country requires a modification of the laws enacted for the

control of the Press in England. First, that for the sake of greater security and to preserve the union existing between England and this country, it might be necessary to enact a penalty to be inflicted on such persons as might endeavour to excite hatred in the minds of the natives of India against the English nation. Secondly, that a penalty should be inflicted on such as might seditiously attempt to excite hostilities with neighbouring or friendly states. Although Your Majesty's faithful subjects are not aware that anything has yet occurred to call for the precautions thus anticipated, yet should such or any other limitations of the liberty of the Press be deemed necessary, they are perfectly willing to submit to additional penalties to be legally inflicted. But they must humbly enter their protest against the injustice of robbing them of their long standing privileges by the introduction of numerous arbitrary restrictions, totally uncalled for by the circumstances of the country—and whatever may be their intention, calculated to suppress truth, protect abuses—and encourage oppression.

39th. Your Majesty's faithful subjects now beg leave to call Your Majesty's attention to some peculiarly injurious consequences of the new laws that have thus been suddenly introduced in the manner above described. First, the above Rule and Ordinance has deprived Your Majesty's faithful subjects of the liberty of the Press, which they had enjoyed for so many years since the establishment of the British Rule. Secondly, Your Majesty's faithful subjects are deprived of the protection of Your Majesty and the high council of the British nation, who have hitherto exclusively exercised the legislative power in this part of Your Majesty's dominions.

40th. If upon representations being made by the local authorities in the country, Your Majesty after due investigation had been pleased with the advice of the high council of the realm to order the abolition of the liberty of the Press in India, Your Majesty's faithful subjects, from the feeling of respect and loyalty due to the supreme legislative power, would have patiently submitted, since although they would in that case, still have lost one of their most precious privileges, yet their claim to the superintendence and protection of the highest

legislative authority, in whom your faithful subjects have unbounded confidence, would still have remained unshaken ; but were this Rule and Ordinance of the Local government to be held valid, and thus remain as a precedent for similar proceedings in future, your faithful subjects would find their hope of protection from the supreme government, cut off, and all their civil and religious rights placed entirely at the mercy of such individuals as may be sent from England to assume the executive authority in this country, or rise into power through the routine of office, and who from long officiating in an inferior station, may have contracted prejudices against individuals or classes of men, which ought not to find shelter in the breast of the legislator.

41st. As it never has been imagined or surmised in this country, that the government was in any immediate danger from the operation of the native Press, it cannot be pretended, that the public safety required strong measures to be instantly adopted, and that consequently there was not sufficient time to make a representation to the authorities in England, and wait for their decision, or that it was incumbent on the highest Judicial authority in India, to sanction an act so repugnant to the laws of England, which he has sworn to maintain inviolate.

42nd. If as Your Majesty's faithful subjects have been informed, this government were dissatisfied with the conduct of the English newspaper, called the "Calcutta Journal", the banishment of the Editor of that paper, and the power of punishing those left by him to manage his concern, should they also give offence, might have satisfied the government ; but at any rate Your Majesty's faithful subjects, who are natives of this country, against whom there is not the shadow of a charge, are at a loss to understand the nature of that justice which punishes them, for the fault imputed to others. Yet notwithstanding what the local authorities of this country have done, your faithful subjects feel confident, that Your Majesty will not suffer it to be believed throughout your Indian territories, that it is British justice to punish millions for the fault imputed to one individual.

43rd. The abolition of this most precious of their privileges, is the more appalling to Your Majesty's faithful subjects, because it is a violent infringement of their civil and religious rights, which under the British Government, they hoped would be always secure. Your Majesty is aware, that under their former Muhammadan Rulers, the natives of this country enjoyed every political privilege in common with Mussulmans, being eligible to the highest offices in the state, entrusted with the command of armies and the government of provinces and often chosen as advisers to their Prince, without disqualification or degrading distinction on account of their religion or the place of their birth. They used to receive free grants of land exempted from any payments of revenue, and besides the highest salaries allowed under the government, they enjoyed free of charge, large tracts of country attached to certain offices of trust and dignity, while natives of learning and talent were rewarded with numerous situations of honour and emolument. Although under the British Rule, the natives of India have entirely lost this political consequence, Your Majesty's faithful subjects were consoled by the more secure enjoyment of those civil and religious rights which had been so often violated by the rapacity and intolerance of the Mussulmans ; and notwithstanding the loss of political rank and power, they considered themselves much happier in the enjoyment of civil and religious liberty than were their ancestors ; but if these rights that remain are allowed to be unceremoniously invaded, the most valuable of them being placed at the mercy of one or two individuals, the basis on which they have founded their hopes of comfort and happiness under the British Power, will be destroyed.

44th. Your Majesty has been pleased to place this part of your dominions under the immediate control of the Court of Directors, and this honourable body have committed the entire management of this country (Calcutta excepted) to a number of gentlemen styled Civil Servants, usually under the superintendence of a Governor-General. These gentlemen who are entrusted with the whole administration, consist of three classes ; First, subordinate local officers, such as Judges or

District Magistrates, Collectors and commercial agents ; Secondly, officers superior to them as Judges of Circuit, and Members of different Revenue and Commercial Boards, etc. Thirdly, those who fill the highest and most important offices as Judges of the Sudder Dewany Adalut, Secretaries to government, the Members of the Supreme Council, and sometimes a Civil Servant may rise to the highest office of Governor-General of India. In former times, native fathers were anxious to educate their children according to the usages of those days, in order to qualify them for such offices under government as they might reasonably hope to obtain ; and young men had the most powerful motives for sedulously cultivating their minds in the laudable ambition of rising by their merits to an honourable rank in society ; whereas, under the present system, so trifling are the rewards ; yet Your Majesty's faithful subjects felt confident, that notwithstanding these unfavourable circumstances, the natives of India would not sink into absolute mental lethargy while allowed to aspire to distinction in the world of letters, and to exercise the liberty of the Press for their moral and intellectual improvement, which are far more valuable than the acquisition of riches or any other temporal advantages under arbitrary power.

45th. Those gentlemen propose and enact laws for the government of the extensive territory under their control, and also administer these laws ; collect revenue of all sorts, and superintend manufactories carried on in behalf of the state ; and they have introduced according to their judgement, certain judicial, commercial, and revenue systems, to which it may be supposed they are partial, as being their own, and therefore support them with their whole influence and abilities as of the most efficient and salutary character. It is also the established custom of these gentlemen to transmit official reports from time to time, to the Court of Directors, to make them acquainted with the mode in which the country is governed, and the happiness enjoyed by the people of this vast empire, from the manner in which the laws are administered.

46th. Granting that those gentlemen were infallible almost in their judgement and their systems nearly perfect ; yet Your

Majesty's faithful subjects may be allowed to presume, that the paternal anxiety which the Court of Directors have often expressed for the welfare of the many millions dependent upon them in a country situated at the distance of several thousand miles, would suggest to them the propriety of establishing some other means besides, to ascertain whether the systems introduced in their Indian possessions, prove so beneficial to the natives of this country, as their authors might fondly suppose or would have others believe, and whether the Rules and Regulations which may appear excellent in their eyes, are strictly put in practice.

47th. Your Majesty's faithful subjects are aware of no means by which impartial information on these subjects can be obtained by the Court of Directors or other authorities in England, except in one of the two following modes : either, first, by the existence of a Free Press in this country and the establishment of newspapers in the different districts under the special patronage of the Court of Directors and subject to the control of law only, or secondly by the appointment of a commission composed by gentlemen of intelligence and respectability, totally unconnected with the governing body in this country, which may from time to time, investigate on the spot, the condition of Your Majesty's faithful subjects, and judge with their own eyes regarding the operation of the systems of law and jurisprudence under which they live.

48th. But the immense labour required for surveying a country of such extent, and the great expense that would be necessary to induce men of such reputation and ability as manifestly to qualify them for the important task, to undertake a work of such difficulty, which must be frequently repeated, present great, if not insuperable obstacles to the introduction or efficiency of the latter mode of proceeding by commission ; from which Your Majesty's faithful subjects, therefore, do not entertain any sanguine expectations ; unless Your Majesty influenced by human considerations for the welfare of your subjects, were graciously pleased to enjoin its adoption from a conviction of its expediency whatever might be the expense attending it.

49th. The publication of truth and the natural expression of men's sentiments through the medium of the Press, entail no burden on the state, and should it appear to Your Majesty and the enlightened men placed about your throne, that this precious privilege which is so essential to the well-being of your faithful subjects, could not safely be entrusted to the natives of India, although they have given such unquestionable proofs of their loyalty and attachment, subject only to the restraints wisely imposed upon the Press by the laws of England, your faithful subjects entreat on behalf of the countrymen, that Your Majesty will be graciously pleased to grant it, subject to such severer restraints and heavier penalties as may be deemed necessary ; but legal restraints, not those of arbitrary power—and penalties to be inflicted after trial and conviction according to the forms of the laws of England, not at the will and pleasure of one or two individuals without investigation or without hearing any defence or going through any of the forms prescribed by law, to ensure the equitable administration of justice.

50th. Notwithstanding the despotic power of the Moghul Princes who formerly ruled over this country, and that their conduct was often cruel and arbitrary, yet the wise and virtuous among them, always employed two intelligencers at the residence of their Nawabs or Lord Lieutenants, Akhbar-navees, or news-writer who published an account of whatever happened, and a Khoofea-navees, or confidential correspondent, who sent private and particular account of every occurrence worthy of notice ; and although these Lord Lieutenants were often particular friends or near relations to the Prince, he did not trust entirely to themselves for a faithful and impartial report of their administration, and degraded them when they appeared to deserve it, either for their own faults or for their negligence in not checking the delinquencies of their subordinate officers, which shows that even the Moghul Princes, although their form of government admitted of nothing better, were convinced, that in a country so rich and so replete with temptations, a restraint of some kind was absolutely necessary to prevent the abuses that are so liable to flow from the possession of power.

51st. The country still abounds in wealth, and its inhabitants are still addicted to the same corrupt means of compassing their ends, to which from having long lived under arbitrary government, they have become naturally habituated; and if its present rulers have brought with them purer principles from the land of their birth which may better withstand the influence of long residence amid the numerous temptations to which they are exposed;—on the other hand, from the seat of the Supreme government being placed at an immense distance and the channel of communication entirely in their own hands, they are left more at liberty to follow their interests, and looking forward to the quiet and secure enjoyment of their wealth in their native land, they may care little for the character they leave behind them in a remote country, among a people for whose opinion they have no regard. Your Majesty's faithful subjects, therefore, humbly presume, that the existence of a restraint of some kind, is absolutely necessary to preserve your faithful subjects from the abuses of uncontrolled power.

52nd. That Your Majesty may be convinced, that your faithful subjects do not allude merely to possible abuses, or joint out only theoretical defects in established systems, they beg leave to call Your Majesty's attention to the observations contained in a Number of a most respectable Baptist Missionary work, the accuracy of which, although it has now been two years¹ in circulation, in all parts of India, not one of the numerous civil servants of the Honourable Company, has ventured to dispute nor have the flagrant abuses it points out, been remedied.

53rd. It might be urged on the other hand, that persons who feel aggrieved, may transmit representations to the Court of Directors, and thus obtain redress; but the natives of this country are generally ignorant of this mode of proceeding; and with neither friends in England nor knowledge of the country, they could entertain no hope of success, since they

1. No. IV. Quarterly series of the *Friend of India*, published in December, 1821.

know that the transmission of their representations, depends in point of time, upon the pleasure of the local government, which will probably, in order to counteract their influence, accompany them with observations, the nature of which would be totally unknown to the complainants, discouragements which in fact have operated as complete preventives, so that no instance of such a representation from the natives of Bengal, has ever been known.

54th. In conclusion, Your Majesty's faithful subjects humbly beseech Your Majesty, first, to cause the Rule and Ordinance and Regulation before mentioned, which has been registered by the Judge of Your Majesty's Court, to be rescinded ; and prohibit any authority in this country, from assuming the legislative power, or prerogatives of Your Majesty and the High Council of the Realm, to narrow the privileges and destroy the rights of Your Majesty's faithful subjects, who claim your protection, and are willing to submit to such laws, as Your Majesty with the advice of your Council, shall be graciously pleased to enact.

Secondly, Your Majesty's faithful subjects humbly pray, that Your Majesty will be pleased to confirm to them the privilege, they have so long enjoyed, of expressing their sentiments through the medium of the Press, subject to such legal restraints as may be thought necessary or that Your Majesty will be graciously pleased to appoint a commission of intelligent and independent gentlemen ; to inquire into the real condition of the millions Providence has placed under your high protection.

55th. Your Majesty's faithful subjects from the distance of almost half the globe, appeal to Your Majesty's heart by the sympathy which forms a paternal tie between you and the lowest of your subjects, not to overlook their condition ; they appeal to you by the honour of that great nation which under your Royal auspices has obtained the glorious title of Liberator of Europe, not to permit the possibility of millions of your subjects being wantonly trampled on and oppressed ; they lastly appeal to you by the glory of your Crown on which the

eyes of the world are fixed, not to consign the natives of India, to perpetual oppression and degradation.

JUDICIAL SYSTEM OF INDIA*

Q. 1. Have you observed the operation of the Judicial System in India ?

Ans. I have long turned my attention towards the subject, and possess a general acquaintance with the operation of that system, more particularly from personal experience in the Bengal presidency, where I resided.

Q. 2. Do you think that the system hitherto acted upon is calculated to secure justice ?

Ans. The judicial system established in 1793, by Lord Cornwallis, was certainly well adapted to the situation of the country, and to the character of the people as well as of the Government, had there been a sufficient number of qualified Judges to discharge the judicial office, under a proper code of laws.

Q. 3. Explain particularly in what points you consider the practical operation of the system defective.

Ans. In the want of a sufficient number of judges and magistrates, in the want of adequate qualification in many of them to discharge the duty in foreign languages, and in the want of a proper code of laws, by which they might be easily guided.

Q. 4. Can you explain what evils result from the want of a greater number of judges ?

Ans. 1st : The courts being necessarily few in number in comparison to the vast territories under the British rule, many of the inhabitants are situated at so great a distance from them, that the poorer classes are in general unable to go and seek redress for any injury, particularly those who may be oppressed

*Questions and Answers on the Indian Judicial system vide statement given at London on 19 September, 1831.

by their wealthier neighbours, possessing great local influence. 2ndly : The business of the courts is so heavy that causes often accumulate to such an extent, that many are necessarily pending some years before they can be decided ; an evil which is aggravated by subsequent appeals from one court to another, attended with further delay and increased expense. By this state of things wrong-doers are encouraged, and the innocent and oppressed in the same proportion discouraged, and often reduced to despair. 3rdly : Such a mass of business translated in foreign languages being too much for any one individual, even the ablest and best-intentioned judge, may be disheartened at seeing before him a file of causes which he can hardly hope to overtake ; and he may therefore be thus induced to transfer a great part of the business to his native officers, who are not responsible, and who are so meanly paid for their services, that they may be expected to consult their own interests.

Q. 5. Will you inform us what evils arise from the want of due qualification in the judges ?

Ans. It is but justice to state that many of the judicial officers of the company are men of the highest talents, as well as of strict integrity, and earnestly intent on doing justice. However, not being familiar with the laws of the people over whom they are called to administer justice by these laws, and the written proceedings of the court, answers, replies, rejoinders, evidence taken, and documents produced, being all conducted in a language which is foreign to them, they must either rely greatly on the interpretation of their native officers, or be guided by their own surmises or conjectures. In the one case, the cause will be decided by those who in point of rank and pay are so meanly situated, and who are not responsible to the government or public for the accuracy of the decision ; in the other case, a decision founded on conjecture must be very liable to error. Still, I am happy to observe that there are some judicial officers, though very few in number, whose judgment and knowledge of the native languages are such, that in cases which do not involve much intricacy and legal subtlety, they are able to form a correct decision independent of the natives around them.

Q. 6. Can you point out what obstructions to the administration of justice are produced by the want of a better code of laws ?

Ans. The regulations published from year to year by the local government since 1793, which serve as instructions to the courts, are so voluminous, complicated, and in many instances, either too concise or too exuberant, that they are generally considered not a clear and easy guide ; and the Hindu and Mahomedan laws administered in conjunction with the above regulations, being spread over a great number of different books of various and sometimes doubtful authority, the judges, as to law points, depend entirely on the interpretations of their native lawyers, whose conflicting legal opinions have introduced great perplexity into the administration of justice.

Q. 7. Is there any other impediment to the fair administration of justice besides these you have stated ?

Ans. The first obstacle to the administration of justice is, that its administrators and the persons among whom it is administered have no common language. 2ndly, that owing partly to this cause and also in a great measure to the difference of manners, &c., the communication between these two parties is very limited ; in consequence of which the judges can with the utmost difficulty acquire an adequate knowledge of the real nature of the grievances of the persons seeking redress, or of the real character and validity of the evidence by which their claims are supported or opposed. 3rdly, That there is not the same relation between the native pleaders and the judge as between the British bar and the bench. 4thly, The want of publicity owing to the absence of reports and of a public press, to take notice of the proceedings of the courts in the interior : consequently there is no superintendence of public opinion to watch whether the judges attend their courts once a day or once a week, or whether they attend to business six hours or one hour a day, or their mode of treating the parties, the witnesses, the native pleaders or law officers, and others attending the courts—as well as the principles on which they conduct their proceedings and regulate their decisions ; or whether in fact they investigate and decide the causes themselves, or leave

the judicial business to their native officers and dependants. (In pointing out the importance of the fullest publicity being afforded to judicial proceedings by means of the press, I have no reference to the question of a free press, for the discussion of local politics, a point on which I do not mean to touch)

5thly, The great prevalence of perjury, arising partly from the frequency with which oaths are administered in the courts, having taken from them the awe with which they were formerly regarded, partly from the judges being often unable to detect impositions in a foreign language, and to discriminate nicely the value of evidence amongst a people with whom they have in general so little communication ; and partly from the evidence being frequently taken, not by the judge himself but by his native officers (Amlahs), whose good will is often secured beforehand by both parties, so that they may not endeavour to detect their false evidence by a strict examination. Under these circumstances the practice of perjury has grown so prevalent that the facts sworn to by the different parties in a suit are generally directly opposed to each other, so that it has become almost impossible to ascertain the truth from their contradictory evidence.

6thly, That the prevalence of perjury has again introduced the practice of forgery to such an extent as to render the administration of justice still more intricate and perplexing.

7thly, The want of due publicity being given to the regulations which stand at present in place of a code of laws. From their being very voluminous and expensive, the community generally have not the means of purchasing them ; nor have they a sufficient opportunity of consulting or copying them in the judicial and revenue offices where they are kept. As these are usually at a distance from the populous parts of the town, only professional persons or parties engaged in suits or official business are in the habit of attending these offices.

8thly, and lastly, Holding the proceedings in a language foreign to the judges, as well as to the parties and to the witnesses.

Q. 8. In what language are the proceedings of the courts conducted ?

Ans. They are generally conducted in Persian, in imitation of the former Muhammadan rulers, of whom this was the court language.

Q. 9. Are the judges, the parties, and the witnesses sufficiently well acquainted with that language to understand the proceedings readily ?

Ans. I have already observed that it is foreign to all these parties. Some of the judges, and a very few among the parties, however, are conversant with that language.

Q. 10. Would it be advantageous to substitute the English language in the courts, instead of the Persian ?

Ans. The English language would have the advantage of being the vernacular language of the judges. With regard to the native inhabitants, it would no doubt, in the meantime, have the same disadvantage as the Persian ; but its gradual introduction in the courts would still, notwithstanding, prove ultimately beneficial to them by promoting the study of English.

Q. 11. Does the native bar assist the judge, and form a check on the accuracy of the decisions ?

Ans. It is no doubt intended to answer this most useful purpose, and does so to some extent ; but, from the cause alluded to above (*Ans. 7, No. 3*), not to the extent that is necessary to secure the principles of justice.

Q. 12. Do the judges treat the native pleaders with the consideration and respect due to their office ?

Ans. They are not always treated in the inferior courts with the consideration due to their office.

Q. 13. To what do you attribute it that the bar is not treated with respect ?

Ans. The native pleaders are so unfortunately situated from there being such a great distance between them and the judges who belong to the rulers of the country, and from not being of the same profession, or of the same class as the judges, and having no prospect of promotion as English barristers have, that they are treated as an inferior *caste* of persons.

Q. 14. Do not the native judicial officers employed under the judge assist him in his proceedings ?

Ans. Of course they assist him, and that very materially.

Q. 15. *What kind of assistance do they render to the judge ?*

Ans. They read the proceedings, viz. bill (darkh'ast, or arzi), answers, replies, rejoinders, and other papers produced in the court ; they write the proceedings and depositions of the witnesses ; and very often, on account of the weight of business, the judge employs them to take the depositions of the witnesses ; sometimes they make abstracts of the depositions and other long papers, and lay them before the judge for his decision.

Q. 16. *Are they made responsible with the judge for the proceedings held ?*

Ans. They are responsible to the judge, but not to the government or the public.

Q. 17. *Are not the judges assisted also by Hindu and Muhammedan lawyers, appointed to act as interpreters of the law ?*

Ans. They are : learned natives of this description being attached to the courts to give their opinion on the Hindu and Muhammedan law points which may arise in any case.

Q. 18. *Are natives of the country empowered to decide causes of any description ?*

Ans. Yes : there are native Munsifs, or commissioners, for the decision of small debts ; and Sudder Ameens who are authorised to try causes under five hundred rupees, whether connected with landed or moveable property.

Q. 19. *Are they qualified to discharge the duties entrusted to them ?*

Ans. Many of them are fully qualified ; and if proper care can be taken in the selection, all the situations might be filled with well-qualified persons.

Q. 20. *What is your opinion of the general character and conduct of the judges in their official capacity as such ?*

Ans. I am happy to state that in my humble opinion the judicial branch of the service is at present almost pure ; and there are among the judicial servants of the Company gentlemen

of such distinguished talents, that from their natural abilities, even without the regular study of the law, they commit very few, if any, errors in the administration of justice. Others are not so well gifted, and must therefore rely more on the representations of their native officers, and being free from any local check on their public conduct, their regularity, attention to business, and other judicial habits, are not equal to the wishes of their employers, nor calculated to give general satisfaction.

Q. 21. Do they borrow money to any extent from the natives ?

Ans. Formerly they borrowed to a great amount ; at present this practice is discouraged.

Q. 22. Why are the natives prevailed upon to lend to the judges, and other civilians, money to such an extent ?

Ans. Natives not having any hope of attaining direct consideration from the Government by their merits or exertions, are sometimes induced to accommodate the civil servants with money, by the hope of securing their patronage for their friends and relatives, the judges and others having many situations directly or indirectly in their gift ; sometimes by the hope of benefiting by their friendly disposition when the natives have estates under their jurisdiction ; and sometimes to avoid incurring the hostility of the judge, who, by Regulation IX of 1807, is empowered not only to imprison, but inflict corporal punishment, by his own authority under certain legal pretences on any native, whatever his respectability may be.

Q. 23. What is your opinion of the judicial character and courts ? of the Hindu and Muhammedan lawyers attached to the

Ans. Among the Muhammedan lawyers I have met with some honest men. The Hindu lawyers are in general not well spoken of, and they do not enjoy much of the confidence of the public.

Q. 24. What is your opinion of the official character and conduct of the subordinate native judicial officers.

Ans. Considering the trifling salaries which they enjoy, from 10, 20, 30, or 40 rupees to 100 rupees a month (the last

being the allowance of the head native officer only), and the expenses they must incur, in supporting some respectability of appearance, besides maintaining their families ; (the keeping of a palankeen alone must cost the headman a sum of between 20 and 30 rupees per month), and considering also the extent of the power which they must possess, from their situations and duties as above explained (Q. 15.), and the immense sums involved in the issue of causes pending in the courts, it is not to be expected that the native officers, having such trifling salaries, at least many of them, should not avail themselves sometimes of their official influence, to promote their own interests.

Q. 25. What is your opinion of the professional character and conduct of the pleaders ?

Ans. Many pleaders of the Sudder Dewany Adawlut are men of the highest respectability and legal knowledge, as the judges are very select in their appointment, and treat them in a way which makes them feel that they have a character to support. Those of the provincial courts to appeal are also generally respectable, and competent to the discharge of their duties. In the Zillah courts some respectable pleaders may also be met with, but proper persons for that office are not always very carefully selected ; and in general, I may observe, that the pleaders are held in a state of too much dependence by the judges, particularly in the inferior courts, which must incapacitate them from standing up firmly in support of the rules of the court.

Q. 26. Is bribery and corruption ever practised in the judicial department, and to what extent ?

Ans. I have already intimated my opinion in the answer to Questions 20 and 24.

Q. 27 and 28. Have the respectable and intelligent native inhabitants generally confidence in the purity of the Company's courts and the accuracy of their decisions : and have the native community confidence in the integrity of the subordinate judicial officers.

Ans. Whilst such evils exist as I have above noticed, in my reply to Queries 5, 6, and 7, as well as to Queries 20 and 24, respectable and intelligent native inhabitants cannot be expected to have confidence in the general operation of the judicial system.

Q. 29. *Are the judges influenced in their decision by their native officers ?*

Ans. Those who are not well versed in the native languages, and in the Regulations of government, must necessarily be very much dependent on their native officers, as well as those who dislike to undergo the fatigue and restraint of business, which to Europeans is still more irksome in the sultry climate of India.

Q. 30. *Can you suggest any mode of removing the several defects you have pointed out in the judicial system ?*

Ans. As European judges in India are not generally expected to discharge judicial duties satisfactorily, independent of native assistance, from not possessing a thorough knowledge of the languages, manners, customs, habits, and practices of the people, and as the natives who possess this knowledge have been long accustomed to subordination and indifferent treatment, and consequently have not the power of commanding respect from others, unless joined by Europeans, the only remedy which exists, is to combine the knowledge and experience of the native with the dignity and firmness of the European. This principle has been virtually acted upon and reduced to practice since 1793, though in an imperfect manner, in the constitution of the courts of circuit, in which the Mufti (native assessor) has a voice with the judge in the decision of every cause, having a seat with him on the bench. This arrangement has tolerably well answered the purpose of government, which has not been able to devise a better system in a matter of such importance as the decision of questions of life and death, during the space of forty years though it has been continually altering the systems in other branches. It is my humble opinion, therefore, that the appointment of such native assessors should be reduced to a regular system in the civil courts. They should be appointed by government for life, at the recommendation of the Sudder Dewany Adawlut, which

should select them carefully, with a view to their character and qualifications, and allow them to hold their situations during life and good behaviour, on a salary of from 300 to 400 rupees per mensem. They should be responsible to the government as well as to the public for their decisions, in the same manner as the European judges, and correspond directly with the judicial secretary. A casting voice should be allowed to the European judge, in appointing the native officers, in case of difference of opinion; the native assessor, however, having a right to record his dissent. These assessors should be selected out of those natives who have been already employed for a period of not less than five years as assessors (Mufti), lawyers (Zillah Court Maulavis), or as the head native officers in the judicial department.*

Par. 2. This measure would remove the evils pointed out in the answers to Q. 5 and to Q. 7, Nos. 1, 2 and 3, and also afford a partial remedy to the evils noticed in Nos. 5, 6 and 8 of Answer 7, as well as provide against the evils referred to in answer to Query 24.

Par. 3. In order, however, to render the administration of justice efficient and as perfect as human efforts can make it, and to remove the possibility of any undue influence which a native assessor might attempt to exercise on the bench under a European judge of insufficient capacity, as well as to do away the vexatious delays and grievous suffering attending appeals, it is necessary to have recourse to trial by jury, as being the only effectual check against corruption, which, from the force of inveterate habit, and the contagion of example, has become so notoriously prevalent in India. This measure would be an additional remedy to the evils mentioned in the reply to Query 5 and 7, Nos. 1, 2, 3, and 5, 6, 8, and also in the replies to Query 4, Nos. 2 and 3, as well as in Query 24.

Par. 4. With a view to remove the evils arising from want of publicity of the Regulations, as noticed in No. 7 of Answer

*The native judicial officers are generally versed in Persian, and therefore the proceedings hitherto generally held in that language would be familiar to them.

to the Query 7, two or three copies in each of the principal native languages used in that part of the country should be kept in a building in the populous quarter of the town, under the charge of a keeper on a small salary, and all persons should be freely admitted to read and copy them at leisure from sunrise to sunset. The expense of this would not amount to two pounds a month for each station, and the benefits of it would be incalculable.

Par. 5. In order to remedy the evils arising from the distance of the courts as noticed at Question 4th Answer No. 1, I beg to suggest as follows : The Sudder Ameens, or superior commissioners for the decision of causes under 500 rupees, affecting moveable or immoveable property, are at present stationed at the same place where the zillah judge holds his court, and plaints are at first laid before the judge, who turns them over to one of these commissioners at his own discretion; consequently they afford no remedy for the great distance of the courts from many under their jurisdiction, as this often embraces a circle of 60 or 80 miles. I therefore propose that these Sudder Ameens should be stationed at proportionate distances in different parts of the district, so that suitors may not have to travel far from their homes to file their bills and afterwards to seek and obtain justice; and that one of the assistants of the judge should be stationed in a central position which might enable him (without any additional charge to government as I shall hereafter show) to visit and personally superintend these Ameens, when the judge's station is on or near the border of his district. If it is otherwise situated, one of the assistants of the judge may remain at the head station with the judge, and superintend the commissioners nearest to him, while another assistant being stationed at an appropriate distance, may superintend those who are more remotely situated from the first assistant. There will thus be as complete a check over them as under the present system, and justice will be brought home to the doors of a great majority of the inhabitants of each district, since causes under 500 rupees are exceedingly numerous in every Zillah or City Court.

Par. 6. These assistants may, at the same time, be very usefully employed in checking the dreadfully increasing crime of forgery, by which the course of justice is now so very much impeded in the judicial courts. Written documents of a diametrically opposite nature are, as is well known, constantly laid before these courts, and serve to confound justice and perplex a conscientious bench. Therefore under the proposed system of assistant judges' courts in two different quarters of a district, I would recommend, as highly necessary and expedient to check materially the practice of forgery, that parties to any deed should be required, in order to render the same valid to produce it in open court before the nearest assistant judge, within a certain number of days from the time of its execution. This rule should apply* to all sorts of deeds, contracts and agreements regarding property above 100 rupees in value, such as wills and bills of sale, and c., and money bonds for debts payable at a certain period beyond six months, and upon receiving a fee of from one to two rupees, according to its importance, the assistant judge, after ascertaining the identity of the parties in open court, should immediately affix his signature as witness to the deed and retain a copy of the same in a book of record kept on purpose, duly authenticated and marked to prevent the possibility of interpolation, or any other species of fraud. The sum above allowed as a fee on registering, with a small fixed charge per page for retaining a copy, would be more than sufficient to remunerate any extra trouble attending the duty and the labour of transcribing. To induce the proprietors of land and other respectable persons to appear without reluctance in open court on such occasions, they should be invariably treated with the respect due to their rank. Further to encourage the public to have papers registered, and to satisfy the government that no improper delay takes place in registering them, as well as to prevent the copyists from extorting perquisites, a book should be kept in which the party presenting a paper should in open court enter a memorandum of the day and hour on which he presented it

*By Regulation XXXVI of 1793, the registering of deeds is authorised, but left in the option of the parties.

for registration, and of the day and hour when it was produced and returned to him. This system would materially remedy the evil referred to in answer to Q. 7, No. 6.

Par. 7. The assistant judges should also receive appeals from the Sudder Ameens, and try them in conjunction with a native assessor appointed by the Sudder Dewany Adawlut, on a salary smaller than that of the judges' assessor, that is, perhaps not exceeding 200 rupees a month. In the event of difference of opinion between the assessor and the assistant judge on any case, it should be appealable to the Zillah judge, whose decision should be final ; and as the Sudder Ameens are now paid from the duties on the stamps used and the fees received on the papers filed, so the assistant judges' assessor may be paid in the same manner from the fees and stamps imposed on the appeal causes.

Par. 8. The assistant judge, though not empowered to interfere with the police officers of the interior in the discharge of their duties, should notwithstanding be authorised to receive written complaints of any abuse of their power from persons who feel themselves oppressed by the police, and to forward the same to the head magistrate of the district for his investigation ; as very often the poor villagers or peasants are oppressed by the local police officers, but despair of any relief, from being unable to leave their homes and travel to a distance to the station to seek redress.

Q. 31. Is trial by jury (or any thing resembling it) resorted to at present in any case.

Ans. The principle of juries under certain modifications has from the most remote periods been well understood in this country under the name of Panchayet.

Q. 32. What is the difference between the Jury system and the Panchayet ?

Ans. The Panchayet exists on a very defective plan at present, because the jurors (members of the Panchayet) are not regular in their meetings, have no power to compel the attendance of witnesses, unless by appealing to the court ; they have no judge to preside at their meetings and direct their

proceedings, and are not guarded in any manner from partiality or private influence. They are, in fact, at present only arbitrators appointed by the court with consent of the parties in a cause, each party nominating one arbitrator and the judge a third ; and sometimes both parties agree to refer the decision of the case to one arbitrator.

Q. 33. Why and when was the Panchayet system discouraged ?

Ans. It has not been totally discouraged, but rather placed on a different footing. In former days it was much more important in its functions. It was resorted to by parties at their own option, or by the heads of tribes, who assumed the right of investigation and decision of differences ; or by the government, which handed over causes to a Panchayet.

Q. 34. Do you really think the introduction of any system of Jury trial or Panchayet would be beneficial ?

Ans. Undoubtedly, as shown by the 3rd Par. of my answer to Question 30. Since a Panchayet composed of the intelligent and respectable inhabitants, under the direction of a European judge to preserve order, and a native judge to guard against any private influence, is the only tribunal which can estimate properly the whole bearings of a case, with the validity of the documentary evidence, and the character of the witnesses, who could have little chance of imposing false testimony upon such a tribunal.

Q. 35. Do you think it would be acceptable to the inhabitants ?

Ans. As the Panchayet even in its present very imperfect form is still practised by the inhabitants, it would without doubt be much more so, were it reduced to a regular system, guarded by proper checks, and dignified by judicial forms, which would inspire the whole community with higher respect and confidence for this ancient institution. But whatever length its popularity may go, it is the only system by which the present abuses consisting of perjury, forgery, and corruption can be removed.

Q. 36. Will you explain, in detail, the modification of the Panchayet-jury system which you think best suited to the circumstances of the country ?

Ans. I am of opinion that the Panchayet system should be adopted in conjunction with the plan above stated. (Q. 30). It would be easy to adapt it to the object in view, without imposing any heavy duty on the respectable portion of the native community. Three jurymen, or at most five, would, I conceive, answer the purpose as well as a greater number, and any zillah (district) could easily supply a list from which these might be taken without inconvenience. Three times the number required for sitting on a trial should be summoned, and the persons actually to serve should be taken by lot, so that neither the judges nor the parties may be able to know beforehand what persons will sit on the trial of a cause. The general list of jurymen should be as numerous as the circumstances of the city or zillah (district) will admit. It should be prepared by the European judge at the station, and altered and amended by him from time to time as may seem proper and requisite. He may easily select well qualified juries from respectable and intelligent natives known to be versed in judicial subjects, who reside in considerable numbers at every station. A necessary concomitant to the introduction of juryment will be the sole use of the vernacular dialect of the place to the exclusion of the Persian language in proceedings. Publicity should be as much fostered as possible, and the jury should be kept apart and required to decide without separating, as in the English courts of law. In a trial thus conducted the resort to appeal will cease to be useful, and for the purposes of justice, need only be allowed where there is a difference of opinion betwixt the bench and the jury. For, where judge and jury are unanimous, an appeal would be more likely to produce injustice by vexatious expense and delay, than to rectify error on the part of the inferior court, and ought therefore to be prohibited.

Q. 37. Do you think the natives of the country qualified to discharge judicial functions of this nature, and from what class would you select the jurors ?

Ans. They are assuredly qualified, as I observed before, in answer to Query 19, and the jurors at present may be judiciously selected from retired pleaders (wakils) and retired

judicial officers, from agents employed by private individuals to attend the court (mukhtars) who are generally well qualified, and from the other intelligent and respectable inhabitants as above observed (Answer to Q. 30 and 36). To avoid any undue bias or partiality, both parties in a suit should have a right of objecting to any juryman, who can be shewn to have an interest in the cause, or particular connection with either party.

Q. 38. Do you think the natives competent and eligible to all judicial situations' or only subordinate ones ?

Ans. As many of them, even under the present manifold disadvantages, already discharge all the judicial functions, even the most arduous (see Q. 15), it will not be very difficult, I think, with proper management, to find qualified persons amongst the natives for any duty that may be assigned to them. Many, however, as in other countries, are only fit for subordinate situations.

Q. 39. What advantage do you conceive this Panchayet-jury system would possess over the judicial system now established ?

Ans. First, from the thorough knowledge of the native character possessed by such a tribunal, and of the language of the parties and witnesses, it would not be so liable to error in its decision. Secondly, the jury would be guarded from undue influence by the judge and his assessors. Thirdly, it would guard the assessor from the use of undue influence. Fourthly, it would secure the dispatch of business, and the prevention of delay, and of the need of appeals. The checking of perjury and forgery may also reasonably be hoped from it, besides many other advantages already pointed out.

Q. 40. Are the provincial courts of appeal conducted on the same principles as the district courts to which you have referred ?

Ans. As they are presided over by gentlemen of more experience and longer residence in the country, these courts are generally conducted with greater regularity.

Q. 41. What is the nature of the difference existing between them ?

Ans. Under the Bengal Presidency, in causes above 10,000 rupees, the action must be laid in the provincial court of appeal, and may be decided by one judge. This court takes cognizance also of any case of inferior amount below 10,000 rupees, which may be carried to it by appeal from the decision of or proceedings held by, the judge of the city or district court, and from these provincial appeal courts, appeals can only be made to the Sudder Dewany Adawlut, the highest civil tribunal.

Q. 42. Can you point out any defects in the Sudder Dewany Adawlut, and their remedies ?

Ans. Government has always been very careful in its selection of judges for the Sudder Dewany Adawlut, both as regards their ability and integrity ; and they are fully competent to remove any defects which may exist in the court over which they preside. It is, however, highly desirable that judges of the Sudder Dewany Adawlut should have the power of issuing the writ of habeas corpus, on seeing sufficient grounds for the exercise of this peculiar power, according to the practice of the English courts. But when the person imprisoned is situated at a greater distance from the Sudder courts than fifty miles, the judges of this court, to save useless expense, might direct one of the circuit judges, on whom they could best rely, to investigate the case, and report to them.

Q. 43. What other duties are assigned to the judges of the provincial courts ?

Ans. They are a medium of communication between the Sudder Dewany Adawlut and the inferior courts, and are also judges of circuit.

Q. 44. How many provincial courts are there ?

Ans. There are six provincial courts in the provinces attached to the Bengal Presidency, viz., that of Calcutta, Dhacca, Moorshedabad, Patna, Banares, and Bareilly.

Q. 45. Are not the judges of the provincial courts still judges of circuit ?

Ans. No : they were so formerly ; but about two years ago the local government transferred the duties of judges of circuit from them to the revenue commissioners.

Q. 46. Does any inconvenience arise from making the revenue commissioners also judges of circuit ?

Ans. Such an union of offices is quite incompatible and injurious. The judge of circuit discharges duties of the highest importance, being invested with the power of life and death, and imprisonment during life in chains, the infliction of corporal punishment, and the confiscation of property. He is, besides, charged with the preservation of peace and good order in several extensive districts ; and it is morally impossible, therefore, that he can fulfil the expectation of Government and the public, if his attention be at the same time engrossed and distracted by political, commercial, or revenue transactions. In criminal suits, moreover, he labours under a peculiar disadvantage, not being assisted by a bar composed of persons of liberal education, or by a body of honest, intelligent and independent jurors. The former often proves of essential service to the bench in the king's court, by able expositions of the law as applicable to every case, by great acuteness in cross-examining witnesses, and in the detection of false evidence ; while the importance of the jury is universally acknowledged.

Par. 2. Formerly, when the judges of the provincial courts of appeal did the duties of the circuit, one or two of them used to remain at the station, to attend to the necessary current business, while the others, (one, or sometimes two) were on circuit. But on the present system, the commissioner of revenue being also judge of circuit, when he goes on circuit, all references to him, by the collectors under his jurisdiction, often remain unanswered, and the most important matters in the revenue business are entirely suspended for months together. Although the former Mohammedan governments were subject to the charge of indifference about the administration of justice, they yet perceived the evils liable to arise from an union of revenue and judicial duties. No judge or judicial officer empowered to try capital crimes (as Cazees or Muftis), was ever suffered to become a collector of revenue.

Par. 3. The separation of these two offices has also been established by long practice under the British government,

being one of the leading principles of the system introduced by Lord Cornwallis. Accordingly those young civilians who attached themselves to the revenue line of the service, have advanced by successive steps in that line ; while those again who preferred the judicial, have been in like manner continued and promoted through the different grades in that department of public duty. Therefore, by overturning this system, a gentleman may now be appointed to discharge the highest judicial duties, who never before tried the most trivial cause ; and another to superintend the collectors of revenue, to whose duties he has been all his life a stranger. Mr. E. R. Barwell, Revenue Commissioner and Judge of Circuit of the 24-Purgunnahs, Baraset, Jessore and Burrisal, is an example of the former case ; and Mr. H. Braddon, Revenue Commissioner and Judge of Circuit of Burdwan, Jungul Muhal, and Hooghly, is an instance of the latter.*

Par. 4. The remedy I beg to propose, without further expense attending the establishment, is to separate the duties between two distinct sets of officers, and double the jurisdiction of each. By this arrangement each gentleman discharging one class of duties would find them more easy and simple, though the field embraced was more extensive, and the expense would be the same as under the present system.

Par. 5. The duties of judges and magistrates are not so incompatible as those of the judges of circuit and the commissioners of revenue ; but still separation of these duties is advisable on account of the great weight of the business in the Zillah and city courts. Therefore these two offices (the office of judge and that of magistrate) should be exercised by different individuals. However, the magistrates should assist the judges in the execution of their decrees or orders as they have hitherto done in those districts where the offices of judge and magistrate are separate.

Q. 47. What delay generally takes place in the decision of causes ?

**Vide* the Directories containing the list of civil servants in Bengal.

Academy of the Punjab in North America: <http://www.apnaorg.com>

Ans. In the Zillah courts a cause may be pending on an average about two or three years ; in the courts of appeal four or five years ; and in the Sudder Dewany Adawlut the same period. But if the property in dispute amount to the value of about 50,000 rupees, so as to admit of an appeal to the king in council, the probable period of delay in the decision of such an appeal is better known to the authorities here than to myself.

Q. 48. What is the cause of such delay ?

Ans. It must be acknowledged that irregularity in attending the discharge of the judicial duties, and the want of proper discipline or control over the judicial officers are the main causes of obstruction in the dispatch of the judicial business ; and these daily growing evils in every branch of the judicial establishment have, in a great measure, defeated the object which the government had in view in establishing it. For example, a bill of complaint written on stamp, the first paper in a suit, cannot easily be got on the file unless it be accompanied with some perquisite to the native recorder, whose duty it is to ascertain, first, whether the sum in dispute correspond with the value of the stamp, an act which may be accomplished in a minute or a week, just as it suits the inclination of the examiner. The case is the same with respect to the issuing of the summonses prepared by another native officer, to command the attendance of the person sued, either in person or by a pleader to put in his answer. Summonses, subpoenas, and the processes of the provincial courts are issued against individuals through the judge of the district in which they reside, and a certain period is always allowed for serving these processes ; but neither are the Zillah judges, whose time is otherwise fully occupied, punctual in observing those subordinate duties, nor does the higher court, which is occupied by other important business, take any early notice of the expiration of the time allowed for making the return. The parties are therefore obliged to cultivate a friendly understanding not only with the officers of the provincial court, but also with those of the Zillah or city court. Whether the defendant attends immediately or long after the time allowed

him, or whether he files his answer within the regular prescribed period, or a year afterwards, is treated as if practically immaterial. But delay unintentionally allowed to the parties in filling the requisite papers and in producing their documents and witnesses, is the too frequent source of great abuses ; as the opportunity thus afforded by delay is embraced to invent stories and forge documents in support of them, to procure false witnesses and to instruct them in the manner that appears best calculated to serve the purposes in view.

Par. 2. Moreover, some of the judges are very irregular in calling on causes, choosing any day and any time that suits their convenience to occupy the bench singly. The pleaders, being natives of the country, have little or no influence over the conduct of the judges to prevent such irregularities, and dare not hint dissatisfaction.

Par. 3. I would suggest, with a view to remove irregularities originating in a want of official control, without disregard to economy, that the head writer in each court be required to discharge this duty with some extra remuneration for the same, and be made strictly responsible under an adequate penalty, with proper sureties for his conduct, liable, jointly with him, for any fine he may incur, by want of punctuality proved against him by either party, on complaint to the judge of the court, or of a superior court, or to the judicial secretary.

Par. 4. This superintendent or clerk of the papers should be required to place on the file in open court bills of complaint as well as answers and replies, and c., within the period prescribed in Regulation IV of 1793. These should not be admitted to the records after the time allowed, unless the judge, on motion publicly made, find sufficient reason for prolonging the period, say a week or two in particular cases.

Par. 5. The clerk of the papers should vigilantly watch that no delay takes place in issuing summonses, subpoenas, and other process of the court ; and that the day on which these are ordered to be issued, and the day on which their return is expected should be correctly registered in a separate book kept on purpose.

Par. 6. In case of neglect or wilful disobedience, the superintendent of the papers should immediately submit the circumstance to the notice of the judge. Should the neglect be on the part of the prosecutor, the judge ought immediately to pronounce nonsuit, and if on the part of the defendant, proceed *ex parte* without allowing the neglect to be remedied. Or if the judge does not attend to these rules, the clerk of the papers should be bound to report the circumstance to the superior court, or the judicial secretary on pain of forfeiting his situation. A separate register of the return should also be kept, as well as a register shewing the time when the defendant's answer must be filed—say one month from the day when the summonses are served, as is the case with equity suits in Calcutta; also shewing the hours during which the judge may attend on public duty, and likewise his occasional absence from court with the alleged cause thereof. The superintendent should transmit monthly a copy of each register, with his own remarks, to government through the secretary in the judicial department, for its particular attention to every breach of regularity therein mentioned.

Par. 7. With a view to the same end, every person who chooses should have a right to be present during the trial of causes in any court: the courts, as is generally the case at present, should be so constructed as to afford facilities for a considerable number of persons hearing and witnessing the whole proceedings: any one who chose should be entitled to make notes of the same and publish them, or cause them to be published, in any manner he may think proper for general information, subject to prosecution for intentional error or misrepresentation that might be judicially proved against him before a competent tribunal, and to incur such penalty as it might award. This measure would tend to remove the evil pointed out in answer to Query 7. No. 4.

Q 49. What number of causes may be pending at one time, and undisposed of in the district courts and courts of appeal?

Ans. This depends partly on the comparative degree of industry and attention to business bestowed by the judicial officers, partly on the extent of the district, and amount of

business within the jurisdiction of the respective courts. However the average number of causes pending may be ascertained by a reference to the registers kept, which are not at present accessible to me. My impression is that in some districts they are very numerous. But to shew how much the vigilance and activity of a public officer may accomplish, even in so extensive a district as Hooghly, I may mention that there, under Mr. D. C. Smith, every case is decided in the course of four, five or six months. In the courts of appeal the causes pending are very numerous. Conscientious and active as Mr. Smith is, he is often obliged, from the pressure of business, judicial and magisterial, to authorise his native judicial officers to take the depositions of witnesses in the civil suit.

Q. 50. Could the number of appeal cases be reduced without any disadvantage ?

Ans. Yes, certainly not only without disadvantage but with great positive advantage. 1st, By introducing a more regular system of filing papers and bringing on causes, as above suggested, in answer to Q. 48. 2nd, By the aid of a jury and joint native judge, as proposed in reply to Q. 30. 3rd, By allowing of no appeal unless when there is a difference of opinion in the zillah or city court in giving sentence, as noticed in reply to the Query 36. By these means the business would be at once conducted with more accuracy ; so many litigious suits would not occur ; and there would be very little need of appeals to revise the decisions.

Q. 51. Has the right of appeal to the King-in-Council proved beneficial or otherwise ?

Ans. Owing to the vast distance, the heavy expense, and the very great delay which an appeal to England necessarily involves, owing also to the inaccuracies in the translations of the papers prepared after decision and sent to this country, and to other causes, I think the right of appeal to the king-in-council is a great source of evil and must continue to be so, unless a specific court of appeal be created here expressly for Indian appeal causes above 10,000*l.* At the same time to remove the inaccuracies above noticed, three qualified persons (a European, a Mussalman, and a Hindu) should be nominat-

ed joint translators, and the translations should be furnished within one year from the conclusion of the proceedings in India, and both parties should be allowed to examine the accuracy of the translations thus prepared.* But if the appellant neglect to pay the fees of translation within two months after the decision, the appeal should be quashed.

Q. 52. What is the nature of the duties assigned to the revenue commissioners ?

Ans. They exercise a general superintendence and control over the revenue collectors, with powers similar to those vested in the board at Calcutta, formerly called the board of revenue, and in the board of commissioners for the upper provinces. That board at Calcutta is now the superior authority to which an appeal may be made from the decisions of the present commissioners, (it is in consequence now generally termed the Sudder or supreme board), and thence to the government itself. In other words the office of commissioner is a substitute for the board of revenue, but an appeal being allowed from the one to the other, of course there is abundance of appeals, and a great part of the business is thus transacted twice or thrice over.

Q. 53. What is the nature of the duties assigned to them as judges of the circuit ?

Ans. As judges of circuit they exercise control over the magistrates and try the higher classes of criminal causes, which involve a question of life or death, or to the Sudder Nizamut Adawlat, the highest criminal tribunal.

Q. 54. Does not the discharge of one class of duties interfere with the discharge of another class, which seems to be of a very different nature ?

*In noticing this circumstance, I by no means intend to make the least insinuation to the prejudice of the present translators : but make the statement from my own observation of various translations, and my own experience of the great difficulty or rather impracticability, of rendering accurately large masses of documents from an oriental tongue, and frequently a provincial dialect, into a European language, of which the idioms are so widely different, unless the translator be assisted by persons possessing peculiar vernacular knowledge of the various localities.

Ans. As above noticed (*Ans.* to Q. 46), while they are engaged in the duties of their circuit court, the reports and references from the revenue collectors must remain for several months unanswered : and not only do the people suffer in consequence, but the public business stagnates, as already observed.

Q. 55 and 56 What is the nature of the functions of the judge of circuit, and his native law assessor ? Do they afford each other reciprocal assistance in the discharge of their duties ?

Ans. Both take cognizance of the charges brought before the magistrates and sent to their court ; both hear the evidence and examine the witnesses, and both give their voice in passing the decision, as I observed in Par. 1st, of my *Ans.* to Q. 30. In a vague sense the Mohammedan law assessor may be considered as analagous to the jury in English courts, while the European judicial officer as the judge.

Q. 57. Are the judges generally competent to the discharge of their duties ?

Ans. Some of them are highly qualified ; but it is not expected that European judges should be generally competent to determine difficult questions of evidence among a people whose language, feelings, and habits of thinking and acting are so totally different from their own.

Q. 58. Are the native law assessors generally competent ?

Ans. They are generally so : some of the (Muftis Mussulman law assessors) are men of such high honour and integrity, that they may be entrusted with the power of a jury with perfect safety ; and they are all of the most essential utility, and indeed the main instrument for expediting the business of the criminal courts. However highly or moderately qualified the European judges may have been, the business has been advantageously conducted through the assistance and co-operation of these Mohammedan assessors for a period of 40 years past.

Q. 59. If they should differ in opinion, what course is adopted ?

Ans. The case is then referred to the Nizamut Adawlat (the highest criminal tribunal).

Q. 60. What course do the judges of the Nizamut Adawlat adopt ?

Ans. If the judge of the supreme criminal court, before whom the referred case comes, should, after consulting with the Muftis of that court concur in the opinion of the circuit judge, his decision is confirmed and carried into execution. But should the Sudder Nizamut (supreme criminal) judge differ from the opinion of the circuit judge, the case is then submitted to a second, or if necessary, to a third Sudder Nizamut judge, and the opinion given by two Sudder judges against one, is final.

Q. 61 Are the judges of the supreme criminal court also judges of the highest civil court ?

Ans. Yes ; and very deservedly.

Q. 62 Are they generally competent to the discharge of their duties ?

Ans. I have already observed (Q. 42.) that they are highly competent.

Q. 63. As it is of the highest importance that the courts of circuit should be above all corruption ; can you suggest any means of improving them ?

Ans. Courts which have the disposal of life and death are undoubtedly of very high importance ; and I would therefore propose instead of only one law assessor (who stands in place of a jury) that three or five (at least three) law assessors should be attached to each court, while trials are going on.

Q. 64. From what class of men would you select the jur es in the criminal courts ?

Ans. The criminal law now established in India has been very judiciously founded on the Mohammedan criminal law. It has however been so greatly modified by the acts of government from time to time since 1793, that it, in fact, constitutes a new system of law, consisting partly of its original basis, and partly of the government regulations. But it has been made a regular study only by the respectable Mohammedans, who,

when they attain a certain proficiency, are styled Maulvies, a term equivalent to Doctors of Law. Formerly two of these were attached to each court of circuit, and one to each district court. Of late the office of Maulvi of circuit having been abolished, the Maulvi or Mufti of the Zillah (district) court has been ordered by government to officiate as Mufti of circuit, while the judge of circuit is engaged in the trial of the criminal causes of that district. Thus he alone, as assessor of the judge of circuit, is entrusted with the powers usually assigned to a jury in a British court ; having the power of delivering his opinion on every case at the close of the trial.

Par. 2. With a view to lessen the abuse of the great power thus given, it is highly desirable that government should adopt the following precaution : The judge of circuit previous to his departure for any Zillah (district) or city to try criminal causes, should summon, through the magistrate, one or two additional Maulvis attached to the adjacent courts, with a few other learned, intelligent and respectable inhabitants of that district or city, to join him on his arrival with a moderate extra allowance for their services, and every morning before he takes his seat on the bench, the judge should, without previous intimation, direct three of them to sit with him during the whole trials that may come on for that day as his law assessors and they should be required to deliver their opinions in each case in open court, immediately after the close of the proceedings without previous opportunity of communicating with any one whatever, on the same principle as an English jury : and the judge should immediately inform the parties of the verdict, to put an end to all intrigues. The judge of circuit should also be required to keep a vigilant watch over the proceedings of the magistrates within his jurisdiction, and to institute an investigation personally and on the spot, into any complaint preferred against them, whenever he sees sufficient ground for adopting this prompt measure ; and the judge of circuit only should have the power of inflicting corporal punishment ; not any magistrate as injudiciously authorised by Regulation IX of 1807, Sec. 19th.

Q. 65. What would be their duty ? Precisely like that of a jury, or like that of the law assessors as hitherto employed ?

Ans. More resembling that of the law assessors as hitherto employed. The difference between them is not important, and the result would be the same.

Q. 66. *Should not the jury be selected from persons of all religious sects and divisions ?*

Ans. Since the criminal law has hitherto been administered by the Mohammedans ; to conciliate this class, the assessors should still be selected from among them, until the other classes may have acquired the same qualifications, and the Mohammedans may become reconciled to co-operate with them.

Q. 67. *Do you think any alteration necessary in the system of criminal law now established ?*

Ans. As the criminal laws now established are already in general very familiar to the natives, I think they may better remain in their present state, until the government may be able to introduce a regular code.

Q. 68. *In what manner do you think a code of criminal law could be framed suitable to the wants of the country ?*

Ans. A code of criminal law for India should be founded as far as possible on those principles which are common to, and acknowledged by all the different sects and tribes inhabiting the country. It ought to be simple in its principles, clear in its arrangement, and precise in its definitions : so that it may be established as a standard of criminal justice in itself, and not stand in need of explanation by a reference to any other books of authority, either Mohammedan or Christian. It is a subject of general complaint that persons of a certain high rank, however profligate some of them may be, are, from political considerations, exempted from the jurisdiction or control of the courts of the law. To remedy this inconvenience, in the proposed code, so as to give general satisfaction, without disregarding the political distinctions hitherto observed, it may perhaps be expedient for government to order such persons to be tried by a special commission, composed of three or more persons of the same rank. This very regulation, when once known to them, would, in all probability, deter them from committing

any very gross act of tyranny or outrage upon their dependants or others.

Q. 69. What period of time would it take to frame such a code, and by whom could it be done satisfactorily ?

Ans. It must require at least a couple of years to do it justice ; and it ought to be drawn up by persons, thoroughly acquainted with Mohammedan and Hindu law, as well as the general principles of British law.

Q. 70. Are the judges capable of regulating their proceedings by such a code of laws ?

Ans. At present they are not generally capable of performing their judicial duties independent of the aid of the assessors ; but with a proper code, as above supposed, they might, most of them, in no great period, by making it a regular study, become much more capable of administering justice by it than they are by the present system.

Q. 71, 72. Would not the detention of the young civilians in England to obtain a regular legal education be injurious by delaying their proceeding to India for several years, as that period of life, when they are best capable to acquire the native languages ? Do you conceive that any disadvantages arise from civilians going out at an early age ?

Ans. This is a subject which merits the deepest consideration of the legislature. Young men sent out at an early age, before their principles are fixed, or their education fully matured, with the prospect of the highest power, authority, and influence before them, occupying already the first rank in society immediately on their arrival, and often without the presence of any parent, or near relative to advise, guide or check them, and surrounded by persons ready, in the hope of future favours and patronage, to flatter their vanity and supply money to almost any extent to their too easily excitable passions—are evidently placed in the situation calculated to plunge them into many errors, make them overstep the bounds of duty to their fellow creatures and fellow subjects, and to relax whatever principles of virtue may have been implanted in their yet inexperienced

minds. The excuse made for so injudicious an arrangement, that it is favourable to the acquisition of the native languages, is of no weight ; for it may be observed that the missionaries, who are usually sent out at the age of from 25 to 35 years, acquire generally in two or three years so thorough a knowledge of these languages as to be able to converse freely in them and even to address a native audience with fluency in their own tongue. In fact the languages are easily acquired at a mature as well as at an immature age by free communication with the people. Moreover, by the system of native assessors, juries and other helps to the judges and magistrates, and by the gradual substitution of English for Persian, as above proposed, so extensive and minute a knowledge of the native languages would not be requisite. In short, from the present system of sending out youths at so early an age, very serious evils arise to themselves, as well as to the Government, and to the public. 1st, With respect to themselves, they are too often seduced into habits which prove ruinous to their health and to their fortunes, becoming thereby involved in debts from which many of them are never afterwards able to extricate themselves without having recourse to improper means. 2ndly, These embarrassments interfere very seriously with their duty to Government and the public, as the persons to whom they are indebted generally surround them, and seize every opportunity of enriching themselves which their situation and influence put in their way. 3rdly, Their indiscreet choice of native officers from youthful partialities, and the thoughtless habits acquired in early days, amid power and influence, prove very injurious to the community. Therefore no civil servant should be sent to India under 24 or at least 22 years of age, and no candidate among them should be admitted into the judicial line of the service, unless he can produce a certificate from a professor of English law to prove that he possesses a competent knowledge of it. Because, though he is not to administer English law, his proficiency therein will be a proof of his capacity for legal studies and judicial duties, and a knowledge of the principles of jurisprudence as developed in one system of law will enable him to acquire more readily any other system ; just as the study of the ancient and dead languages improves our knowledge of modern

tongues. This is so important, that no public authority should have the power of violating the rule, by admitting to the exercise of judicial functions any one who has not been brought up a lawyer.

Q. 73 How are the laws of inheritance regulated ?

Ans. The property of Mohammedans descends and is divided according to their own law of inheritance ; and the property of Hindus according to theirs : and of other sects also agreeably to their respective laws of inheritance.

Q. 74. What books do the Hindu lawyers officially attached to the courts follow as law authorities ?

Ans. There are various books, but in Bengal they chiefly follow the Dayabhaga, with occasional reference to other authorities ; and in the western province, and a great part of the Dakhan they follow the Mitakshara principally.

Q. 75. What books do the Mohammedan lawyers follow the authorities ?

Ans. The majority of the Mussulmans of Hindustan follow the doctrines of Abu Hanifah and his disciples ; consequently the Hidaya is their chief law authority ; but they also refer to some other books of decision or cases such as the Fatawae Alamgiri and others.

Q. 76. Is there any mode by which the two authorities now so voluminous and perplexing, might be simplified in such a manner as to prevent the native lawyers from misleading the courts, and confounding the rights of property ?

Ans. To effect this great and pre-eminently important object, a code of civil law should be formed on similar principles to those already suggested for the criminal code, and this, as well as the former, should be accurately translated, and published under the authority of government. By printing off large impressions, and distributing them, at prime cost, in the current languages of the people, they might render the rights of property secure ; since, these being clear and well-known to the whole community, it would be impossible for any designing man to induce an intelligent person to enter upon litigious suits. The law of inheritance should, of course, remains as at

present with modifications peculiar to the different sects, until by the diffusion of intelligence the whole community may be prepared to adopt one uniform system. At present when a new regulation, drawn up by any officer of government and submitted to it, is approved of, it immediately becomes law when promulgated, the same as an act of parliament in this country, when approved of, discussed, and sanctioned by king, lords and commons. From the want of sufficient local knowledge and experience on the part of the framers of such regulations, they are often found not to answer in practice, and the local government is thus frequently obliged to rescind the whole or part of them. I would therefore suggest that if any new regulation be thought necessary before the completion of the civil and criminal codes above proposed, great care and precaution should be observed in its enactment. With this view every such project of law before it is finally adopted by the government, should be printed and a copy sent directly from Government, not only to the judges of the Sudder Dewany Adawlat, and the members of the Board of Revenue, and c., but also to the advocate-general on the part of the Honourable Company, to the principal Zamindars, such as the Rajans of Burdwan, Behar, Banares, & c., and to the highly respectable merchants such as Jaggat Set at Murshedabad, Baboo Baijnath at Patna, and the representatives of Baboo Manohar Dass at Benares, also to the Muftis of the Sudder Dewany Adawlat, and the head native officers of the Boards of Revenue, for their opinion on each cause of the Regulation to be sent in writing within a certain period. Because these being the persons who are affected by the Regulations, they will be cautious of recommending any that is injurious.* It should still be optional, however, with government to be guided or not by their suggestions. But a copy of the minutes made by the different parties abovenamed should accompany the Regulations, when these are to be transmitted to England for the consideration of the court of directors, and parliament; and there should be a standing committee of the

*In the case of those parties who do not understand English, the draft regulations, when sent to them, should be accompanied with a translation.

House of Commons, to take the whole regulations and minutes into consideration, and report to the House from time to time on the subject, for their confirmation or amendment.

In such matters as those of war and peace, it may be necessary that the local government should act on its own discretion and responsibility according to existing circumstances, notwithstanding the opinion of the government in England. But as the affairs of India have been known to the authorities in Europe, for such a series of years, in matters of legislation, the local government should be bound to carry into effect any regulations or order in judicial and revenue matters sent out, formally enacted by the British government, or the Court of Directors under the express sanction of the Board of Commissioners for the control of the affairs of India, although the local Government might still remonstrate against them to the home authorities.

The attention thus shewn by the government at home and abroad, to the feelings and interests of the Zamindars, and merchants, as principal members of the community, though it would not confer upon them any political power, give them an interest in the government, and inspire them with greater attachment to it, and also the whole community, as being under their influence, and in general receiving its opinions from them.

Q. 77. Should the civil servants, in the judicial, and revenue departments, be educated expressly for the particular line of the service in which they are engaged, or is it advantageous to transfer them from one branch of it to another ?

Ans. It is found by experience that persons, by long habit in the performance of any particular duties, become not only more dexterous in but more reconciled and even attached to them, and find them less irksome than others to which they have not been accustomed. In my humble opinion, the duties of a judge are not inferior in difficulty to those of any other profession whatever, nor is the qualification requisite for them to be acquired with less experience. It has been alleged that the revenue officers, when converted into judicial officers, must be

better judges of revenue causes. But on this principle, commercial officers ought to become judges for the sake of commercial causes, agriculturists for agricultural causes, and mechanists for mechanical disputes. However, as matters of revenue, commerce, agriculture, and c., are decided on the general principles of law and justice, any such special preparation has never been found necessary: therefore those two classes of duties should be kept quite distinct, if it is wished that either of them be performed well.

Q. 78. Can you offer any other suggestions for the improvement of the Judicial Establishment?

Ans. 1st. In order to keep the judicial officers above temptation, their salaries should not be reduced. 2ndly. With the additional aids and checks of joint native judges, assessors, and juries above proposed, (*Ans. to Q. 30.*) all civil courts of appeal may be dispensed with, except the supreme civil court (*Sudder Dewany Adawlat*), and thus a very considerable saving may be effected by the government. One-tenth of this saving will suffice to support all the native assessors, juries, and c., above recommended (*Q. 30.*) 3rdly. By gradually introducing the natives into the revenue departments under the superintendence of European officers, (as I proposed in my *Appendix A*, on the revenue system), and in the judicial department in cooperation with them, the natives may become attached to the present system of government, so that it may become consolidated, and maintain itself by the influence of the intelligent and respectable classes of the inhabitants, and by the general goodwill of the people, and not any longer stand isolated in the midst of its subjects, supporting itself merely by the exertion of superior force.

Par. 2. Should the gradual introduction of the natives into places of authority and trust as proposed, be found, not to answer the expectations of Government, it would then have the power of stopping their further advancement, or even of reversing what might have been already done in their favour. On the contrary, should the proposed plan of combining Native with European officers have the effect of improving the condition of

the inhabitants and of simulating them with an ambition to deserve the confidence of the government, it will then be enabled to form a judgment of the practicability and expediency of advancing natives of respectability and talent to still higher situations of trust and dignity in the state, either in conjunction with or separately from their British fellow subjects.

Par. 3. In conclusion, I deem it proper to state that, in preparing my replies to these queries, I have not been biassed by the opinions of any individual whatsoever ; nor have I consulted with any person or even referred to any work which treats on the subject of India. I have for the facts consulted only my own recollections ; and in regard to the opinions expressed, I have been guided only by my conscience, and by the impressions left on my mind by long experience and reflection. In the improvements which I have ventured to suggest, I have kept in view equally the interests of the governors and the governed ; and without losing sight of a just regard to economy. I have been actuated by a desire to see the administration of justice in India placed on a solid and permanent foundation.

DADABHAI NAOROJI

[Dadabhai Naoroji (1825-1917), known as 'the Grand Old Man of India', is rightly regarded as one of the foremost patriarchs of Indian nationalism. He appreciated British system of administration in very clear terms and yet he criticised it in the name of economic exploitation and degradation of the country. He strengthened the case of Indian nationalism by offering an authentic economic interpretation of Indian politics. In his numerous speeches and statements made in the British House of Commons as well as at other places in India and abroad, he consistently lauded the achievements of the English rule in India and, at the same time, condemned it for causing poverty in India. He sincerely appealed to the English leaders to introduce constitutional reforms in India so that the people of our country have the benefits of the English rule. As one of the founding fathers of the Indian National Congress, he continued to serve it and, as Pattabhi Sitaramayya says, took it through the whole gamut of evolution from the humble position of being a people's organ seeking redress of administrative grievances to that of a National Assembly working for the definite object of gaining 'Swaraj']

ON MORAL POVERTY OF INDIA*

In my last paper I confined myself to meeting Mr. Danvers' line of argument on the question of the material destruction

*Memorandum No. 2 on The Moral Poverty of India and Native Thoughts on the Present British Indian Policy dated 16 November, 1880.

and impoverishment of India by the present British Indian policy. I endeavoured to show that this impoverishment and destruction of India was mainly caused by the unnatural treatment it received at the hands of its British rulers, in the way of subjecting it to a large variety of expenditure upon a crushing foreign agency both in India and England, whereby the children of the country were displaced and deprived of their natural rights and means of subsistence in their own country ; that, by what was being taken and consumed in India itself, and by what was being continuously taken away by such agency clean out of the country, an exhaustion of the very life blood of the country was unceasingly going on that not till this disastrous drain was duly checked, and not till the people of India were restored to their natural rights in their own country, was there any hope for the material amelioration of India.

In this memorandum I desire to submit for the kind and generous consideration of his Lordship the Secretary of State for India that, from the same cause of the deplorable drain, besides the material exhaustion of India, the moral loss to her is no less sad and lamentable.

With the material wealth go also the wisdom and experience of the country. Europeans occupy almost all the higher places in every department of Government directly or indirectly under its control. While in India they acquire India's money, experience, and wisdom ; and when they go, they carry both away with them, leaving India so much poorer in material and moral wealth. Thus India is left without, and cannot have those elders in wisdom and experience who in every country are the natural guides of the rising generations in their national and social conduct, and of the destinies of their country ; and a sad, sad loss this is.

Every European is isolated from the people around him. He is not their mental, moral or social leader or companion. For any mental or moral influence or guidance or sympathy with the people he might just as well be living in the moon. The people know not him, and he knows not, nor cares for the

people. Some honorable exceptions do, now and then, make an effort to do some good if they can, but in the very nature of things these efforts are always feeble, exotic, and of little permanent effect. These men are not always in the place, and their works die away when they go.

The Europeans are not the natural leaders of the people. They do not belong to the people; they cannot enter their thoughts and feelings; they cannot join or sympathise with their joys or griefs. On the contrary, every day the estrangement is increasing. Europeans deliberately and openly widen it more and more. There may be very few social institutions started by Europeans in which Natives, however fit and desirous to join, are not deliberately and insultingly excluded. The Europeans are, and make themselves strangers in every way. All they effectually do is to eat the substance of India, material and moral, while living there, and when they go, they carry away all they have acquired, and their pensions and future usefulness besides.

This most deplorable moral loss to Indian needs most serious consideration, as much in its political as in its national aspect. Nationally disastrous as it is, it carries politically with it its own Nemesis without the guidance of elderly wisdom and experience of their own natural leaders, the education which the rising generations are now receiving is naturally leading them (or call a misleading them if you will) into direction which bode no good to the rulers and which, instead of being the strength of the rulers as it ought to be and can be, will turn out to be their great weakness. The fault will be of the rulers themselves for such a result. The power that is now being raised by the spread of education, though yet slow and small, is one that in time must, for weal or woe, exercise great influence; in fact, it has already begun to do so. However strangely the English rulers, forgetting their English manliness and moral courage, may, like the ostrich, shut their eyes, by gagging acts or otherwise, to the good or bad influences they are raising around them, this good or evil is rising nevertheless. The thousands that are being sent out by the universities every

year find themselves in a most anomalous position. There is no place for them in their motherland. They may beg in the streets or break stones on the roads for ought the rulers seem to care for their natural rights, position and duties in their own country. They may perish or do what they like or can, but scores of Europeans must go from this country to take up what belongs to them, and that in spite of every profession, for years and years past and up to the present day, of English statesmen, that they must govern India for India's good, by solemn Acts and declarations of Parliament, and, above all, by the words of the august Sovereign herself. For all practical purposes, all these high promises have been hitherto almost wholly the purest romance, the reality being quite different.

The educated find themselves simply so many dummies, ornamented with the tinsel of school education, and then their whole end and aim of life is ended. What must be the inevitable consequence? A wild spirited horse, without curb or reins, will run away wild, and kill and trample upon every one that comes in his way. A misdirected force will hit anywhere, and destroy anything. The power that the rulers are, so far to their credit, raising will, as a Nemesis, recoil against themselves, if, with this blessing of education, they do not do their whole duty to the country which trusts to their righteousness, and thus turn this good power to their own side. The Nemesis is as clear from the present violence to nature, as disease and death arise from uncleanness and rottenness. The voice of the power of the rising education is, no doubt, feeble at present. Like the infant, the present dissatisfaction is only crying at the pains it is suffering. Its notions have not taken any form or shape or course yet, but it is growing. Heaven only knows what it will grow to! He who runs may see that if the present material and moral destruction of India continues, a great convulsion most inevitably arise, by which either India will be more and more crushed under the iron heel of despotism and destruction, or may succeed in shattering the destroying hand and power. Far, far is it from my earnest prayer and hope that such should be the result of the British rule. In this rule there

is every element to produce immeasurable good, both to India and England, and no thinking Native of India would wish harm to it, with all the hopes that are yet built upon the righteousness and conscience of the British statesman and nation.

The whole duty and responsibility of bringing about this desired consummation lies upon the head and in the hands of the Indian authorities *in England*. It is no use screening themselves behind the fiction and excuse that the Viceroys and authorities in India are difficult to be got to do what they ought, or that they would do all that may be necessary. They neither can nor will do this. They cannot go against Acts of Parliament on the one hand, and on the other, the pressure of European interests, and of European selfishness and guidance, is so heavy in India, that the Viceroys in their first years are quite helpless, and get committed to certain course ; and if, in time, any of them happening to have sufficient strength of character and confidence in their own judgment, are likely to take matters in their own hands, and, with any moral courage, to resist interests hostile or antagonistic to the good of the people, the end of their time begins to come near, their zeal and interest begin to flag, and soon they go away, leaving India to roll up Sisyphus's stone again with a new Viceroy. It is the highest Indian authority here the Secretary of State for India, upon whom the responsibility wholly rests. He alone has the power, as a member of and with the weight of the British Cabinet, to guide the Parliament to acts worthy of the English character, conscience, and nation. The glory or disgrace of the British in India is in his hands. He has to make Parliament lay down, by clear legislation, how India *shall* be governed for "India's good," or it is hopeless for us to look forward for any relief from our present material and moral destruction and for future elevation.

Englishmen sometimes indulge the notion that England is secure in the division and disunion among the various races and nationalities of India. But even in this new forces are working their way. Those Englishmen who sleep such foolish

sleep of security knows very little of what is going on. The kind of education that is being received by thousands of all classes and creeds is throwing them all in a similar mould ; a sympathy of sentiment, ideas, as aspirations is growing amongst them ; and, more particularly, a political union and sympathy is the first fruit of the new awakening, as all feel alike their deprivation and the degradation and destruction of their country. All differences of race and religion, and rivalry, are gradually sinking before the common cause. This beginning, no doubt, is at present insignificant ; but it is surely and steadily progressing. Hindus, Mahomedans, and Parsees are alike asking whether the English rule is to be a blessing or a curse. Politics now engross their attention more and more. This is no longer a secret, or a state of things not quite open to those of our rulers who would see. It may be seen that there is scarcely any union among the different nationalities and races in any shape or ways of life, except only in political associations. In these associations they go hand in hand, with all the fevour and sympathy of a common cause. I would here touch upon a few incidents, little though they are, showing how nature is working in its own quiet way.

Dr. Birdwood has brought to the notice of the English public certain songs now being spread among the people of Western India against the destruction of Indian industry and arts. We may laugh at this as a futile attempt to shut out English machine-made cheaper goods against hand-made dearer ones. But little do we think what this movement is likely to grow into, and what new phases it may take in time. The songs are at present directed against English wares, but they are also a natural and effective preparation against other English things when the time comes. If the English in their blindness allow such times to come. The songs are full of loyalty, and I have not the remotest doubt in the sincerity of that loyalty. But if the present downward course of India continues. If the mass of the people at last begin to despalt of any amelioration, and if educated youths, without the wisdom and experience of the world, become their leaders, it will be but a

very, very short step from loyalty to disloyalty, to turn the course of indignation from English wares to English rule. The songs will remain the same ; one word of course for the rule will supply the spark.

Here is another little incident with its own significance. The London Indian Society, a political body of many of the Native residents of London, had a dinner the other day, and they invited guests. The three guests were, one Hindu, one Mohomedan, and one Parsee. The society itself is a body representing nearly all the principal classes of India. It is small, and may be laughed at as uninflunential and can do nothing. But it shows how a sympathy of political common cause is bringing the different classes together, and how, in time, such small seeds may grow into large trees. Every member of this little body is carrying back with him ideas which as seeds, may produce crops, sweet or bitter, according to the cultivation they may receive at our rulers hands.

I turn to one bright incident on the other side. True to their English nature and character, there are some Englishmen who try to turn the current of Native thought towards an appreciation of English intentions, and to direct English thought towards a better understanding of England's duty to India. The East India Association is doing this beneficent work, more especially by the fair and English character of its course of bringing about free and full discussion upon every topic and from every point of view, so that, by a sifting of the fuil expression of different views truth may be elicited. Though yet little appreciated by the English public, the English members of this Association are fulfilling the duty of patriotism to their own country and of benefaction towards India. How far their good efforts will succeed is yet to be seen. But they at least do one thing. These Englishmen, as well as public writers like Fawcett, Hyndman, Perry, Caird, Knight, Bell, Wilson, Wood, and others, vindicate to India the English character, and show that when Englishmen as a body will *understand* their duty and responsibility, the Natives of India may fairly expect a conduct of which theirs is a sample a desire, indeed to act rightly by India. The example and earnestness of these Englishmen,

though yet small their number, keep India's hope alive—that England will produce a statesman who will have the moral courage and firmness to face the Indian problem, and do what the world should expect from England's conscience, and from England's mission to humanity.

I have thus touched upon a few incidents only to illustrate the various influences that are at work. Whether the result of all these forces and influences will be good or bad remains, as I have said, in the hands of the Secretary of State for India.

In my last paper I said the thinking Natives were as yet staunch in their loyalty to the British rule, as they were yet fully hopeful of the future from the general character and history of the English people. They believe that when the conscience of the English nation is awakened, it will not be long before India receives full and thorough redress for all she has been suffering. While thus hopeful of the future, it is desirable that our rulers should know and consider what, as to the past, is passing in many a thinking Native mind.

They are as grateful as any people can be for whatever real good of peace and order and education has been done for them, but they also ask what good, upon the whole, England has done to India. It is sadly poor, and increasing in poverty, both material and moral. They consider and bewail the unnatural treatment India has been receiving.

They dwell upon the strange contrast between the words and deeds of the English rulers: how often deliberate and solemn promises are made and broken. I need not here instance again what I have at some length shown in my papers on the poverty of India under the heading of "Non-Fulfilment of Solemn Promises."*

*The Duke of Argyll, as Secretary of State for India said in his speech of 11th March, 1869, with regard to the employment of Natives, in the Covenanted Service. "I must say that we have not fulfilled our duty of the promises and engagements which we have made."

I would refer here to one or two characteristic instances only. The conception for an Engineering College in London was no sooner formed than it became an accomplished fact ; and Mr. Grant Duff, then Under-Secretary of State, in his place of Parliament, proclaimed what great boons "we" were conferring on the English people, but quite oblivious at whose sacrifices. It was an English interest, and the thing was done as quick as it was thought of. On the other hand, a clause for Native interests, proposed in 1867, took three years to pass, and in such a form as to be simply ineffectual. I asked Sir Stafford Northcote, at the time of the proposal, to make it some way imperative, but without effect. Again, after being passed after three years, it remained a dead letter for seven years more, and might have remained so till Doomsday for aught any of the Indian authorities cared. But thanks to the persevering exertions of one of England's true sons, Sir Erskine Perry, some steps were at least taken to frame the rules that were required, and it is now, in the midst of a great deal of fine writing, making some, though very slow, progress. For such, even as it is, we are thankful ; but greater efforts are necessary to stem the torrent of the drain. Turning to the Uncovenanted Service, Sir Stafford Northcote's despatch of 8th February, 1868, declared that Europeans should not be allowed in this service to override "the inherent rights of the Natives of the country." Now, in what spirit was this despatch treated till very lately ? Was it not simply, or is it not even now, almost a dead letter ?

In the matter of the load of the public debt of India, it is mainly due to the wars of the English conquests in India, and English wars abroad in the name of India. Not a farthing has been spent by England for its British Indian Empire. The burden of all England wars in Asia has been thrown on India's shoulders. In the Abyssinian War, India narrowly and lightly escaped ; and in the present Afghan War, her escape from whatever portion she may be saved is not less narrow. Though such is the character of nearly the whole of the public debt (excluding for public works), being caused by the actions by which England has become the mistress of a great Empire, and

thereby the first nation in the world, she would not move her little finger to give India any such help as is within her power, without even any material sacrifice to herself, viz., that of guaranteeing this public debt, so that India may derive some little relief from reduced interest.

When English interests are concerned, their accomplishment is often a foregone conclusion. But India's interests always require long and anxious thought—thought that seldom begins, and when it does begin, seldom ends in any thorough good result. It is useless to conceal that the old pure and simple faith in the honour and word of the English rulers is much shaken, and were it not for the faith in the conscience of the statesmen and people in *this* country, any hope of good by an alteration of the present British Indian policy would be given up.

The English rulers boast, and justly so, that they have introduced education and Western civilisation into India; but, on the other hand, they act as if no such thing had taken place, and as if all this boast was pure moonshine. Either they have educated or have not. If they deserve the boast, it is a strange self-condemnation that after half a century or more of such efforts, they have not yet prepared a sufficient number of men fit for the service of their own country. Take even the Educational Department itself. We are made B. A.'s and M. A.'s and M. D.'s, etc., with the strange result that we are not yet considered fit to teach our countrymen. We must yet have forced upon us even in this department, as in every other, every European that can be squeezed in. To keep up the sympathy and connection with the current of European thought, an English head may be appropriately and beneficially retained in a few of the most important institutions, but as matters are at present, all boast of education is exhibited as so much sham and delusion.

In the case of former foreign conquests, the invaders either retired with their plunder and booty, or became the rulers of the country. When they only plundered and went back, they made, no doubt, great wounds: but India, with her industry,

revived and healed the wounds. When the invaders became the rulers of the country, they settled down in it, and whatever was the condition of their rule, according to the character of the sovereign of the day, there was at least no material or moral drain in the country*. Whatever the country produced remained in the country ; whatever wisdom and experience was acquired in her services remained among her own people. With the English the case is peculiar. There are the great wounds of the first wars in the burden of the public debt, and those wounds are kept perpetually open and widening, by draining away the life-blood in a continuous stream. The former rulers were like butchers hacking here and there, but the English with their scientific scalpel cut to the very heart, and yet, lo ! there is no wound to be seen, and soon the plaster of the high talk of civilisation, progress, and what not, covers up the wound ! The English rulers stand sentinel at the front door of India, challenging the whole world, that they do and shall protect India against all comers and themselves carry away by a back-door the very treasure they stand sentinel to protect.

In short, had England deliberately intended to devise the best means of taking away India's wealth in a quiet continuous drain without scandalising the world, she could not have hit upon a more effectual plan than the present lines of policy. A Viceroy tells us the people of India enjoy but scanty subsistence ; and this is the outcome of the British rule.

*Sir Stafford Northcote, in his speech in Parliament on 24th May, 1867, said: "Nothing could be more wonderful than our Empire in India, but we ought to consider on what conditions we held it, and how our predecessors held it. The greatness of the Mogul Empire depended upon the liberal policy that was pursued by men like Akbar availing themselves of Hindu talent and assistance, and identifying themselves as far as possible with the people of the country." He thought that they ought to take lesson from such a circumstance, and if they were to do their duty towards India, they could only discharge that duty by obtaining the assistance and counsel of all who were great and good in that country. It would be absurd for them to say that there was not a large fund of statesmanship and ability in the Indian character." *Times*, 25th May, 1867.

No doubt the exertions of individual Europeans at the time of famines may be worthy of admiration ; the efforts of Government and the aid of the contributions of the British people to save life, deserve every gratitude. But how strange it is that the British rulers do not see that after all they themselves are the main cause of the destruction that ensues from droughts ; that it is the drain of India's wealth by *them* that lays at their own door the dreadful results of misery, starvation, and deaths of millions ; England does not know famines, be the harvest however bad or scanty. She has the means of buying her food from the whole world. India is being unceasingly deprived of these means, and when famine comes, the starving have to be taxed so much more to save the dying.

England's conduct in India is in strange contrast with her conduct with almost any other country. Owing to the false groove in which she is moving, she does violence to her own best instincts. She sympathises with and helps every nationality that struggles for a constitutional representative government. On the one hand, she is the parent of, and maintains, the highest constitutionalism ; and, on the other, she exercises a clear and, though thoughtlessly, a despoiling despotism in India, under a pseudo-constitutionalism, in the shape of the force of the present Legislative Councils.

Of all countries in the world, if any one has the greatest claim, on England's consideration, to receive the boons of a constitutional representative government at her hands, and to have her people governed as England governs her own, that country is India, her most sacred trust and charge. But England, though she does everything she can for other countries, fights shy of, and makes some excuse or other to avoid, giving to the people of India their fair share in the legislation of their country. Now I do not mean to say that India can suddenly have a full blown Parliament, and of such wide-spread representation as England enjoys. But has England made any honest efforts to gradually introduce a true representation of the people, excepting some solitary exceptions of partial municipal representation ? I need not dwell upon the

present farce of the nomination system for the Legislative Councils, and of the dummies that are sometimes nominated. I submit that a small beginning can be well made now. I would take the Bombay Presidency as an instance. Suppose the present Legislative Council is extended to twenty-one members, thirteen of these to be nominated from officials and non-officials by the Government, and eight to be elected by the principal towns of the Presidency. This will give Government a clear majority of five, and the representative element, the minority, cannot do any harm, or hamper Government; in England the majority determines the Government. In India this cannot be the case at present, and so the majority must follow the Government. It would be, when something is extremely outrageous, that the minority would, by force of argument and truth, draw towards it the Government majority; and even in any such rare instance, all that will happen will be that Government will be prevented from doing any such outrageous things. In short, in such an arrangement, Government will remain all powerful, as it must for a long time to come; while there will be also independent persons, actually representing the people, to speak the sentiments of the people; thereby giving Government the most important help, and relieving them from much responsibility, anxiety, and mistakes. The representative element in the minority will be gradually trained in constitutional government. They will have no inducement to run with with prospects of power; they will have to maintain the reasons of their existence, and will, therefore, be actuated by caution and good sense. They can do no harm, but a vast amount of good, both to the Government and the governed. The people will have the satisfaction that their rulers were doing their duty, and endeavouring to raise them to their own civilisation.

There are in the Bombay Presidency the following towns of more than 50,000 population. Bombay having by far the largest and with its importance as the capital of the Presidency, may be properly allowed three representatives.

The towns are :*

Bombay	Poona	Ahmedabad	Surat	Karachi	Sholapore
644,405	118,886	116,873	107,149	53,536	53,403

Thus, Bombay having three, the Gujerati division of the Presidency will be represented by Ahmedabad and Surat, the Maratha portion by Poona and Sholapore, and Sind by Karachi, making altogether eight members, which will be a fair, though a small, representation to begin with. Government may with advantage adopt a larger number ; all I desire and insist is, that there must be a fair *representative* element in the Councils. As to the qualifications of electors and candidates for election, Government is quite competent to fix upon some, as they did in the case of the Bombay Corporation, and such qualifications may from time to time be modified as experience may suggest. With this modification in the present Legislative Council, a great step will have been taken towards one of the greatest boons which India asks and expects at England's hands. Without some such element of the people's voice in all the Legislative Councils, it is impossible for Englishmen, more and more estranged and isolated as they are becoming, to be able to legislate for India in the true spirit and feeling of her wants.

After having a glorious history of heroic struggles for constitutional government, England is now rearing up a body of Englishmen in India, trained up and accustomed to despotism, with all the feelings of impatience, pride, and high-handedness of the despot becoming gradually ingrained in them and with the additional training of the dissimulation of constitutionalism. It is possible that such habits and training of despotism, with which Indian officials return from India, should not, in the course of time, influence the English character and institutions ? The English in India, instead of raising India, are hitherto themselves descending and degenerating to the lower level of Asiatic despotism. Is this a Nemesis that will in fullness of time show to them what fruit their conduct in India produced ? It is extraordinary how nature they revenge

* *Statistical Abstract of British India*, 1879, p. 21.

itself for the present unnatural course of England in India, if England, not yet much tainted by this demoralisation, does not, in good time, check this new leaven that is gradually commenting among her people.

There is the opium trade. What a spectacle it is to the world ! In England no statesman dares to propose that opium may be allowed to be sold in public houses at the corners of every street, in the same way as beer or spirits. On the contrary, Parliament, as representing the whole nation, distinctly enacts that "opium and all preparations of opium or of 'poppies,' as 'poison,' be sold by certified chemists only, and every box, bottle, vessel, wrapper, or cover in which such poison is contained, be distinctly labelled with the name of the article and the word 'poison,' and with the time and address of the seller of the poison." And yet, at the other end of the world, this Christian, highly civilised, and humane England forces a "heathen" and "barbarous" Power to take this "poison", and tempts a vast human race to use it, and to degenerate and demoralise themselves with this "poison" ! And why ? Because India cannot fill up the remorseless drain, so China must be dragged in to make it up, even though it be by being "poisoned". It is wonderful how England reconciles this to her conscience. This opium trade is a sin on England's head, and a curse on India for her share in being the instrument. This may sound strange as coming from any Natives of India, as it is generally represented as if India it was that benefited by the opium trade. The fact simply is that, as Mr. Duff said, India is nearly ground down to dust, and the opium trade of China fills up England's drain. India derives not a particle of benefit. All India's profits of trade, and several millions from her very produce (scanty as it is, and becoming more and more so), and with these all the profit of opium, go the same way of the drain—to England. Only India shares the curse of the Chinese race. Had this cursed opium trade not existed, India's miseries would have much sooner come to the surface, and relief and redress would have come to her long ago, but this trade has prolonged the agonies of India.

In association with this trade is the stigma of the salt tax upon the British name. What a humiliating confession to say

that, after the length of the British rule, the people are in such a wretched plight that they have nothing that Government can tax, and that Government must, therefore, tax an absolute necessary of life to an inordinate extent. The slight flash of prosperity during the American War showed how the people of India would enjoy and spend when they have anything to enjoy and spend, and now, can anything be a greater condemnation of the results of British lines of policy than that the people have nothing to spend and enjoy, and pay tax on, but that they must be pinched and starved in a necessary of life ?

The English are, and justly and gloriously, the greatest champions of liberty of speech. What a falling off must have taken place in their character when, after granting this boon to India, they should have even thought of withdrawing it ! This act, together with that of disarming the people, is a clear confession by the rulers to the world that they have no hold as yet upon the affection and loyalty of the people, though in the same breath they make every profession of their belief in the loyalty of the people. Now, which is the truth ? And are gagging and disarming the outcome of a long benign rule ?

Why do the English allow themselves to be so perpetually scared by the fears of Russian or any other foreign invasion ? If the people of India be satisfied, if their hearts and hands be with England, she may defy a dozen Russias. On the other hand, do British statesmen think that, however sharp and pointed their bayonets, and however long-flying their bullets, they may not find the two hundred millions of the people of India her political Himalaya to be pierced through, when the present political union among the different peoples is more strengthened and consolidated ?

There is the stock argument of over-population. They talk, and so far truly, of the increase by British peace, but they quite forget the destruction by the British drain. They talk of the pitiless operations of economic laws, but somehow they forgot that there is no such thing in India as the natural operation of economic laws. It is not the pitiless operations of

economic laws, but it is the thoughtless and pitiless action of the British policy ; it is the pitiless eating of India's substance in India, and the further pitiless drain in England ; in short, it is the pitiless *perversion* of economic laws by the sad bleeding to which India is subjected, that is destroying India. Why blame poor Nature when the fault lies at your own door ? Let natural and economic laws have their full and fair day, and India will become another England, with manifold greater benefit to England herself than at present.

As long as the English do not allow the country to produce what it can produce, as long as the people are not allowed to enjoy what they can produce, as long as the English are the very party on their trial, they have no right, and are not competent, to give an opinion whether the country is over-populated or not. In fact, it is absurd to talk of over-population — *i.e.*, the country's incapability, by its food or other produce, to supply the means of support to its people — if the country is unceasingly and forcibly deprived of its means or capital. Let the country keep what it produces for only then can any right judgment be formed whether it is over-populated or not. Let England first hold hands off India's wealth, and then there will be disinterestedness in, and respect for her judgement. The present cant of the excuse of over-population is adding a distressful insult to agonising injury. To all of over-population at present is just as reasonable as to cut off a man's hands, and then to taunt him that he was not able to maintain himself or move his hands.

When persons talk of the operation of economic laws they forget the very first and fundamental principles. Says Mr. Mill : "Industry is limited by capital." "To employ industry on the land is to apply capital to the land." "Industry cannot be employed to any greater extent than there is capital to invest." "There can be no more industry than is supplied by materials to work up and food to eat ; yet in regard to a fact so evident, it was long examined to be believed that laws and Governments, without creating capital, could create industry." And while Englishmen are weeping away this very capital,

they raise up their hands and wonder why India cannot have industry.

The English are themselves the head and front of the offending and yet they talk of over-population, and every mortal irrelevant thing but the right cause—*viz*, their own drain of the material and moral wealth of the country.

The present form of relations between the paramount Power and the Princes of India is un-English and iniquitous. Fancy a people, the greatest champions of fair-play and justice, having a system of political agency by which, as the Princes say, they are stabbed in the dark; the Political Agents making secret reports, and the Government often acting thereon, without a fair enquiry or explanation from the Princes. The Princes, therefore, are always in a state of alarm as to what may befall them unawares. If the British authorities deliberately wished to adopt a method by which the Princes should always remain alarmed and irritated, they could not have hit upon a more effective one than what exists. If these Princes can feel assured that their treaty rights will be always honourably and faithfully observed, that there will be no constant nibbling at their powers, that it is not the ulterior policy of the British to pull them down gradually to the position of mere nobles of the country, as the Princes at present suspect and fear, and if a more just and fair mode of political agency be adopted, I have not the least hesitation in saying that, as much from self-interest alone as from any other motive, these Princes will prove the greatest bulwark and help to perpetuate British supremacy in India. It stands to reason and common-sense that the Native Princes clearly understand their interest, that by a power like the British only, with all the confidence it may command by its fairness as well as strength, can they be saved from each other and even from themselves. Relieved of any fear from the paramount Power, they will the more readily listen to counsels of reform which they much need. The English can then exercise their salutary influence in advising and helping them to root out the old corrupt *regimes*, and in making them and their courtiers to understand that power was

not self-aggrandizement, but responsibility for the good of the people. I say, from personal conversation with some of the Princes, that they thoroughly understand their interest under the protection of the present paramount power.

It is useless for the British to compare themselves with the past Native rulers. If the British do not show themselves to be vastly superior in proportion to their superior enlightenment and civilisation, if India does not prosper and progress under them far more largely, there will be no justification for their existence in India. The thoughtless past drain we may consider as our misfortune, but a similar future will, in plain English, be deliberate plunder and destruction.

I do not repeat here several other views which I have already expressed in my last memorandum.

I have thus given a general sketch of what is passing in many Natives' minds on several subjects. It is useless and absurd to remind us constantly that once the British fiat brought order out of chaos, and to make that an everlasting excuse for subsequent shortcomings and the material and moral impoverishment of the country. The Natives of the present day have not seen that chaos, and do not feel it, and though they understand it, and very thankful they are for the order brought, they see the present drain, distress and destruction, and they feel it and bewail it,

By all means let Englishmen be proud of the past. We accord them every credit for the order and law they brought about, and are deeply thankful to them ; but let them now face the present, let them clearly realise, and manfully acknowledge, the many shortcomings of omission and commission by which, with the best of intentions, they have reduced India to material and moral wretchedness ; and let them, in a way worthy of their name and history, repair the injury they have inflicted. It is fully in their power to make their rule a blessing to India, and a benefit and a glory to England, by allowing India her own administration, under their superior controlling and guiding hand ; or, in their own oft-repeated professions and words, "by governing India for India's good."

May the God of all nations lead the English to a right sense of their duty to India is my humble and earnest prayer.

ON RETIREMENT OF LORD RIPON*

Mr. Chairman and Gentlemen,—All India from one end to the other proclaims the righteousness and good deeds of Lord Ripon. There are not many persons among the thousands that have assembled here, or among the hundreds of thousands of this city or among the millions of this Presidency, who have not taken his great services by heart. It will be useless for me to waste any time in a reiteration of them. I shall touch upon what strikes me as the brightest stars in the whole galaxy of his deeds. The greatest questions of the Indian problem to my mind at present are, our material and moral loss, and our political education for self-government. For the former, the first great achievement of the Ripon Government is a courageous and candid acknowledgment that the material and educational condition of India is that of extreme poverty. After this bold and righteous recognition, England will feel bound to remedy this great evil. Lord Ripon's Government has, however, not remained satisfied with their acknowledgment, but has laid the foundation of the remedy by resolving that Indian energy, Indian resources, and Indian agency must be developed in every way and in all departments with broad and equal justice to all. For the second—our political education—nothing can be a more conclusive proof of the success of his measures in that direction that the sight of the great and national political upheaving in the ovation that is now being poured upon him throughout the length and breadth of India. And we ourselves are here today as the proof of the success of our political education. We are to propose a memorial to Lord Ripon. But what will hundred such memorials be to the great monuments

*Speech at a public meeting in Bombay on 29 November, 1884 under the chairmanship of Sir Jamsetji Jeejeebhoy to support the resolution: "That this meeting, representing the various native communities of Western India, desires to place on record the deep sense of gratitude entertained by them for the eminent services to India rendered by the Marquis of Ripon during his administration as Viceroy of India."

he has himself raised to himself? As self-government, and self-administration and education advanced, for which all he has raised great new landmarks, his memory shall exist at every moment of India's life, and they will be the everlasting monuments, before which all our memorials will sink into utter insignificance. It was asked in St. Paul where Wren's monument was. Thus, St. Paul itself, was his monument, was the reply. What is Ripon's monument? It will be answered by India itself—a self-governing and prosperous nation and loyal to the British throne. Canning was Pandy Canning, he is now the Canning the Just, of the British historian. The native historian with admiration and gratitude, and the English historian, with pride and pleasure, will point to Ripon, as Ripon the Righteous, the maker and benefactor of a nation of hundreds of millions. But by far the great service that Ripon has done, is to England and Englishmen. He has raised the name and glory of England and the Englishmen, and rivetted India's loyalty to the British rule. Deep and unshakeable as my faith is in the English character for fairness and desire to do good to India, I must confess during my humble efforts in Indian politics, I was sometimes driven to despair, and to doubt my faith. But Ripon has completely restored it to its full intensity, that England's conscience is right and England *will* do its duty and perform its great mission in India, when she has such sons, so pure of heart and high in statesmanship. I pray that our Sovereign give us always Viceroys like Ripon. The good deeds of Ripon are sung all over the land by all from the prince to the peasant. I am informed that addresses will flow from the poor agriculturists when Lord Ripon arrives here, and I have the pleasure of reading to you a letter to me from a prince. This is what H.H. the Thakore Saheb Bhagvatsingjee of Gondal says :—“I am happy to note that a movement is being set on foot in Bombay to perpetuate the memory of the retiring Viceroy, Lord Ripon. He has strong hold on the loyalty and affection of our people, with whose vital interests he has identified himself. So the movement of which you are a promoter has my best sympathies. As a slight tribute of my admiration for the noble Lord Ripon, I beg to subscribe Rs. 3,000 to the Ripon Memorial Fund.” For the sentiments of his Highness the Jam Saheb Vibhaje of

Jamnuggur, you can judge best when I tell you that he with his Kuar Jasvatsingjee has subscribed Rs. 10,000 to the Ripon Memorial. The Thakore Sahebs of Rajkote and Katosan have also subscribed. My friend Mr. Hurkissondas has just this moment received a telegram from H.H. The Thakore Saheb of Limree, the Hon. Jesvatsinghjee, subscribing Rs. 5,000 to the Ripon Memorial. A deputation from the great meeting of Sholapore, which was presided over by Mr. Satyendranath Tajore, has attended here. Also another deputation from Khandesh. Well, gentlemen, these two months will be an epoch and a bright page in Indian history, and we shall be for ever proud that we had the good fortune to have had a share in honouring the great name of Ripon.

THE INDIAN CIVIL SERVICE*

Mr. Dadabhai Naoroji said : Mr. Chairman, Ladies and Gentlemen,—My first impulse was not to send up my card at all, but after attending this meeting and hearing the paper that has been put before us, it is necessary that I should not put myself in a false position, and as I disagree with a portion of this paper, it became necessary that I should make that disagreement known. The third part of the paper is the part that is objectionable ; and it seems to me it is a lame and impotent conclusion of an able and well-considered beginning. For me to undertake to reply to all the many fallacies that that third part contains, will be utterly one of the question in the ten minutes allotted to me ; but I have one consolation in that respect—that my views are generally known, that they are embodied to a great extent in the journals of this Association ; that I also direct the attention of Mr. Counell and others to two papers that I submitted to the Public Service Commission, and that I hope there are two other papers that are likely to appear in the *Contemporary Review* in the months of August and September. These have anticipated, and will, I trust, directly and indirectly answer most of the fallacies of Mr.

*Speech at a meeting of the East India Association in July, 1887 under the chairmanship of John Bright. A.K. Connell read a paper on 'The Indian Civil Service'.

Connell's paper. I would, therefore, not attempt the impossible task of replying to the whole of this paper, but I will make a few remarks of a different character altogether bearing upon the vital question before us. This question of the services is not simply a question of the aspirations of a few educated men ; it is the question of life and death to the whole of British India. It is our good fortune that we have in the chair to-day the gentleman who put a very pertinent question, going to the root of the whole evil, as far back as a third of a century ago. Mr. Bright put the question in the year 1853. He said : "I must say that it is my belief that if a country be found possessing a most fertile soil and capable of bearing every variety of production, and that notwithstanding the people are in a state of extreme destitution and suffering, the chances are that there is some fundamental error in the Government of that country." Gentlemen, as long as you do not give a full and fair answer to that question of the great statesman—that statement made a third of a century ago—you will never be able to grasp this great and important question of the services. It is not, as I have already said, a question of the mere aspiration of a few educated men. Talking about this destitution, it is a circumstance which has been dwelt upon in the beginning of the century by Sir John Shaw. Lord Lawrence in his time and said that the mass of the people were living on scanty subsistence. To the latest day the last Finance Minister, Sir Evelyn Baring, testified to the extreme poverty of the people, and so does the present Finance Minister. The fact is that after you have hundred years of the most highly-paid and the most highly-praised administration in that country, it is the poorest country in the world. How can you account for that ? Grasp that question fully, and then only will you be able to see what vast interest this question of the services means. Then I come to the pledges that have been given. Here are open honorable pledges. The statesmen of 1833 laid down distinctly, in the face of the important consideration—whether India should be allowed ever to be lost to Britain. They weighed every circumstance, and they came to the deliberate conclusion which was embodied in the Act that they passed. But then you had not the experience of that fear of the risk of losing India. Twenty-

five years afterwards you actually experienced that very risk ; you actually had a mutiny against you, and what was your conduct then ? Even after that experience, you rose above yourself ; you kept up your justice and generosity and magnanimity, and in the name of the Queen, and by the mouth of the Queen, you issued a Proclamation, which if you "conscientiously" fulfil will be your highest glory, and your truest fame and reward. Gentlemen, take the bull of the horns. Do not try to shrink this question. If you are afraid of losing India, and if you are to be actuated by the inglorious fear of that risk, let that be stated at once. Tell us at once, "We will keep you under our heels, we will not allow you to rise or to prosper at any time." Then we shall know our fate. But with your English manliness—and if there is anything more characteristic of you than anything else, it is your manliness—speak out honestly and not hypocritically, what you intend to do. Do you really mean to fulfil the pledges given before the world, and in the name of God, with the sanction of God and asking God to aid you, in the execution of that pledge—do you mean to stick to that pledge or to get out of it ? Whatever it be, like honest Englishmen, speak out openly and plainly. "We will do this" or "We will not do this." But do not expose yourselves to the charges—which I am not making, but your own members of the India Council have made—of "keeping the promise to the ear, and breaking to the hope." Looking at the time I cannot now enter into all the different and important considerations that this paper raises, but I simply ask you again this question, whether like honest Englishmen such as you are, in a manly way, you say the thing and do it. If you mean to fulfil these pledges honestly, do so ; if you do not mean to fulfil them honestly, say so, and at least preserve your character for honesty and manliness. Mr. Connell had, in the first part of his paper, laid down as emphatically as he could the principles upon which the English nation is bound to act, and in the third part of the paper he has done his utmost to discredit the whole thing, and to say how not to do it. But he forgets one thing : that the pledge you have given, you have never given a fair trial to : if you only give a fair trial to that pledge, you will find that it will not only redound to your glory for ever, but also

result in great benefits to yourself ; but if India is to be for a long time under your rule with blessing, and not with a curse, it is the fulfilment of that pledge which will secure that result. Ah ! gentlemen, no eternal or permanent results can ever follow from dodging and palavering. Eternal results can follow only from eternal principles. Your rule of India is based not on sixty thousand bayonets or a hundred thousand bayonets. But it is based upon the confidence, the intense faith like the one that I hold, in the justice, the conscience and the honor of the British nation. As long as I have that faith in me, I shall continue to urge and plead before statesmen like Mr. Bright, and before the English nation. Fulfil your pledge honestly before God, because it is upon those eternal principles only that you can expect to continue your rule with benefit to yourself and benefit to us. They reply to your (President's) question, Sir, about the fundamental error is then this A foreign rule can never be but a curse to any nation on the face of the earth, except so far as it approaches a native rule, be the foreigners angels themselves. If this principle is not fairly borne in mind, and if honest efforts are not made to fulfil your pledges, it is utterly useless for us to plead, or to expect any good result, or to expect that India will ever rise in material and moral prosperity. I do not mean to say a word against the general *personnel* of these services, as they are at the present time—they are doing what they can in the false groove in which they are placed ; to them there is every honor due for the ability and integrity with which most of them have carried on their work ; but what I say is this. This system must be changed. The administration must become native under the supreme control of the English nation. Then you have one element in India, which is peculiarly favourable to the permanence of your rule, if the people are satisfied that you give them the justice that you promise. It is upon the rock of justice alone that your rule stands. If they are satisfied, the result will be this. It is a case peculiar to India : there are Mahomedans and Hindus ; if both are satisfied, both will take care that your supremacy must remain over them ; but if they are both dissatisfied, and there is any paltering with justice and sincerity they will join together against you. Under these circumstances you have everything

in your favor ; in fact, the divine law is that if you only follow the divine law, then only can you produce divine results. Do good, no matter what the result is. If you trifle with those eternal and divine laws, the result must be disastrous. I must stop as the time is up.

THE GOLDEN LINK*

It may be considered rather rash and unwise on my part to stand before this House so immediately after my admission here ; and my only excuse is that I am under a certain necessity to do so. My election for an English constituency is a unique event. For the first time during more than a century of settled British rule, an Indian is admitted into the House as a member for an English constituency. That, as I have said, is a unique event in the history of India, and, I may also venture to say, in the history of the British Empire. I desire to say a few words in analysis of this great and wonderful phenomenon. The spirit of the British rule, the instinct of British justice and generosity, from the very commencement, when they seriously took the matter of Indian policy into their hands, about the beginning of this century, decided that India was to be governed on the lines of British freedom and justice. Steps were taken without any hesitation to introduce Western education, civilisation, and political institutions in that country ; and the result was that, aided by a noble and grand language in which the youth of that country began to be educated, a great movement of political life—I may say new life—was infused into that country which had been decaying for centuries. The British rulers of the country endowed it with all their own most important privileges. A few days ago, Sir, you demanded from the Throne the privileges which belong to the people, including freedom of speech, for which they fought and shed their blood. That freedom of speech you have given to us, and it enables Indians to stand before you and represent in clear and open language any desire they have felt. By confer-

*Maiden speech in the House of Commons on 9 August, 1892 during debate on the Address to the Queen.

ring those privileges you have prepared for this final result of an Indian standing before you in this House, becoming a member of the great Imperial Parliament of the British Empire, and being able to express his views openly and fearlessly before you. The glory and credit of this great event—by which India is thrilled from one end to the other—of the new life, the joy, the ecstasy of India at the present moment, are all your own ; it is the spirit of British institutions and the love of justice and freedom in British instincts which has produced this extraordinary result, and I stand here in the name of India to thank the British people that they have made it at all possible for an Indian to occupy this position, and to speak freely in the English language of any grievance which India may be suffering under, with the conviction that though he stands alone, with only one vote, whenever he is able to bring forward any aspiration and is supported by just and proper reasons, he will find a large number of other members from both sides of the House ready to support him and give him the justice he asks. This is the conviction which permeates the whole thinking and educated classes of India. It is that conviction that enables us to work on, day after day, without dismay, for the removal of a grievance. The question now being discussed before the House will come up from time to time in practical shape and I shall then be able to express my humble views upon them as a representative of the English constituency of Central Finsbury. I do not intend to enter into them now. Central Finsbury has earned the everlasting gratitude of the millions of India, and has made itself famous in the history of the British Empire, by electing an Indian to represent it. Its name will never be forgotten by India. This event has strengthened the British power and the loyalty and attachment of India to it ten times more than the sending out of one hundred thousand European soldiers would have done. The moral force to which the right honourable gentleman, the member for Midlothian (Mr. W.E. Gladstone), referred is the golden link by which India is held by the British power. So long as India is satisfied with the justice and honour of Britain, so long will her Indian Empire last, and I have not the least doubt that, though our progress may be slow and we may at times meet with dis-

appointments, if we persevere, whatever justice we ask in reason we shall get. I thank you, Sir, for allowing me to say these few words and the House for so indulgently listening to me, and I hope that the connection between England and India—which forms five-sixths of the British Empire—may continue long with benefit to both countries. There will be certain Indian questions, principally of administration, which I shall have to lay before the House, and I am quite sure that when they are brought forward they will be fairly considered, and if reasonable, amended to our satisfaction.

THE CONDITION OF INDIA*

Mr. Chairman and Gentlemen, I feel very much obliged for having been invited to address this audience. Our subject is "India," but so large a subject cannot be dealt with in more than a passing manner in the time at our disposal. I will, however, try to put before you, in as brief a form as possible, some idea of the relations which exist between England and India. I think my best plan would be to try and strike a sort of balance between the good and evil influences of England in India, and let you understand really what your duty is towards India. One thing has been over and over again admitted—and was last admitted by Lord Curzon when he went out—that India is the pivot of the British Empire. If India is lost to the British Empire the sun of the British Empire will be set. The question is whether the responsibility devolving upon you on account of this is realised by you. Beginning at the benefits which India has received, we are grateful for a good many things. In earlier days there was infanticide, but English character, English civilisation and English humanity caused an end to be put to this, and also to the practice of burning widows with their dead husbands. By means of this you have earned the blessing of many thousands of those who have escaped death. Then there were gangs of people whose whole business it was to rob other people; you put down those gangs and are, therefore, entitled to our gratitude. If there is one

*An address on 'The Condition of India' in Whitechapel (UK) on 31 January, 1901 under the chairmanship of R.B.S. Tanner.

thing more than another for which Indians are grateful it is for the education you gave them, which enabled them to understand their position. Then naturally follow your other institutions—namely, free speech and a free Press. You have heard of the Indian National Congress; at this Congress Indians from one end of India to the other meet together to discuss their political condition, to communicate with each other, and become, as it were, a united nation. This National Congress is naturally the outcome of the education and free speech which British rulers have given us; the result is that you have created a factor by means of this education which has, up to this time, strengthened your power immensely in India. Before you gave them education Indians never understood what sort of people you really were; they knew you were foreigners, and the treatment that they had received at your hands led them to hate you, and if they had remained of the same mind you would not have remained in India. This factor of education having come into play Indians aspired to become British citizens, and, in order to do so, they became your loyal and staunch supporters. The Congress has for its object to make you understand your deficiencies in government, the redress of which would make India a blessing to you, and make England a blessing to us, which it is not, unfortunately, at present. I now come to what you consider the highest claim you have upon our gratitude, and that is, you have given us security of life and property. But your government in India instead of securing our life and property is actually producing a result the exact reverse. And this is what you have to understand clearly. The difficulty of Indians in addressing you is this, that we have to make you unlearn a great deal of nonsense which has been put into your heads by the misleading statements of the Anglo-Indian press. The way you secure life and property is by protecting it from open violence by anybody else, taking care that you yourselves should take away that property. The security of life, were it not a tragic subject, would be a very funny one. Look at the millions that are suffering day by day, year after year, even in years of good harvest. Seven-eighths or nine-tenths of the people do not know what it is to have a full meal in a day. And it is only when

famine comes that your eyes are opened, and you begin to sympathise with us, and wonder how these famines come about. It is the Englishmen that go out to India that are in a sense the cause of these miseries. They go to India to benefit themselves. They are not the proper people to give the reasons for our misery. The greatest blessing that we thought had been bestowed upon us by Britain was contained in the Act of 1833 to which we cling even in the face of every violation of that blessing. So long as we have the hope that blessing will become a reality some day we shall be most desirous of keeping up the connexion with England. That greatest blessing is the best indication of your higher civilisation of today. The English have been in advance in the civilisation of humanity. The policy distinctly laid down in 1833 was that the Indians were to be treated alike with the English, without distinction of race or creed. You may well be proud of that Act, but it was never carried out. Then the Mutiny took place, and you were the cause of it. After the Mutiny was put down you again emphatically laid down that the Indian people were to be treated exactly like the British people, and there was to be no difference whatever in the employment of Indians and of Englishmen in the service of the Crown. These two documents have been confirmed twice since, once on the occasion of the Queen assuming the title of Empress, and again on the occasion of the Jubilee. These are the documents—our charter—the hope and anchor upon which we depend and for which you can claim the greatest credit. The proclamation has been made before the world, praying God to bless it, and praying that our servants, the Executive to whom you trust the government, should carry out the wishes of the Sovereign, that is to say, of the people. As far as the policy laid down by the British people was concerned it is as good as we can ever desire. This promise, pledged by you in the most solemn manner possible, has been a dead letter ever since. The result is the destruction of our own interests, and it will be the suicide of yours. The violation of those promises has produced these results to us : First of all, the “bleeding” which is carried on means impoverishment to us—the poorest people on the face of the earth—with all the dire, calamitous consequences of

famines, pestilences and destruction. It is but the result of what you claim as the best thing that you have conferred upon us—security of life and property—starvation, as I have told you, from one year's end to another year's end of seven-eighths of the population of the country, and something worse, in addition to the "bleeding" that is carried on by the officials of a system of government. To you, to England, the violation of these great pledges carries with it a certain amount of pecuniary benefit, and that is the only thing the Executive ever think of. But you must remember that the first consequence of such government is dishonour to your name. You inflict injustice upon us in a manner most dishonourable and discreditable to yourselves ; by this mode of government you are losing a great material benefit which you would otherwise obtain. I will try to explain to you these points in as brief a manner as possible ; but especially I would beg leave to draw attention to the great loss to the mass of the people of this country, which would otherwise have accrued to them. The best way I can put this before you is by giving you a comparison between two parts of the British Empire. Australia is at present before all of us. The Australian Commonwealth was formed on the first day of the first year of this century. The Australians have been increasing in prosperity by leaps and bounds. At the same time India, under this same rule, under the administration of men who are described and praised as the highest, the most cultivated, and the most capable administrators of the present time—and also the most highly paid—is suffering from the direst famines and is the poorest country in the world. Let us consider Australia first. While in 1891 the population of Australia was four millions, the population of British India was two hundred and twenty-one millions, and of all India two hundred and eighty-seven millions. Now these four millions of Australians are paying a revenue for the government of their country amounting to nearly £8 per head per annum. They can give this and are prosperous, and will go on increasing in prosperity, with a great future before them. What is India capable of doing? India can give at present, under great pressure, scarcely eight shillings per head per annum. You know that Australia has "protection" against you, and not-

withstanding the "door" being shut against you, you are able to send to Australia British and Irish products, the result of your labour, to the extent of £25,500,000 ; that is to say, something like seven pounds' worth per head per annum. You do not send to India more than £30,000,000 altogether. That is to say, while you are sending something like seven pounds per head per annum to Australia, you do not send half-a-crown's worth of your British and Irish produce per head per annum to India. Ask yourselves this question. What is the result ? Why should you not derive good substantial profits from a commercial connexion with India ? The reason is simple. The people are so impoverished that they cannot buy your goods. Had your Government been such as to allow India to become prosperous, and to be able to buy your goods, let alone at the rate of seven, six, or five pounds per head—if India was allowed to enjoy its own resources and to buy from you one or two pounds' worth of your produce, what do you think you would send to India ? Why, if you sent one pounds's worth of produce per head to India, you would send as much there as you now send to the whole world. You have to deal with a people who belong as it were to the same race, who possess the same intelligence and same civilisation, and who can enjoy your good things as much as the Australians or anybody else. And if you could send one pound's worth to them per head you need not go and massacre savages in order to get new markets. The mass of the people here do not understand what a great benefit there is for them in their connexion with India, if they would only do their duty, and compel their servants, the Executive, to fulfil the solemn pledges that the British nation has given to India ? What I say, therefore, to you is that one of the consequences of the present system of government is an immense loss to yourselves. As it is at present, you are gaining a certain amount of benefit. You are "bleeding" the people, and drawing from their country something like thirty or forty millions a year. Ask yourselves, would you submit to such a state of things in this country for a single week ? And yet you allow a system of government which has produced this disastrous result to continue. You cannot obtain a farthing from Australia unless they choose to

give it to you. In the last century you pressed the people of Bengal to such an extent that Macaulay said that the English were demons as compared with the Indians as men, that the English were wolves as compared with the Indians as sheep. Hundreds of millions of India's wealth have been spent to form your British Indian Empire. Not only that but you have taken away from India all these years millions of its wealth. The result is obvious. You have become one of the richest countries in the world, and you have to thank India for it. And we have become the poorest country in the world. We are obliged to pay each year a vast amount of wealth which you need for the salaries of, and the giving of benefits to, your military and civil servants. Not once, not twice, not ten times, and the affliction is over—but always. What was something like three millions at the beginning of the century has increased now to a tax of thirty or forty millions. You would prosper by trading with us if you would only leave us alone instead of plundering us. Your plundering will be disastrous. If you would allow us to prosper so that we might be able to purchase one or two pounds' worth of your produce per head, there would be no idle working classes in this country. It is a matter of the utmost importance for the working classes of England. If the connexion between England and India is to be a blessing to both, then consider what your duty and responsibility is as citizens of this great Empire.

BRITISH DEMOCRACY AND INDIA*

Mr. Chairman, Ladies, and Gentlemen, I feel very great pleasure in being permitted to address you tonight. I propose at the outset to explain to you what the condition of India is in order that you may the better understand the relations which exist between that country and England. In the first place, I will tell you what has been repeatedly laid down as the policy to be pursued towards India. In 1833, this policy was definitely decided and embodied in an Act of Parliament,

*An address on this subject at North Lambeth Liberal Club on 4 July, 1901 under the chairmanship of Col. Ford.

and it was a policy of justice and righteousness. It provided that no Native of India, nor any natural-born subject of His Majesty resident therein, should by reason only of his religion, place of birth, descent, or any of them, be disabled from holding any place, office, or employment under the Company. That is to say, that all British subjects in India should be treated alike, and merit alone should be the qualification for employment. The Indian people asked nothing more than the fulfilment of this policy, but from that day to this no such policy has been pursued towards India. A similar declaration of policy was made in the most solemn manner after the Mutiny. The Queen's Proclamation addressed to India at that time in 1858, stated as follows :

"We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified, by their education, ability, and integrity, duty to discharge.....When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us and to those in authority under us strength to carry out these our wishes for the good of our people."

Such was the solemn pledge that was made to India. But where is the fulfilment ? The same distinction of race and creed exists in India now as ever existed. That pledge so solemnly made half a century ago has never been carried out. One would have thought that their sense of honour would have prompted the Executive to fulfil this pledge, but such has not been the case. These pledges and declarations of policy have

been to us dead letters. This then is the first thing you have to know. What has been the result of the system of government administered in India ? The result has been to bring the country to a state of poverty and misery unknown elsewhere throughout the world. This result has been accomplished by the constant draining of India's wealth, for, let it be known that we have to produce every year something like twenty million pounds by our labour and our produce and hand this over to the English before we can utilise a single farthing's worth ourselves. This draining has been going on for years and years with ever-increasing severity. We are made to pay all the expenditure in connexion with the India Office, and every farthing that is required to keep up the Indian Army, even though this latter is supported for England's own use in order to maintain her position in the East and elsewhere. If you want to maintain your position in the East, by all means do so, but do it at your own expense. Why should India be charged for it ? Even if you pay half of the cost of your Indian Army, we shall be satisfied and pay the other half ourselves. Every farthing of the cost of the wars by which your British-Indian Empire was formed has been paid by us, and not only was this the case, but that Empire, be it remembered, was secured to you by Indian blood. It was Indian soldiers who shed their blood in the formation of the Indian Empire, and the reward that we get is that we are treated as the helots of the British people. India is the richest country in the world in mineral and other wealth, but owing to the constant drain you have put upon our resources, you have brought our people to a state of exhaustion and poverty. At the beginning of last century the drain on Indian produce amounted to about five million pounds per annum ; now, it has increased to something like thirty million pounds. Each year thirty millions sterling are exacted from India without any return in any material shape. Of this tremendous sum, however, part goes back to India, but not, mark you, for the benefit of the Indian people. It goes back under the name of British capital, and is used by British capitalists to extract from the Indian soil its wealth of minerals, which wealth goes to enrich the English alone. And thus India is bled, and has been bled ever since the middle of

the eighteenth century. India produces food enough for all her needs and to spare. How is it then that so many of her people die for want of it ? The reason is simple. So exhausted are the people, and so heavily has the continued bleeding told upon their resources that they are too poor to purchase food, and, therefore, there is chronic famine in good years and in bad years. Do not think that famines only occur when you in England hear of them. You only hear of the very severest of them. One hundred and fifty millions of your fellow-subjects do not know what it is to have one full meal a day. What would be the position of England if she were left to feed on her own resources ? She does not produce a quarter of the food required to feed her people. It is only because England is a rich country, thanks largely to India, and can, therefore, buy the produce of other countries that her people are kept from starving. Compare this with the condition of India. She produces more than she requires, and yet through their poverty her people are unable to buy food, and famine is the consequence as soon as a drought occurs. And now we come to the main point of my lecture. On whose shoulders does the responsibility for the present miserable condition of things in India rest ? It rests on the shoulders of the British democracy, and I will tell you how. One elector in England has more voice in the government of his country than the whole of the Indian people have in the government of their country. In the Supreme Legislative Council in India there are only four or five Indians, and what power can so few have in that assembly ? The Government appoint their own Executive Council, and it takes care that the few Indian members of the Legislative Council have no real voice in the management of their own country. A Tax Bill comes before the Council, and these Indian members have not the slightest power to vote, make a motion, or suggest an amendment. If they do not vote for it the Government turn round and say "look at these Indians ; do they think the Government can be carried on without taxation ? they are not fit to govern." The fact is the Tax Bill is brought into the Council only to receive its formal sanction. No chance is given for discussion or amendment. These few Indians have to join with the other members of the

Council in taxing their countrymen, without any voice in the expenditure of that taxation. Their power, in fact is nil. Economically and politically India is in the worst possible position. The British public are responsible for the burdens under which India is groaning. The democracy is in power in this country, and it should understand something of our suffering, because it has suffered itself. We appeal to you to exercise your power in making your Government carry out its solemn pledges. If you succeeded in doing this, the result would be that the Empire would be strengthened and benefit would be experienced by yourselves as well as by India. India does not want to sever her connexion with England, but rather to strengthen that connexion. I wish to point out that unless the British democracy exercise their power in bringing to India a better state of things, the whole responsibility for our suffering will lie at their door. I, therefore appeal to you to do your duty and relieve us from the deplorable miseries from which we are suffering.

INDIA UNDER BRITISH RULE*

I can hardly express in adequate terms what I feel at the generous manner in which my health has been proposed and the cordial reception which you have given to the toast. I feel it very deeply. Talking of my views towards British rule I wish to say that they have been largely misunderstood. The pith of the whole thing is that not only have the British people derived great advantage from India but that the profit would have been more than ten times as great had that rule been conducted on the lines of policy laid down by Act of Parliament. It is a pity as much for England herself as for us that that policy has not been carried out, and that the matter has been allowed to drift in the old selfish way in which the Government was inaugurated in earlier times. When I complain, I am told sometimes very forcibly, that the connexion of Britain with India is beneficial to India herself, I admit that it might be, and it is because

*Speech delivered at the annual dinner of the London Indian Society on 22 March, 1902.

of that that I urged over and over again that the connexion should be put upon a righteous basis—a basis of justice and liberality. It has been proved by the fact of the coming into existence of a body like the Indian National Congress that the British connexion might be made more beneficial, and I believe that if you fail to direct the force of that movement into proper channels the result will be most disastrous, for it must ultimately come into collision with British rule. It does not require any great depth of consideration to see that. It has been repeatedly admitted by every statesman of consequence that the welfare of India depends upon the contentment of the people, and that contentment cannot exist unless the people feel that British rule is doing them good, is raising their political status, and is making them prosperous. The fact is quite the reverse, and it is no use denying that the system which has existed in India is one which has been most foolish; it has neither increased Indian prosperity nor raised her political status. If only you could make her truly imperial and unitedly in favour of British rule I defy a dozen Russias to touch India or to do the slightest harm to the Empire. Mr. Caine has expressed regret that Indian troops were not sent to South Africa. It is quite true you cannot expect to maintain a great Empire unless you use all its imperial resources, and among those imperial resources there are none so important and so valuable as the resources of India in physical strength and in military genius and capability. There you will find that, by a simple stamp of the foot on the ground, you can summon millions of men ready to fight for the British Empire. We only want to be treated as part and parcel of the Empire, and we ask you not to maintain the relationship of master over helot. We want you to base your policy on the lines already laid down by Act of Parliament, proclaimed by the late Queen, and acknowledged by the present Emperor, as the best and truest policy towards India for the sake of both countries. Unless that is done the future is not very hopeful. As far as I am concerned I have ever expressed my faith in the British conscience. As far back as 1853, when the first political movement was started in India, and when associations were formed in Bombay, Calcutta, and Madras in order to petition Parliament with regard to

improvements necessary to be made in the Company's Charter. I expressed my sincere faith in the British people, and said I was convinced that if they would only get true information and make themselves acquainted with the realities of India they would fulfil their duty towards her. That faith, after all the vicissitudes and disappointments which have marked the last half century, I still hold. If we only do our best to make the British people understand what their duty is, I venture to prophesy that England will have an Empire the like of which has never before existed, an Empire of which any nation may well be proud. After all, India is the British Empire. The colonies are simply so many sons who have set up establishments of their own, but who retain their affection for the mother country, but India is an Empire which, if properly cultivated, will have a wondrous success. All we want is that there shall be a true, loyal, and real attachment between the people of the two countries. I am glad to see you young men around me. I and the older men who have worked in this movement are passing away. We began the work, we had to grope in darkness, but we leave you a great legacy, we leave you the advantages of the labours of the hundreds of us during the last 50 years, and if you only study the problem thoroughly, if you spread over the United Kingdom the true merits and defects of British rule you will be doing a great work both for your own country and for England. I rejoice at having had something to do in that direction. I have stuck to my own view that it would be good for India if British rule continues. But it must not be the British rule which has obtained in the past; it must be a rule under which you treat us as brothers, and not as helots.

ENGLAND'S PLEDGES TO INDIA*

Mr. Naoroji, who was loudly cheered, said that in order to understand thoroughly the subject he was announced to lecture upon, and in order to realise the full significance of British promises and performances in India, it was necessary he should narrate a few of the historical facts which led to the promises

*Speech at the Wesley Hall, Clapham Park under the chairmanship of Mr. Mason. It was noted by J.C. Mukerji.

being given. British rule in India at its inception was one marked by greed, oppression, and tyranny of every kind—so much so that even the Court of Directors of the East India Company was horrified at what was going on. That was the first fact to be borne in mind. The second was that subsequent to the rise of the British Empire in India all war expenditure incurred in connexion with India, and by means of which the Empire had been built up, had been paid out of Indian resources entirely, and the bloodshed which was the necessary accompaniment of war was mainly Indian. In the late Transvaal war Great Britain lost thousands of her sons and spent nearly 250 millions sterling, and the people of this country consequently had brought forcibly home to them what war meant, but in India, while the British claimed all the glory and reaped all the benefits, the burdens of war were borne by the Natives. India had, in fact, cost Great Britain nothing in money and very little in blood. But its wealth had thereby been exhausted ; it had become impoverished, and it had further been subjected to a system of government under which every Indian interest was sacrificed for the benefit of the English people. The system of corruption and oppression continued until at last the British Government was shamed by it. Anglo-Indians of high position in the service had again and again denounced the system in the most scathing terms, but it would suffice for his present purpose to remind them that Edmund Burke pointed out how every position worth having under the Government was filled by Europeans, to the absolute exclusion of Natives. The result was that there was a constant and most exhausting drain of Indian wealth. Even in those days it was estimated that the official remittances to England amounted to three millions sterling, and the capacity of the people to produce went on diminishing, until it was now only about £ 2 per head, as compared with £ 40 per head in Great Britain. This country, too, enjoyed the benefit of its wealth circulating at home, while India laboured under the disadvantage that what it produced was sent to England, and it got nothing in return. She was, in fact, deprived of wealth without mercy year after year, and, in addition to the official remittances home, to which he had already referred, the servants of the Government sent home,

privately, an almost equal sum, which they themselves obtained from the Natives on their own account. In the early part of last century there was a Government enquiry every 10 years into the administration of the East India Company, and these at last proved so effective that the statesmen of the day began to realise the responsibilities and duty of England to India, and to seriously discuss what should be Great Britain's policy. It was in 1833 that they got the first pledge, and in that year a clause was inserted in the Charter of the East India Company providing that in the service of the Government there should be no distinction raised of race, creed, or colour, but that ability should be the sole qualification for employment by the State. That was the first promise, made to the people of India in the name of the people of the United Kingdom, and it was embodied in an Act of Parliament. Had it been faithfully and loyally carried out, the existing state of affairs in India would have been vastly different, and it would not have been necessary for him to go about the country complaining of the dishonour and disgrace of England, and of the enormity of the evils of British rule. The first promise was made in 1833, the period at which the British were rising to their highest glory in civilisation, an era of emancipation of all kinds, from the abolition of slavery onwards. Macaulay himself declared that he would be proud to the end of his life of having taken part in preparing that clause of the Charter, and clearly the policy of the statesmen of that day was to extend to India the freedom and liberty which England enjoyed. But 20 years passed, and not the slightest effect was given to the clause: it remained a dead letter, as if it had never been enacted, and the policy of greed and oppression continued to obtain in the government of India. In 1853, the East India Company's Charter was again revised, and in those days Mr. John Bright and Lord Stanley (afterwards Lord Derby) urged strongly that the service should be open to all and not reserved exclusively for Europeans—for the nominees and friends of the Directors of the Company. They contended, too, for the holding of simultaneous examinations in India and England, but it was without avail. Then came the Mutiny of 1857, and after that had been suppressed, the statesmen of Great Britain were again forced to consider

what should be the policy of this country in India. The administration of India was taken over from the Company, and the Proclamation which was issued was drawn up by Lord Derby, at the special request of Queen Victoria, in terms of generosity, benevolence, and religious toleration, such as might well be used by a woman sovereign speaking to hundreds of millions of a people the direct government of whom she was assuming after a bloody civil war. Nothing could have been more satisfactory than the promise embodied in that Proclamation, and the Indian people heartily blessed the name of Queen Victoria for the sympathy she always evinced towards her Indian subjects. This Proclamation constituted the second pledge—it was a promise to extend British institutions to India, to, in fact, give them self-government, it reaffirmed the promise of the Charter of 1833, and it declared that her Majesty held herself bound to the Natives of her Indian territories by the same obligations of duty as bound her to all her other subjects. Indians were, in fact, to become true British subjects, with all the rights and privileges of British subjects, and the government of the country was to be administered for the benefit of all the people resident therein ; for, concluded the Proclamation, “in her prosperity will be our strength, in her contentment our security, and in her gratitude our best reward ” This had well been called “India’s Greater Charter.” It was everything they desired. But, unfortunately, it, too, had remained a dead letter up to the present time, and to the great and bitter disappointment of the people of India the promises therein contained had not been faithfully and honorably fulfilled. In defiance of the Proclamation, every obstacle had been placed in the way of Natives obtaining admission to posts under the Government, the efforts of men like Mr. John Bright, Lord Derby, and Mr. Fawcett to secure the holding of simultaneous examinations in England and India had been frustrated. In 1870, no doubt, an effort was made by Sir Stafford Northcote, and later on by the Duke of Argyll, to give effect to the promise of admission of Natives to the service, but it was defeated by the action of the Indian Government. A Native service was established, but it was made entirely distinct from the European service—a distinction which

was never intended—and it was so arranged that it was bound to prove a failure. Appointments to it were made by nomination, not by examination ; back-door jobbery took the place of the claims of ability, and naturally, at the end of ten years, the service was abandoned because it had never answered. In 1877, on the proclamation of Queen Victoria as Empress of India, Lord Lytton issued another Proclamation in the name of Queen Victoria reiterating the promises contained in her former Proclamation, but again the pledge was violated. At the Jubilee in 1887 there was a renewal of the promise, again to be followed by its being utterly ignored ; while, later on, a resolution of the British House of Commons in favour of the holding of simultaneous examinations in India and England was carried by Mr. Herbert Paul, in spite of the opposition of the Government, and that too had been ignored. Thus, they had a long series of solemn promises made to the ear but absolutely violated in spirit and in letter, to the great dishonour and disgrace of Great Britain. Eminent statesmen and officials had frequently admitted the breaking of these pledges. A Committee appointed by the then Secretary for India unanimously reported in 1860 that the British Government had been guilty of making promises to the ear and breaking them to the hope ; and that the only way in which justice could be done to Indians was by holding simultaneous examinations in England and India, of the same standard and on the same footing, instead of forcing Indians to go to London at an expense of thousands of pounds in order to secure admission to the Government service. In 1870, the Duke of Argyll declared : “We have not fulfilled our duty or the promises and engagements we have made” ; later, Lord Lytton made the confession that deliberate and transparent subterfuges had been resorted to in order to reduce the promise of the Charter of 1833 to a dead letter ; and that the Governments of England and of India were not in a position to answer satisfactorily the charge that they had taken every means in their power to break to the heart the promises they had made to the ear. The Duke of Devonshire, in 1883, asserted that if India was to be better governed it was to be done only by the employment of the best and most intelligent of the Natives in the service ; while, finally, the late Lord Salisbury described the

promises and their non-fulfilment as "political hypocrisy." That was a nice description indeed of the character of the British rule in India ; it was an admission that the conduct of the British Government in India had been disgraceful. But let them not forget that the promises were made by the British Sovereign, the British Parliament, and British people, of their own free will, while the disgrace for their non-fulfilment attached solely to the British Government, which by its refusal to act had sullied the honour of the British people. Two of the greatest offenders in this respect had been Lord George Hamilton and Lord Curzon, both of whom had very unpatriotically introduced most reactionary measures, and had pursued a mischievous policy which had resulted in the gravest injury to the Indian Empire and the British people. Lord George Hamilton, whose object surely should have been to make the people attached to British rule, had openly declared that it never would be popular with them ; while Lord Curzon had done his very utmost to make it unpopular. He was going back to that country for a second term of office as Viceroy but the suggestion that the people would welcome his reappearance was falsified by the authoritative expression of the best Native opinion, and his continuance in the office of Viceroy could only be productive of serious injury, both to England and to India. What had been the result of the non-fulfilment of this long series of promises ? The system of greed and oppression still obtained in the Government of India ; the country was being selfishly exploited for the sole benefit of Englishmen ; it was slowly but surely being drained of its wealth, for no country in the world could possibly withstand a drain of from 30 to 40 millions sterling annually, such as India was now subjected to ; its power of production was diminishing, and its people were dying of hunger by the million. The responsibility for all this rested upon British rule. What was the remedy ? Not the mischievous, reactionary policy now being pursued by Lord Curzon, but the taking of steps to transform and revolutionise in a peaceful manner the present evil and disastrous system of government, so as to enable the people themselves to take their full and proper share in the administration of the affairs of

their country. Lord Curzon had described India as the pivot of the British Empire. India could not be content with the present state of affairs, and he earnestly appealed to the people of Great Britain to themselves compel the Government to redeem the promises so often made, and to secure for India real self-government, subject, of course, to the paramountcy of Great Britain.

THE INDIAN NATIONAL CONGRESS*

The Chairman : I have now to propose the toast of the evening to our good guests Sir Henry Cotton and Sir William Wedderburn. I may first take the opportunity of expressing on behalf of the Indians here our deep regret at the death of Mr. Digby and of Lord Northbrook. I need not say much about them. There are three Viceroys who have left their names impressed on the minds of the Indian people with characteristic epithets. Those three are Mayo, "the good," Northbrook, "the just," and Ripon, "the righteous." Two have passed away, but we hope the third may live long enough to see the realisation of his desires for the promotion of the happiness of the people of India. We are met together to honour our two friends—Sir Henry Cotton and Sir William Wedderburn. The question naturally arises : Why is it that we Indians ask English gentlemen to go out to India—to preside at the Indian National Congress, and to help at it ? Have we in our ranks no men capable of doing the work ? Cannot we help ourselves ? Those questions are natural, and they require an answer. Again it may be asked, what is it that the Indians want, and by what means do they desire to accomplish their end ? I do not propose to describe what India wants in my own words, or in the words of any Indian. I propose, instead, to give you a few sentences from the writings of an Anglo-Indian whose father and grandfather have been in the service for over 60 years, who himself has been over 35 years in the service, and whose son is now in it. I refer to our guest Sir Henry Cotton. He is as patriotic

*Speech at Westminster Palace Hotel (UK) in November, 1904 in order to give a send-off to Sir Henry Cotton on the eve of his departure to India to preside at the 20th Congress to be held at Bombay.

as any Englishman can be. He is proud of the service to which he belongs, and in his official capacity he has carefully weighed the position of the Indians at the present time. I will read you a few sentences from his lately-published book, "New India," and they will give you an idea of what India wants. He says: "There can be no doubt that English rule in its present form cannot continue. The leaders of the National movement assume, and assume rightly, that the connexion between India and England will not be snapped....It is a sublimer function of Imperial dominion to unite the varying races under our sway into one Empire 'broadbased upon the people's will'...to afford scope to their political aspirations, and to devote ourselves to the peaceful organisation of their political federation and autonomous independence as the only basis of our ultimate relationship between the two countries." Again, taking another point, Sir Henry Cotton writes on the drain of taxes from India to England: "Taking these (all drain from India to England in various shapes) into consideration, it is a moderate computation that the annual drafts from India to Great Britain amount to a total of thirty millions.... It can never be to the advantage of the people of India to remit annually these enormous sums to a foreign country. .. Lord Curzon has very forcibly said, in a speech delivered by him in November, 1902, at Jaipore: "There is no spectacle which finds less favour in my eyes, or which I have done more to discourage, than that of a cluster of Europeans settling down upon a Native State and sucking from it the moisture which ought to give sustenance to its own people'." He adds: "Lord Curzon has lost sight of the fact that what is true of the Native States is true of the whole of India. ...The keynote of administrative reform is the gradual substitution of Indian for European official agency. This is the one end towards which the educated Indians are concentrating their efforts. The concession of this demand is the only way by which we can make any pretence of satisfying even the most moderate of their legitimate aspirations. It is the first and most pressing duty the Government is called on to discharge. It is necessary as an economic measure. But it is necessary also on higher grounds than those of economy....The experiment of a 'firm and resolute

government' in Ireland has been tried in vain, and the adoption of a similar policy in India is inevitably destined to fail." Next, Sir Henry gives an extract from the celebrated speech of Lord Macaulay in 1833 :—"It may be that the public mind of India may expand under our system till it has outgrown our system ; that by good government we may educate our subjects into a capacity for better government—that having become instructed in European knowledge, they may in some future age demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or retard it. Whenever it comes it will be the proudest day in English history." Next there is an extract from Mountstuart Elphinstone in 1850 :—"But we are now doing our best to raise them in all mental qualities to a level with ourselves, and to instil into them the liberal opinions in government and policy which have long prevailed in this country and it is vain to endeavour to rule them on principles only suited to a slavish and ignorant population." On this Sir Henry Cotton remarks : "The experience of more than half a century since they were written merely confirms their truth." And after these I propose to give only one other extract, and to read just one sentence from Burke, who says : "Magnanimity in politics is not seldom the truest wisdom, and a great Empire and little minds go ill together. We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us." Now, these extracts which I have read to you explain what Indians ask for. Their wishes are embodied in the language of an Anglo-Indian, but I accept them as a very fair expression of our views. The question is : How is this to be accomplished ? There are only two ways of doing it—either by peaceful organisation or by revolution. It must be done either by the Government itself or by some revolution on the part of the people. It may be asked what do our present reformers want, and which of these two policies they desire to adopt. I will give a direct answer to that. In the year 1853, as far as I know the first attempt was made by Indian politicians or by Indians to form a political organisation and to express in words their wishes and demands. That was the period of the renewal of the East India Com-

pany's Charter, and three associations were then formed : one in Bombay, another in Calcutta, which is still in existence, and a third in Madras. The fundamental principle on which they based their whole action was contained in the words used by Sir Henry Cotton—that the connexion between England and India will not snap. That was the foundation of their action in 1853, when they made their first attempt at political organisation. As I have said, the British India Association at Calcutta is still in existence ; that in Bombay was succeeded by the Bombay Presidency Association, and that in Madras by the Madras Mahajana Sabha. All along they have gone on the same principle, that the connexion between England and India will continue. In the evolution of time, as we know, the Indian National Congress came into existence, twenty years ago, and I may say that it is the best product of the most beneficial influence of the connexion between England and India. This unique phenomenon of different races and different peoples in a large continent containing an area equal to Europe (Russia excluded), and embracing quite as many different nationalities coming together to consider proposals for the amelioration of the condition of the people of India and giving expression to their views and aspirations in the noble English language, is a product of which the British people may well be proud. The next Congress will be the twentieth, and, I repeat, that from the very beginning the principle acted upon has been a continuance of the policy adopted by the earlier Associations to which I have referred—the continuance of the connexion between England and India. Then the question is : How are we going to carry out that policy ? The only way in which the desired change can be brought about is, in our opinion, by a peaceful organisation, as Sir Henry Cotton has described it : it must be effected by the Government itself. Why is it that the Indian National Congress and we Indians here have solicited Sir Henry Cotton and Sir William Wedderburn to go out to India to assist at the twentieth Congress ? The answer is simply this : that if these reforms are to be carried out at all, they are entirely in the hands of the English people. The Indians may cry aloud as much as they like, but they have no power

whatever to bring about those reforms—the power is entirely in the hands of the English people and of the English Government, and our ideas and hopes can meet with no success unless we get men like Sir Henry Cotton and Sir William Wedderburn and others to help us to prove to the Indian people that they need not yet despair, for the British conscience is not altogether lost yet—and, on the other hand, to persuade the British people to do that which is right and just. We Indian people believe in one thing, and that is that although John Bull is a little thick-headed, once we can penetrate through his head into his brain that a certain thing is right and proper to be done, you may be quite sure that it will be done. The necessity, therefore, of English help is very great and we want English gentlemen to go out to India, not in their twos and fours, but in their hundreds, in order to make the acquaintance of Indians, to know their character, to learn their aspirations, and to help them to secure a system of self-government worthy of a civilised people like the British. On this occasion we Indians have invited a number of English gentlemen to come and sympathise with us in giving a good send-off to our two guests, and it is a most gratifying fact that there has been so cordial a response to our invitation, and that we have here gentlemen like Mr. Courtney, Mr. Lough, Mr. Frederic Harrison, and others. We cannot in the face of this, but hope that good days are coming, and we should never despair. Mr. Courtney was a member of a Royal Commission of which I was also a member. We agreed, and we disagreed. But what was his line of action all through? He displayed a spirit of fairness in the consideration of every question which came before the Commission. Mr. Lough has long been helping us, and when I was a member of the House of Commons I always found him a staunch and good friend of India in the House, while outside he has always accepted our invitations to help us wherever possible, Mr. Frederic Harrison has also been a great source of strength to our cause. I am sorry Mr. Hyndman is not here. He has been for twenty-six years a steady friend of the amelioration of the condition of India, and we hope that after the next General Election we may have his valuable support in the House of Commons.

I appeal to every Englishman, for his own patriotism and for the good of his own country, as well as ours, if he wishes the British Empire to be preserved, to exert himself to persuade the British people that the right course to be adopted towards India is one worthy of British civilisation—worthy of those great days in the thirties—the days of emancipation, of the abolition of slavery, and of the amelioration of many forms of human suffering. It was in the year 1833 that we got our great Charter—the Charter confirmed by the Proclamation of 1858. We ask for nothing more than the fulfilment of the pledges contained in that Charter. Those are our demands as put forward by Sir Henry Cotton, and I can only say that they constitute a reversion to the policy of 1833—a policy embodied in promises which, had they been fulfilled in their entirety, would have resulted in their meeting that day being of an entirely different nature—they would have been proclaiming their gratitude, instead of pleading to the English to reverse their policy and introduce one worthy of their name and civilisation. As Macaulay had declared: “It was to no purpose if they were free men and if they grudged the same freedom to other people.” I therefore appeal to every Englishman, for the sake of his own patriotism, as well as for the cause of humanity—for all reasons good and beneficent—to reverse their policy towards India and to adopt one worthy of the British name. I was one of those who started the Bombay Association in 1853, and from that time until now I have always been a worker in the cause. My principle has been from the beginning based on the necessity of the continuance of the connexion between England and India. I hope I may hold that view to the end of my life. I am bound, however, to mention one fact, and I will do so without comment. Leaving aside the general system of government, which we condemn, there have been during the past six or seven years repressive, restrictive, and reactionary methods adopted, and there has been, further, a persistence in the injustice of imposing upon India the burden of expenditure incurred for purely imperial purposes. What I want to point out is that the rising generation of Indians may not be able to exercise that patience which we of the passing and past generations

have shown. A spirit of discontent and dissatisfaction is at present widely spread among the Indians in India, and I wish our rulers to take note of that fact and to consider what it means. An Empire like that of India cannot be governed by little minds. The rulers must expand their ideas, and we sincerely hope that they will take note of this unfortunate circumstance and will adopt measures to undo the mischief. In the name of my Indian friends I thank the guests who have accepted our invitation, and I now call upon Sir Henry Cotton to respond to the toast.

THE LEGACY OF LORD CURZON'S REGIME*

We are met together to day for a very important purpose. A unique event has happened, showing significantly a sign of the times. We have had in India a great uprising, and in the chief towns there have been held monster meetings of Indians, denouncing and protesting against the sayings and doings of the highest authority there, making a protest in clear, unmistakable terms against the policy under which India is ruled. It is, indeed, a unique event. I, at any rate, do not remember anything similar having ever taken place in the history of British India. The Indians have very unanimously, very earnestly, and very emphatically declared that the system of rule they are now under should not continue to be. Let us consider what that means. More than 50 years ago—I will not go back to an earlier period of our history—Mountstuart Elphinstone said: "It is in vain to endeavour to rule them (the Indians) on principles only suited to a slavish and ignorant population."

And 40 years after—in the last 10 or 12 years—we find, not only a continuance of the same old system, but we find it brought to bear on the people with even more energy and more vigour. Some 11 years ago Sir Henry Fowler distinctly and

*Speech at Caxton Hall, Westminster (UK) in May, 1905 to protest against the arbitrary and reactionary measures of the government of Lord Curzon.

decidedly showed us that India was to be governed on the principles condemned by Elphinstone, for, by his conduct in refusing to give effect to the resolution regarding simultaneous examinations, passed in 1893, he proved that it was intended to continue the same evil system under which the country had been governed so long. Then followed Lord George Hamilton as Secretary of State, and what did he tell the whole world? He said: "Our rule shall never be popular. Our rule can never be popular."

These were his own words, in one of his early speeches, and he has taken very good care that his prophecy shall be fulfilled. But his doings were not so serious as Lord Curzon's, although he managed to go quietly on issuing regulation after regulation with the object of depriving Indians as far as possible of an opportunity of making any further progress. But then comes Lord Curzon, and he out-Herods them all. In the first resolution you have enumerated a number of his measures—and not a complete list, for there are some more of them—which he passed with the declared and clear intention of continuing to govern India only on principles suitable to slavish and ignorant populations. Here, then, we have a clear and distinct issue. Our rulers—the officials—tell us we shall have no chance of ever becoming a self-governing country—that they will not give us an opportunity of preparing ourselves for it. Undoubtedly, the character of the whole of the measures passed within the last 10 years points towards such an intention, and to the retraction of the generous mode which was adopted on some occasions in the time of Lord Ripon. Now, the Indian people have, for the first time, risen up and declared that this thing shall not be. Here is a clear issue between the rulers and the people; they are come face to face. The rulers say: "We shall rule, not only as foreign invaders, with the result of draining the country of its wealth, and killing millions by famine, plague, and starving scores of millions by poverty and destitution." While the ruled are saying for the first time, "That shall not be." I regard the day on which the first Calcutta meeting was held as a red-letter day in the annals of India. I am thankful that I have lived to see the birthday of

the freedom of the Indian people. The question now naturally arises, what will be the consequences of this open declaration of war—as you may call it—between the rulers and the people? I will not give you my own opinions or my own views. Anglo-Indian officials, who have told us that persistence in the present evil system of government will lead to certain consequences. Sir John Malcolm, a well-known Governor of Bombay, who had a very distinguished career as a political agent and as an official, after describing the system that obtained in the government of India, prophesied what would be the necessary consequences, and said: “The moral evil to us does not stand alone. It carries with it its Nemesis; the seeds of the destruction of the Empire itself.”

Again, Sir Thomas Munro said: “It would be more desirable that we should be expelled from the country altogether, than that the result of our system of government should be such an abasement of a whole people.”

Bright spoke on many occasions, always denouncing the existing system of government. He always regarded it as an evil and a disgraceful system, and, after describing the system, he wound up with these words: “You may rely upon it that if there be a judgment of nations—as I believe there is—as for individuals, our children, in no distant generations, must pay the penalty which we have purchased by neglecting our duty to the populations of India....I say a Government like that has some fatal defect which at some distant time, must bring disaster and humiliation to the Government and to the people on whose behalf it rules.”

Sir William Hunter, you know, was a very distinguished official, and while he spoke as favourably as he possibly could of the existing system, he did not fail to point out the evil part of it, and he summed up one of his lectures in these words: “We should have had an Indian Ireland multiplied 50-fold on our hands.” Again, Lord Cromer said: “Changes should be taking place in the thoughts, the desires, and the aims of the intelligent and educated men of the country, which no wise and cautious Government can afford to disregard, and to

which they must gradually adapt their system of administration, if they do not wish to see it shattered by forces which they have themselves called into being, but which they have failed to guide and control."

Then, Lord Hartington, when Secretary for India, pointed out that the exclusion of Indians from the government of their own country could not be a wise procedure on the part of the British people, as the only consequence could be "to make the Indians desirous of getting rid, in the first instance, of their European rulers."

I have read to you only these four or five opinions of men of position—of high position in the Government, and of official Anglo-Indians—opinions to the effect that if the present evil system is to continue the result will be to bring disaster to the British Empire—that, in fact, the British Empire in India will vanish. That is the position in which we are at the present time, under an evil system of rule. Either that evil system must cease or it must produce disastrous results to the British Empire itself. The issue before us is clear. Is India to be governed on principles of slavery or is she to be governed so as to fit herself as early as possible to govern herself ?

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Anyone who reads the items enumerated in the first resolution will see that Lord Curzon has set himself most vigorously and most earnestly to the task of securing that Indians shall be treated as slaves, and that their country shall remain the property of England, to be exploited and plundered at her will. That is the task to which Lord Curzon has set himself with a vigour worthy of a better cause. Now, that being the case, there is a duty on the Indians themselves. They have now broken the ice; they have declared that they will not be governed as slaves; and now let them show a spirit of determination, for, I have very little doubt that, if the British public were once satisfied that India is determined to have self-government, it will be conceded. I may not live to see that blessed day, but I do not despair of that result being achieved. The issue which has now been raised between the governors and

the governed cannot be put aside. The Indian people have as one body and in a most extraordinary way, risen for the first time to declare their determination to get an end put to the present evil system of rule. Now, I come to the first part of the first resolution—the aspersions and attacks Lord Curzon has thought proper to make—in, I am afraid, a little spirit of peevishness—against the character and religion of the East. I do not need, however, to enter into any refutation of what he has said, for the simple reason that, as far as I am concerned, I performed that task 39 years ago, when Mr. Crawford, the President of the Ethnological Society, wrote a paper full of the very same ignorant and superficial charges. I replied to that, and I find that the *Oriental Review* of Bombay has reprinted my reply for the present occasion. There are one or two other aspects of the matter I should like to dwell upon. It is very strange Anglo-Indian officials should throw stones in this matter. Let us have some enquiry about the manner in which the British Government have behaved towards India. Again, I will not give you my own views or ideas. I will give you those of Englishmen themselves—of men of the very highest authority. A Committee was formed in the year 1860, of five members of no less a body than the Council of the Secretary of State, in order to enquiry what the Government of the day should do with regard to the Act of 1833, by which all disqualification of race and creed was abolished. This Committee of five men—all high Anglo-Indian officials, who had done much work in India, and whose names were all well-known, gave a very decided opinion that the British Government had exposed itself to the charge of “having made promises to the ear and broken them to the hope.” This was in 1860. In 1869, the Duke of Argyll clearly acknowledged what had been the conduct of the British Government towards the Indian people in these words: “I must say that we have not fulfilled our duty or the promises and engagements which we have made.”

That does not look very like sincerity and righteousness on the part of the British Government. Then comes Lord Lytton. Something like 18 years after the Committee had given their opinion—an opinion of which we knew nothing because the

report was pigeonholed—Lord Lytton, in a private despatch to the Secretary of State, used these words : “No sooner was the Act (1833) passed, than the Government began to devise means for practically evading the fulfilment of it.. all so many deliberate and transparent subterfuges for stultifying the Act, and reducing it to a dead letter..... I do not hesitate to say that both the Government of England and of India appear to me, up to the present moment, unable to answer satisfactorily the charge of having taken every means in their power of breaking to the heart the words of promise they had uttered to the ear.”

Lastly, no less a personage than Lord Salisbury summed up the whole thing in two words. He declared that the conduct of the British Government to the Indian people was “political hypocrisy.” It does not, then, lie very well in the mouth of Anglo-Indian officials to talk of lapses of Indian character and morality. They forgot that they themselves had a very large beam in their own eyes when they were pointing to a little more which they fancied was in the eyes of others. They ought to remember that they are living in glass houses, and should not throw stones. The next aspect of Lord Curzon’s charges on which I wish to speak is this : He does not seem to realise the responsibility of the position in which he has been placed. He is there representing the Sovereign of the Empire—as Viceroy or Second King—the head of a great people, 300 millions in number, who had possessed civilisation for thousands of years, and at a time when his forefathers were wandering in the forests here. He had a special mission. His duty as Viceroy is to attract as much as possible and to attach the good feeling of the Indian people to the rule of the British Sovereign. What does he do ? By his acts he deals a deadly blow to British rule, and then, by a peculiarly ignorant and petulant speech, he creates almost a revolution in the whole of the Empire. It is really very strange that he should do so. But I am not surprised at what he has done, and I will give you the reason why. But, first, I will certainly mention one circumstance in his favour and to his credit. As we all know, he made a very firm stand against any brutal treatment of the

Indian people by Europeans, and, in so doing, caused dissatisfaction to his own countrymen. In that he really did a service, not only to Indians, but to the whole British Empire. That one act of his shall not be forgotten by Indians, for it showed his sense of the justice he as a Viceroy should exercise. But by all the acts and measures mentioned in the first resolution he has tried to Russianise the Indian administration, and with that narrow statesmanship with which he has all along associated himself, he has forgotten that while Russianising the Indian administration, he is Russianising also the people of India, who live at a distance of 6,000 miles from the centre of the Empire, and who, consequently, are in a very different position from the Russians themselves, who are struggling against their own Government in their own country. It is remarkable that Lord Curzon, when he was first appointed Viceroy, said that India was the pivot of the British Empire, that if the Colonies left the British Empire it would not matter much, whereas the loss of India would be the setting of the sun of the Empire. What does he do? How does he strengthen that pivot? One would think he would put more strength, more satisfaction, and more prosperity under the pivot, but, instead of that, he has managed to deposit under it as much dynamite as he possibly can—dynamite in the form of public dissatisfaction, which, even in his own time, has produced the inevitable explosion. Surely, that is a remarkable way of strengthening the connexion between the British and the Indian peoples. But, as he had said, he was not surprised at the Viceregal career of Lord Curzon: he was only disappointed and grieved that the fears he entertained, when Lord Curzon was appointed, had been fulfilled. It had been a great disappointment to him, because he had hoped against hope for something better. The announcement of his appointment was made in August, 1898, and in the following September he wrote to a friend in these terms: "I am hoping against hope about Mr. Curzon, for this reason. Lord Salisbury was at one time not a little wild. When he came to the India Office he seemed to have realised his responsibility, and proved a good Secretary of State, as things go—at least, an honestly outspoken one. Will Curzon show this capacity? That is to be seen.

My disappointment is that he did not show this capacity, and did not realise the responsibility of his position—he did not know how to govern the Indian Empire. I will not take up more of your time. The crisis has come; the people and the rulers are face to face. The people have for 150 years suffered patiently, and, strange to say, their patience has been made a taunt as well as viewed as a credit to them. Often I have been taunted with the fact that 300 millions of Indians allow themselves to be governed like slaves by a handful of people. And then it is stated to their credit that they are a law-abiding, civilised, and long-suffering people. But the spell is broken. The old days have passed, and the Indian of today looks at the whole position in quite a different light. New India is becoming restless, and it is desirable that the Government should at once realise it. I hope that the next Government we have will reconsider the whole position, and will see and understand the changes that have taken place in the condition, knowledge, and intelligence of the Indian people. I hope that steps will be taken more in conformity with the changes that have taken place, and that things will not be allowed to go on in their present evil way, to the detriment of the Empire itself as well as the suffering of the people.

GOKHALE'S TRIBUTE TO NAOROJI*

I thank you sincerely for the honour you have done me in asking me to take the chair on this occasion. To my mind, it is a great privilege to be called upon to take a prominent part in this celebration. A public celebration of the birthday of a private individual is a unique event in any land, and its value is increased a hundred-fold when, as in this case, diverse classes and creeds join in paying the homage. Mr. Dadabhai must have received, during this long and illustrious life, innumerable proofs of the intense devotion with which he is regarded by all classes of the people in this country; but I doubt if any expressions of admiration and gratitude—even the

*Presidential remarks of Gokhale at a public meeting in Bombay in September, 1905 on the occasion of the celebration of the 81st birthday of Dadabhai Naoroji.

most enthusiastic demonstrations ever held in his honour—could equal in their significance this annual celebration of his birthday, which is now instituted, not only in Bombay, but also in other parts of India.

Gentlemen, what is the meaning of this great gathering here today? How is it that Mr. Dadabhai has in course of time attained in the hearts of millions of his countrymen, without distinction of race or creed, a place which rulers of men might envy and which in its character is more like the influence which great teachers of humanity have exercised on those whose thoughts and hopes and lives they have lifted to a higher plane? To us he is not merely a great political leader—the foremost of our time, and for the last half a century. It is because he embodies in his person all that is high and noble in our land and stands as the sacred representative of our national aspirations for the future, that our deepest devotion is given to him. He had attained this position before many of us were born, and few are those among us whose earliest awakening to the claims of nationality has not been influenced by his teaching and his example. Gentlemen, eighty years ago, when Mr. Dadabhai first saw the light of day, if any one had ventured to predict that he would one day stand forth as the most trusted spokesman of a united India, such a man would have been set down as a dreamer of wild dreams. In 1825, the power of the Mahrattas had just been overthrown. And though the first generation of British administrators—foremost among whom will always stand the honoured name of Elphinstone*—had taken in hand the work of consolidation in a spirit of wise and liberal statesmanship the people on this side were naturally sullen and discontented and not without a vague expectation that their own Government would return some day. Western education had then hardly begun—the Charter Act of 1833 was yet some way off—and the idea of the different parts of this great country drawing together in a common feeling and a common aspiration could have been no more

*Mountstuart Elphinstone (1779-1859); Assistant to the Governor-General's Agent at the Peshwa's Court at Poona (1801); Resident at Poona (1811-17); Governor of Bombay (1819-27).

realized even mentally than is the idea of a united Asia realized by us today. I think it is to the infinite honour of British rule and the wise and large-hearted policy followed in the administration of the country—especially in matters of education—that what was then almost difficult to conceive has now already become a fact and a reality. And to Mr. Dadabhai and the earliest band of Indian reformers, that worked with him, belongs the credit of understanding aright the true meaning of the new order of things and the possibilities that it implied for their countrymen, and of throwing themselves heart and soul into the work of realizing those possibilities in practice.

Since then, one generation of workers has entirely disappeared from the scene and of the next only a few are left—may they remain long with us!—to guide us. But Mr. Dadabhai has all through remained in the forefront of the movement and neither age nor disappointment has chilled his ardour nor has absence diminished his hold on his countrymen. This political agitation which has grown from small beginnings to its present proportions has been watched over by him with the tender solicitude of a parent. To him its success or failure has meant the success or failure of his own life. And he has known it in all its phases—when hope and faith were strong, as also when the sky was overcast with clouds. In celebrating, therefore, Mr. Dadabhai's birthday today, we honour one who has been a visible embodiment of our struggles and our aspirations for more than half a century and we lift up our hearts in humble gratitude to the Giver of all Good that a life so wholly consecrated for the service of our motherland has been spared so long.

And, gentlemen, what a life it has been! Its sweet purity, its simplicity, its gentle forbearance, its noble self-denial, its lofty patriotism, its abounding love, its strenuous pursuit of high aims—as one contemplates these, one feels as though one stood in a higher presence! Surely there must be hope for a people that could produce such a man, even if, as Mr. Ranade once said, he be only one in three hundred millions! But, gentlemen, it is unnecessary for me to dwell on the personal qualities of Mr. Dadabhai before a Bombay audience. Rather,

would I utilize the minutes for which I may still claim your indulgence for a brief reference to his principal teachings, round which a certain amount of controversy has of late gathered. No one has been more warm than Mr. Dadabhai in his acknowledgement of the great benefits which British rule has conferred on us. But he was the earliest to perceive—and throughout his long career he has ceaselessly endeavoured to make the ruling nation realize this—that these benefits are marred by two great evils—one material and the other moral. The material evil is the large drain of wealth that takes place year after year from this country ; the moral evil is the steady dwarfing of the whole race owing to its exclusion from all high and responsible offices. Now, I think on both these points Mr. Dadabhai's position is unassailable.

Take the drain of wealth first. Mr. Dadabhai has all these years contended that a large proportion of the wealth of the country goes out of it annually without a material equivalent. And this includes not merely the pension and furlough charges of European officers, payments to the War Office for European troops and other expenses in England of the Indian Government, but the profits earned and sent out of the country by European merchants, the savings of English lawyers, of English doctors, of Europeans in Civil and Military employ—and he calculates that this drain amounts to at least twenty millions sterling a year. Now, whatever justification may be urged for this drain on grounds of expediency or of political necessity, from the purely economic point of view, it is so much wealth drained from the country, because no material equivalent is left in its place. The services which are rendered by these men would, in a normal state of things, have been rendered by Indians themselves, but in the present abnormal situation, they keep this number of Indians out of employment, and help to carry away so much wealth from the country without material equivalent. Now, even if India had been a wealthy country, such an annual drain would have been a most serious matter ; but it is now admitted on all hands, even by the most inveterate official optimists, that India is one of the poorest countries in the world, and Mr. Dadabhai's contention is that this annual drain of wealth practically wipes out the country's margin for

saving, and as industry is limited by capital and capital can result only from saving, this drain makes the industrial development of the country by the children of the soil a practical impossibility.

As regards our exclusion from high and responsible offices, his position is equally clear. When we agitate for admission to the higher ranks of the public service, it is not merely that we want a few more posts for our countrymen ; though even if it were only that, there is nothing in it to provoke a sneer. But, as a matter of fact, our claim is for a participation in the responsibilities of Government. We want to occupy in our own country places which develop resourcefulness and strength of character and the capacity to take the initiative, and which virtually represent the difference between men who rule and men who merely obey. But then, some of the critics say, Mr. Dadabhai of late has been making use of language which is much too bitter, and which can only rouse a feeling of resentment among members of the ruling class. Now, gentlemen, I want those who make such a complaint to consider one or two points. Everyone knows that Mr. Dadabhai is one of the gentlest men to be found anywhere in the world. When such a man is driven to the use of bitter language, there must be something in the situation to make him so bitter ; and the responsibility for his bitterness must, therefore, lie not on him but on those who make the situation what it is. Again, take the writings of Mr. Dadabhai of his earliest years ; take even his writings of middle age ; and I say, without the least fear of contradiction, that no one will be able to lay his finger on a single word which can in any way be described as bitter. If latterly he has been using language which to some may appear too strong, it is because he finds that he has been all these years like one crying in the wilderness ; also because he finds, as we all find, that for some years past the ideals of British rule in this country are being steadily lowered. Further, ladies and gentlemen, a man of Mr. Dadabhai's great age and lifelong devotion to the best interests of his country may well claim to state the naked truth, as he perceives it, without any artificial embellishments such as you or I are expected occasionally to

employ. I think Mr. Dadabhai stands today in the position of a teacher not only to his countrymen but also to the rulers of the land. And whoever has thought of complaining that a teacher does not care to overlay truth with a quantity of soft and plausible expressions? Moreover, gentlemen, I do not mind Englishmen occasionally making such a complaint, but I really have no patience with those of our own countrymen who, having done nothing or next to nothing for their country themselves, do not hesitate to say that Mr. Dadabhai is injuring the country's cause by the use of violent language. No, gentlemen, whether Mr. Dadabhai uses mild words or bitter words, our place is round his standard, by his side. Whoever repudiates Mr. Dadabhai, he is none of us. Whoever tries to lay rude and irreverent hands on him, strike him down.

Ladies and Gentlemen, I have no wish to detain you longer; but I will address just one word of exhortation to the younger portion of my audience before I conclude. My young friends, I want you to consider what a glorious example Providence has placed before you in the life of Mr. Dadabhai. The purpose of this celebration will hardly be attained if the enthusiasm kindled in you by a contemplation of his great life were to show itself in the applause with which you greet his name. I want you to ponder over the lessons of that life and try to realize them as far as you may in thought and conduct, so that in course of time they will become a part and parcel of your very being. Gentlemen, a loving and all-wise Providence gives to different people at different times according to their need great men who serve as lights to guide the footsteps of our weak and erring humanity. There can be no doubt whatever that Mr. Dadabhai has been given to the people of this country as one of such men. To my mind, he is one of the most perfect examples of the highest type of patriotism that any country has ever produced. Of course, none of us can attain to his eminence or to anything like it. It may also be given to very few to have his indomitable will, his marvellous capacity for industry, and his great mental elevation. But we can all of us love the country without distinction of race and creed, as he has done: we can all sacrifice something for the

great cause which he has served so faithfully and so long. After all, the lesson of sacrifice for the motherland is the greatest to be learnt from Mr. Dadabhai's life. And if only our young men will realize this in their own lives, even partially, however dark the outlook at times may appear, the future is bound to be full of hope.

PHEROZESHAH M. MEHTA

[Sir P.M. Mehta (1845-1915) occupies a prominent position among the worthiest of our great public figures of modern times by reason alike of commanding talents and disinterested patriotism. Ever adhering to the way of 'patience and perseverance', he championed the cause of enlightened liberalism in India so as to realise the goal of eventual social advancement and political enlightenment of the country. His firm and fearless advocacy of liberal principles contributed to the dissemination of the values of a system of decentralisation of powers. He criticised Lord Salisbury's view that "government by representation did not fit Eastern traditions or Eastern minds". In stead he dwelt upon this sensible statement of Christolm Anstey that the "East is the parent of Municipalities. Local self-government, in the widest acceptation of the term, is as old as the East itself." He hoped that India's connection with England would prove a blessing to both as well as to the whole world for countless generations.]

ADMISSION OF NATIVES INTO INDIAN CIVIL SERVICE*

Mr. Pherozechah M. Mehta in seconding the resolution, ** said :—The task of seconding the resolution has been entrusted

*Speech at a public meeting in Bombay on 15 December, 1877 under the chairmanship of Sir Mangaldas Nathubhoy for adopting a Memorial to the British Parliament in regard to the New Rules of Admission of the natives into the Indian Civil Service.

***Resolution* :—“That this meeting views with regret the change which has recently been introduced by the Rt. Hon'ble the Secretary of State for India in the rules regulating the admission to the open competitive examination for the Civil Service of India because it is calculated to impair the efficiency of the service and to mar the prospects of Indian candidates.”

to my hands, and I have undertaken it most readily because, I feel persuaded that the time has now arrived when from all parts of India, we should send forth an united and energetic appeal before the people of England in Parliament assembled, protesting against the injustice and inexpediency of the policy which is being pursued with regard to the question of the admission of natives into the Civil Service of their country. I earnestly believe that we should be wanting in our duty to both the countries with which we are connected—the country which gave us birth and the country which governs us, if we allowed this policy to be firmly established without strenuously lifting our voice against it. For the question involved in the resolution before you is fraught with far deeper issues and far larger considerations than appear on the surface. It is not a mere technical question of the limit of age causing certain minor difficulties and inconveniences. Considered in connexion with the measures which have preceded it, this reduction of the limit of age from 21 to 19 strikes a crowning blow at the fair and regular admission of natives to the Civil Service. And it is our right as much as it is our duty to protest against the mischief and danger of such a policy. It is a policy which is at once in contravention of solemn pledges and binding compacts entered into after an eventful experience, after careful inquiry and after mature and deliberate consideration as to what was best for the true interest of both countries. So far back as the year 1833, on the occasion of those periodical renewals of leases to the East India Company for the government of India, the British Parliament declared with no uncertain voice the principle which they were prepared to follow with regard to this question. By the 87th Section of the Act which was passed on that occasion, it was enacted—‘That no native of the said territories, nor any natural-born subject of His Majesty resident therein shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company.’ Now-a-days we are not unaccustomed to hear the principle enacted in this clause ridiculed by a certain class of Anglo-Indians as the hysterical outcome of maudlin sentimentality or weak philanthropy. But, gentlemen, this noble

principle was not embodied in an Act of Parliament by a representative body which has been remarkable for the practical good sense and sobriety of its measures over every other thing, from any such impulses of weakness. In these days it is well to recall that the British Parliament gave its adhesion to this principle because it was convinced that it was as essential for the safety and advantage of its own rule as it was just and generous towards the people of India. It fortunately fell to the lot of one of the greatest men England has ever produced, one who was no less remarkable for the practical soundness as for the enlightened large-minedness of his views, to give utterance to the reasons upon which this conviction was founded. The class of people of whom I have spoken would fain make us forget, as they would fain forget it themselves, that there were any solid reasons upon which this conviction was based. But let us tell them that they are much mistaken if they think that we shall ever cease to cherish the utterances in which these reasons were recorded as heirlooms of inestimable value. Gentlemen, you remember that portion of Lord Macaulay's speech on the Government of India Bill of 1833, of which he had the conduct, in which he refers to the question. The same principle was acknowledged still more solemnly and emphatically in 1858. That pledge was given after a stormy experience of trouble and anxiety. Here again it is well to remember that noble and generous as was the pledge, it was not simply a voluntary pledge, it was also a binding compact; peace, obedience, order and loyalty were demanded from the peoples of India, and in return were these promises made of equality and fair play. At the same time with these pledges, the Acts of 1853 and 1858 threw open the Civil Service to admission by competitive examination, and natives were declared eligible just as much as English candidates. I have dwelt on these points more at length because I want to show that they concluded finally three things,—the binding character of the pledges; 2, the free and equal eligibility of natives for the Civil Service; and 3, that they were entitled to be examined by the same tests as English candidates. Now a-days we hear a good deal from those who want to get out from these solemn pledges as to the inferiority of native *morale* and the consequent

necessity of special tests for examining it. But the point is *res judicata* as we say in legal phraseology. And look at the inconsistency of the argument. An Indian candidate, if he is examined in a room in London, can be tested by the same examination as English candidates ; let him sit in the Town Hall of Bombay and special tests are required. Now, gentlemen, see how these pledges have been fulfilled. From 1833 to 1853 not a single native was appointed to the Civil Service. From 1858 to 1863 not a single native was able to obtain admission to it. And from that time to this, nine candidates only have been able to compete successfully for it. Attention was drawn to this state of things and considerable agitation took place in regard to it in the years 1868-70. And successive Secretaries of State for India, the Duke of Argyll, Sir Stafford Northcote, the Marquis of Salisbury, were all convinced that it was owing to the special obstruction in the way of natives in having to go all the way to England to compete in a foreign language at great expense and risk, and with but a chance of success. All the English authorities were honestly anxious to devise remedies to remove these obstructions, but unfortunately reference was made to the Indian authorities and from that moment all our hopes were doomed. I have the highest opinion of the Indian Civil Service. Competition has secured for us one of the best Services in the world ; but it was not fair to the Civil Service to ask them to devise measures for the purpose of enabling natives to poach on their ancient preserves. The result was what might have been expected. They recommended a measure which was embodied in clause 6 of the East India Laws and Regulations of 1870. The whole native press protested against it at the time, and I had myself the honour of reading a paper in this very hall on the subject and resolutions were sent up for presentation to the Secretary of State for India. How have our fears been justified in an experience of seven years ? We said the clause would not be worked at all ; and that if worked, favouritism and jobbery would be the only outcome. Seven fair years have elapsed and throughout the length and breadth of India from her population of millions, one native has been appointed to a post in the Civil Service. Let us look at the character of the appoint-

ment. I wish to speak sincerely with all respect of the gentleman who has been so appointed. But it is well sometimes to speak what everybody thinks and feels, and this appointment, the first of the kind, in which great judgment and care would be naturally employed, shows that our fears about the way in which the patronage will be exercised are not unfounded. If merit and ability were the tests, we all know who ought to have been appointed—a man of extraordinary abilities, of great modesty of character, but with all unfortunately of fearless independence and fixity of aim and purpose. But still when this clause was passed, we had this single ray of consolation that the old road to entrance in the Civil Service, though beset with special difficulties and obstructions, was open to us in free fight. But as I have said, a crowning blow has been struck even at this last hope and the reduction of age from 21 to 19 takes away all chance from Indian candidates of ever being successfully able to compete with English candidates in England. The only statesman-like policy worthy of a great nation is that suggested in the memorial, *viz.*, setting aside a number of appointments for competition in India. We need have no fears. This loyal and constitutional agitation will in time surely bear fruit. And we can rest assured, when convinced of the justice and the wisdom of this proposal, as convinced they will be sooner or later, our appeal will not be lost on the great English people who have been so just, so good and so generous to us.

CIVIL SERVICE AGE QUESTION*

P.M. Mehta in seconding the proposition** said that they would pardon him if he looked upon the meeting with some

*Speech at a public meeting in Bombay on 2 September, 1884 for adopting a Memorial to the Secretary of State for India on the question of raising the age of native candidates for the Indian Civil Service.

**Resolution—'That in the opinion of this meeting the regulations in force touching the admission of candidates to the Indian Civil Service Examination are unsatisfactory and do not fairly meet the legitimate claims of native candidates.'

curiosity because they had been recently told that in resorting to this kind of political agitation they were resorting to what was called treason and sedition-mongering. There was no necessity for any such expression of opinion as hisses. But he could not suppress a smile of amusement at the superior persons who gave vent to such absurd utterances. This only showed what knowledge of the natives and of their ways of thought and living those superior people possessed who said they wanted to rule the natives with wisdom and foresight. He was led to make these observations by a letter which had appeared in the *Bombay Gazette* a short time ago under the signature of "Plancus." This gentleman, who had been good enough to disguise his greatness under the modest description of a Government drudge, told them in very solemn words that political agitation was an instrument which the natives could use only to their own ruin. He told them that in respect of political agitation they were in the position of the person who got hold of the magician's wand only to raise spirits in an irregular way. The spirits came, but destroyed him. Such was the fate predicted for them, if they ever resorted to agitation. Though "Plancus" had been busy cursing them, he had still left them a ray of consolation. He had pointed out the remedy by which they could save themselves from his curse. He said he was an exact counterpart of that worthy and estimable gentleman so admirably depicted by Dickens in one of his novels, Sir Joseph Bowley. "Plancus" said he was a friend of the natives of India just as Sir Joseph was the friend of the poor; and told them, natives of India, 'Give up all thinking for yourself and leave me to do it for you. I know what is good for you. I will be your perpetual parent. Such is the dispensation of an all-wise Providence.' So saith "Plancus." Yet another oracle had recently been brought into prominence by his friend Mr. Malabari, who, he regretted to say, had shown less than his usual political sagacity in invoking legislative interference in regard to the civils, the admittedly enormous evils, of infant marriage and early widowhood. Mr. Malabari gave an opportunity to Sir Auckland Colvin to express himself on the subject, and that gentleman advised them to give up political agitation and the self-imposed task of reforming him and his

countrymen, and confine their sole attention to remedying their social evils. But, said Mr. Pheroze Shah, the natives had never set themselves up for superior persons. On the contrary, they admitted that there were a good many points in which their British rulers were far superior to them. But they would maintain nevertheless that, superior though the English might be in the possession of many good qualities, they still required to a certain extent their guidance even in the shape of political agitation, because in the first place the rulers required to protect themselves from their selfish instincts, and secondly from the ignorance under which they laboured with regard to the people among whom their lot was cast. He would say with all deference to Sir Auckland Colvin, that this very question of admitting natives to the Civil Service of India most remarkably illustrated the utmost desirability, nay, the necessity, for the natives to carry on a political agitation of that sort, for the purpose of throwing light on a subject of great difficulty. While all these superior people were never weary of telling them with great modesty, which surely they did not want the natives to imitate, that they were prudent and full of wisdom and foresight, these very men had in the fulness of their wisdom and after a deliberation of years, evolved a system of statutory civilians. And what were the opinions which these prudent and far-sighted men had since been obliged to pass on the scheme? Were it not for the agitation on the Ilbert Bill, they would not have heard anything like a plain avowal of the fact that the provision in regard to the creation of statutory civilians was a step in the wrong direction. It was necessary all the more to resort to agitation, because those who told them that they wanted to rule over them as benevolent despots had to remember that the only condition on which the forces of benevolence and despotism could co-exist, was this, that there might be an incessant fight between benevolence and despotism in which the force of benevolence must ever triumph over that of despotism. Otherwise despotism would swallow up the benevolence to the utter destruction and demoralization not only of the natives but also of their rulers. The existence of men like Mr. Atkins of great notoriety, to begin with, at one end, and of men like Sir Auckland Colvin at the other, with "Britannicus"

and "Plancus" interspersed between them, with their wonderful theories of benevolent despotism pure and simple, showed the necessity of an agitation steady, combined, persistent, and strenuous. He trusted that when a scheme was laid before them for the purpose of having an independent organization formed with that object, it would secure their serious attention and cordial support. Passing on to the question which they had assembled to consider he asked them to remember one thing, that there were proposals made about reserving certain places in the Indian Civil Service for Europeans alone. Now the Crown had declared by a free charter that the natives of India were eligible for all offices of state from the highest to the lowest. In view of this charter, which would never be revoked, the question arose whether it would not be fair and just that the special disabilities under which the natives laboured should be removed. When the question had reached this stage the unfortunate scheme of statutory civilians was brought forward. At that time the Indian bureaucracy was far too powerful to allow free scope to the hope entertained by Indian statesmen that the disabilities in the way of their countrymen would be removed. The natives of India immediately saw through the proposal which had been made, and from one end of the country to the other the general opinion was that the creation of such a service was a mistake and would be found to be a mistake. In that very hall a large meeting was then held at which he himself had read a paper pointing out the great defects of the proposed system, and it was unanimously resolved after discussion that the scheme was fraught with great mischief. There was ample testimony in support of the fact that the reduction of the limit of age had rendered more disastrous a most disastrous solution of the problem, and matters were made much worse by the introduction into the service of Government patronage and Government jobbery. In the late agitation the statutory civilians were branded as inferior officers altogether, and an able writer calling himself "Civilian" had admitted that the selection of statutory civilians had degenerated into patronage and jobbery. At first, however, there was some little chance of natives overcoming the difficulties in their way and entering the Civil Service in an honourable and proper

manner. But the reduction of age had taken away from them the last chance of getting into the service by open competition. Even under these well-nigh insuperable difficulties and obstacles there might be found a rare instance of a precocious youth once in ten years entering the service by fair means. But as the Honourable Mr. Budruddin had pointed out, they wanted for the service not precocious youths, either native or European, but men who could approach the serious duties of their office with a more ripened intellect and a more cultured understanding. He would not go into the various considerations which had been so ably put forward by Mr. Budruddin. There was however one thing to which he did not refer, namely, that if the age should be raised there would still be difficulties in the way of fair competition, because there was an undue preponderance of the highest number of marks assigned for subjects in which the European competitor was expected and was likely to do better than his native rival. It was unfair that in the subjects in which the natives would naturally have the advantage the marks were comparatively so few. Mr. Pherozechah said the only statesman-like and far-sighted policy which would satisfy the just aspirations of the natives of India, was contained in that portion of the memorial which says that the examination should be held in this country under the same tests as in England at one or more centres and that the passed candidates should then be sent to England. He quite admitted that a visit to England would be of immense benefit to the native student, and while agreeing with Mr. Budruddin that it would be unfortunate to send native lads to England at a very tender age, it would still be of great benefit to go there at a mature age for the purpose of finishing their education and return here learned in Eastern and Western lore to take part in the Government of the country.

CENSORSHIP OF VERNACULAR PRESS*

Sir,—Fully recognizing the almost hopeless nature of the task, it is still impossible to sit quiet and not join in leading

*Letter to the Editor of *The Times of India* Bombay on the Vernacular Press Act dated 17 March, 1878.

even a forlorn hope to save the imperial autocrats of the Government of India from the huge and frightful blunder which they are committing in passing the Act for muzzling the Native Press. Never perhaps since the advent of the British Power in India has a measure been brought forward which has caused such painful surprise and mortification to its truest and most sincere well-wishers and friends. Of all the forebodings which were entertained by those who dreaded that the assumption of the title of Empress denoted at the same time the abandonment of that policy so eloquently depicted by Macaulay as "the policy of true wisdom, of national prosperity and of national honour," for the narrow-minded policy of autocratic imperialism, none seemed less likely to be realized than that Englishmen, born and nurtured in one of the most glorious political principles which their forefathers had discovered after a varied experience and proclaimed after a hard struggle and severe tribulation—the principle that the liberty of unlicensed printing was more potent for exterminating ignorant and malicious sedition and slander than the repression of it—should have succumbed to the miserable sophisms which hold up the inevitable stages of blundering and groping in the dark through which all progress must pass as the only real truth of it. Nothing seemed more unlikely than that the poet-viceroy, to whom this principle, dear as "an inherited instinct" and sacred as "a national birth-right," ought to be as clear as daylight, should avow himself to be confused and led away from the steadfast perception of the firm basis underlying it, alike applicable to peoples with whom such principles have been familiar watchwords for centuries and to peoples who are just struggling into political life and existence; that even he should so entirely forget that it was because the censorship of the press propagated and multiplied the evils which it was intended to put down, that it was condemned and abolished, that it was for the suppression of that very unbridled and extravagant license which has inspired such dread and hurry that the liberty of unlicensed printing was declared most essential. It is really a most melancholy spectacle to observe a statesman of such generous promise dealing in his deluded weakness a most cruel and most

fatal blow to one of the noblest experiments that history has ever unfolded—that of initiating oriental nations into systematic political life and existence. For, that the unflinching results of this measure will be to crush down the nascent political growth which was hitherto fostered in this country by the far-sighted statesmen to whom we owe the consolidation of British rule into the mighty Empire it now is, there can be no doubt. Let not the promoters of this measure deceive themselves into imagining that it will not affect honest criticism of the Government and its officers, that it will only put a restraint upon seditious and libellous and malicious instigation and comment. I do not forget that this is all that the Government intends and proposes to do. It would be difficult not to be struck with the earnest assertions of the Hon'ble Mr. Ashley Eden, that criticism be courted, criticism fair and temperate. Though persons uncharitably inclined might insinuate that this is nothing more than what Sir Fretful Plagiary was himself always protesting with his utter intolerance of all criticism, deserved or undeserved, still it may be admitted that there is no reason to suspect insincerity or dishonesty in these professions. But that in process of time it must degenerate into an instrument for generating 'flattery and fustian,' all the teachings of history warrant us in regarding as inevitable. It is at all times difficult to draw the line between severe, though just, criticism of Government and its measures, and the licentious abuse of them, bordering on the preaching of sedition and the propagation of disaffection. But when the judges of the distinction are to be the very men who are the objects of the criticism, they must be more than human if in course of time and by gradual stages all hostile criticism is not brought within the pale of the proscription. And while base adulation would on the one hand be lavished by servile time-servers, wild rant and unbridled scurrility would, on the other, be spouted by unprincipled demagogues who would spring into notoriety and power as the apostles and martyrs of the oppressed masses. This is no idle and baseless speculation; historical experience has once and again verified this phenomenon. Milton tells us how in his time there flourished, 'not once or oftener, but weekly, that continued court-libel against the Parliament and

city, printed as the wet sheets can witness, and dispersed amongst us for all that licensing can do.' Macaulay has still more accurately and minutely described the same results in later times in his history of the Revolution of 1688. 'No person', he says, 'who has studied with attention the political controversies of that time can have failed to perceive that the libels on William's persons and Government were decidedly less coarse and rancorous during the latter half of his reign, than during the earlier half, and the reason evidently is, that the press, which had been fettered during the earlier half of his reign, was free during the latter half. While the censorship existed, no tract blaming, even in the most decorous and temperate language, the conduct of any public department, was likely to be printed with the approbation of the licenser. In general, therefore, the respectable and moderate opponents of the Court, not being able to publish in the manner prescribed by the law, and not thinking it right or safe to publish in a manner prohibited by law, held their peace and left the business of criticising the administration to two classes of men—fanatical nonjurors who sincerely thought that the Prince of Orange was entitled to as little charity or courtesy as the Prince of Darkness; and Grub 'Street hacks, coarse-minded, bad-hearted and foul mouthed. The emancipation of the press produced a great and salutary change. The best and the wisest men in the ranks of the Opposition now assumed an office which had hitherto been abandoned to the unprincipled or hot-headed. Even the compositions of the lower and fiercer class of malcontents became somewhat less brutal and less ribald than in the days of the licensers. In truth, the censorship had scarcely put any restraint on licentiousness or profaneness.' The experience of Italy, France and Germany tells the same tale and teaches the same lessons. All the Papal interdicts with its famous Index Expurgatorius succeeded sometimes in proscribing books of merit, but were powerless to stem the torrent of the most uncompromising abuse and the most virulent hostility. In France, just before the Revolution, the restrictive measures were carried so far that in 1764, L'Anerdy published a decree 'by which every man was forbidden to print or cause to be printed anything whatever upon administrative affairs or

Government regulations in general, under penalty of a breach of the police laws, by which a man was liable to be punished without defence, and not as was the case, before the law courts, where he might defend himself, and could only be judged according to law'; and in 1767 he issued another decree which made it a capital offence 'to write a book likely to excite the public mind.' The result was a flood of the most revolutionary literature such as has never been surpassed in malignant rancour or vile detraction. It is worthy of notice that all these repressive measures were justified on the plea of the supreme law of the safety of the state, and particularly in the English instances, of the safety of Governments which have been the salvation of the country, and during the most critical periods of their establishments. So that, these instances do not fail of application to Indian circumstances for want of proper analogy. The lesson they inculcate is of universal application, *viz*, that repression only aggravates the mischief it is intended to obviate, and strangles what it fondly hopes to sift out and preserve. If the Native Vernacular Press is licentious and scurrilous, the system of licensing will but aggravate and intensify its mischievous tendency, and annihilate nothing but honest and useful criticism. Such a consummation would take place more quickly in India than elsewhere, just because the press is here only beginning to rear its head and is only in its infancy. Moderate and respectable men, their functions not yet hardened into habits, would retire from the field without hardly a struggle. Violent and unprincipled agitators would thrive on the persecution which would furnish the very nourishment necessary for their existence. And while thus the sound and healthy political growth of the people would be indefinitely retarded, the Government would be deprived of all trustworthy sources of keeping itself well informed of the real inner feelings and thoughts of the people towards it. Deprived of free and sincere criticism, it would hardly know how to steer its way through servile adulation or scurrilous abuse. With all its generous intention and its sincere benevolence, it would one day awaken, only too late, to discover its energies misapplied, its benevolence misdirected and its intentions frustrated. To this would be added another danger of a more serious kind.

If there be disloyalty and disaffection among the people to the British rule, the gagging of the press will be simply tantamount to pressing down a lid on the seething cauldron. For it must be remembered, that the measure is and can only be directed towards the promulgation of the perilous stuff, not towards the extermination of its very existence. In that case it would go on boiling and bubbling and generating more and more under the cover clapped on it, unnoticed and unknown, till in a careless, unguarded, or preoccupied moment, the pressure may be relaxed, and all the pent-up forces may burst through, causing infinite mischief till its fury was spent or put down. Let us implore the Government of India, while there is still time, to retrieve a blunder and retract a policy fraught with such disastrous issues for the honor and success of British rule, as well as for the welfare and the highest interests of the people entrusted to its care. Let us impress upon those members of the Council who were so vehemently acrimonious in their denunciation of the licentiousness of the Vernacular Press, almost to the verge of betraying the least little suspicion of personal feeling, that we are not pleading, in the noble words of one of the greatest of Englishmen, 'for the introduction of licence, but we only oppose licensing.' Sir John Strachey has even been at the pains of ransacking the dusty archives of legal lore to point out that even in England the law does not tolerate license. That is perfectly true; but at the same time, the English precedent teaches that repression is futile, and punishment is adequate to meet the evil. But it is asserted that the present law, or even an amended law, 'would not adequately and properly meet the requirements of the case.' This is simply a speculative assertion; even the law as it exists has never been tried and found wanting.

Hitherto it has been assumed that there was ample justification for the indignant assertions about the seditious and scurrilous character of the vernacular press. It was natural to cast an anxious glance at the now famous 150 extracts. When the Viceroy went so far as even to invoke the supreme law of the safety of the state, it was natural to expect that there was an immense mass of matter of the most perilous and inflammable character.

I confess I took them up with trepidation. I put them down in bewildered surprise. There were a few selections of a somewhat gross character ; but surely a vernacular press, spreading over the four quarters of a vast continent, should have produced more plentiful and stronger indications before it could deserve a wholesale imputation of treason and disloyalty. To anyone capable of understanding and entering into their spirit, it was perfectly clear that there was in them no disloyal hostility to British rule. It is only Englishmen who could misconstrue them in their unimaginative and unsympathetic social isolation from the humanity around them. It has been often reiterated how little Englishmen know of the real life of the natives, how little they are able to realize fully. Some English officers possess a vast store-house of Indian facts, *e.g.*, the present Governor of Bombay. But this knowledge is like a Chinese portrait ; every hard, little detail of shape, figure and dress is there ; but the soul is wanting. So it is with the knowledge of Englishmen of real Indian life. Another cause has also operated to mislead the advocates of the measure in its est mate of the disloyal tone of the native press. The extracts are translations and summaries in English of things written in the Vernaculars. A great deal of the disloyalty and disaffection has been imported by this transformation. Incoherent and rabid tirades of the flimsiest character have become stiffened, by the process of substituting an English word of various and definite connotations for a vague, almost unmeaning phrase in the vernacular, into pointed and startlingly definite declamations. To a native, reading them with his natural knowledge of native modes of thought and expression, these extracts convey no treasonable, disloyal, or even extravagantly scurrilous notions. It is true, there are angry recriminations, exaggerated generalizations, pompous historical allusions, petulant expressions of offended vanity or disappointed hopes ; there is even a personal attack on the understanding of the Lieutenant-Governor of Bengal in the worst possible taste ; but of real disaffection or disloyalty there is absolutely nothing, or at least so little that it would be ridiculous to regard it as justifying an extreme measure. And it must not be forgotten that nations are not trained and educated in a day ; they do not

acquire moderation and intelligence without a large and eventful practice. The laws of human progress teach us that the native press must pass through these stages of blunders and excesses before it can arrive at the discretion of man's estate. To destroy it for this reason is to cut down the growing tree because it first puts forth fruit which is raw and bitter. Such conduct betrays only short-sighted impatience. The policy of wisdom tends it, on the contrary, carefully and gently, till the fruit has time to ripen. It must be boldly said that the gagging measure of the Government of India denotes the impatience and adopts the policy of short-sightedness.

Lord Lytton and his Councillors have, a little too grandiloquently, justified this measure by their firm determination of doing their duty to the magnificent edifice reared by English enterprise and enlightenment. It is in the name of the same duty that I think that each and every educated native from every corner of India should come forward on this occasion to point out with might and main the disastrous blunder into which the Government of India are falling, and to pray it to retrace its rash steps while there is yet time. It is a duty cast upon them by their very education, which is a trust they hold for the benefit of all their fellow-subjects; it is a duty cast upon them by their gratitude for the donors who have so generously bestowed it upon them.

SIR RICHARD TEMPLE AS GOVERNOR OF BOMBAY*

Sir,—I think it is necessary to enter a strong protest against the bold attempt that has been made to represent the address voted to Sir Richard Temple as having emanated from 'the citizens of Bombay' instead of simply from his admirers. The requisition to the Sheriff only asked him to call a meeting of 'the European and native inhabitants of Bombay *desirous of publicly expressing their respectful and grateful recognition of the*

*Letter addressed to the *Bombay Gazette* to protest against the movement in honour of Sir Richard Temple dated 14 March, 1880.

administration' of Sir Richard Temple ; the address passed at the meeting called in compliance with this requisition presumes to speak generally in the name of the citizens of Bombay. If the intention of the promoters of the meeting was really to convene a public meeting of the inhabitants of Bombay, it was their duty to have taken care, as it certainly would have been most easy, to express themselves without ambiguity. I venture to say that if any such intention had been openly expressed, the proposal to erect a statue to Sir Richard Temple would have encountered very strong opposition.

I know that many gentlemen attended the meeting with that object who were dissuaded from expressing their views, by the representation that the meeting was meant to be only of those who concurred in their common admiration of Sir Richard Temple's services. It would be hardly worth while to expose the true character of the address voted to Sir Richard Temple, if it would have gone the way of most farewell addresses to departing governors and were destined to be interred in the calm oblivion into which they generally retire after leaving India. But those who know anything of electioneering tactics in England on the eve of a general election, know well that this address, in the name of the public citizens of Bombay, will figure prominently in every Conservative paper in East Worcestershire and will be placarded in large type throughout its length and breadth. The electors of East Worcestershire need never know that it proceeded only from the admirers of their candidate, such as a man in his position could always command in India, and that it is only by clever manipulation that it is transformed into a public address. If there was any reason to suppose that this manipulation was consciously performed, the first city in India would be fairly entitled to claim the credit of having initiated, for the first time in the history of British rule, an active participation in the warfare of an English general election by successfully carrying out a device such as would gladden the heart of the sharpest electioneering agent in England. Under its shelter Sir Richard Temple can now pose before the East Worcestershire electors as a candidate whose Conservative opinions on the many important questions

of Indian policy on which the two parties have now joined issue, are stamped with the approval of the unanimous public opinion of the foremost presidency in India, and cover with confusion the pretensions of the Liberal candidates to speak and fight on behalf of its voiceless population. I am afraid that a very large majority of the native gentlemen who attended the meeting to give vent to their admiration of Sir Richard Temple's great services never contemplated the prospect of their admiration being turned to such good account. Otherwise, with all their lack of public spirit and independence, I do firmly believe that they would have hesitated before placing in the hands of a candidate who has now openly pledged himself to support an Indian policy against which they have so often pronounced themselves, a weapon which he can use with such pernicious effect against those great statesmen who have been fighting their battle so nobly and so valiantly in and out of Parliament,—such men as Bright, Gladstone, and Fawcett, whose names are cherished with affection and veneration by all thinking and intelligent natives. God knows we do little enough, or rather absolutely nothing, in the way of active co-operation with the efforts of these great defenders of Indian interests. But nothing could exceed our humiliation if we lent ourselves in utter ignorance, in apathetic indifference, in blind adulation, to thwart their generous exertions on our behalf. That such a stigma should not attach against us, it is desirable to proclaim widely and loudly that the address to Sir Richard Temple does not represent the unanimous or independent public opinion of this Presidency. I am in a position to know that a large proportion of the native public holds very different views of the title of Sir Richard Temple to a statue, and I trust that they will come forward in such ways as may be open to them to give expression to their views, so that though it is a far cry to East Worcestershire, some echo may even penetrate those distant lands.

That the meeting which voted the address was not a very representative or spontaneous or crowded gathering it will not be very easy to dispute.

A departing Governor, leaving with the prospect of high promotion, can always gather round him men who have reason to be grateful to him, or who are connected with him by personal or official ties, and men who will follow because others have gone before them. Leaving these alone, the meeting was singularly thinly attended. The Mahomedan community, in spite of the sop thrown out to them only the day before, was represented by certainly not more than three or four members, while the gentleman whom we have generally seen leading them with spirit and independence was conspicuous by his absence. The Hindoo community was not much better represented, and it is worthy of note that the only one of them who took part in the day's proceedings was a gentleman unknown to fame in that way. The Parsees were certainly in stronger numbers; but they openly avow that they are grateful to Sir Richard for the sweet words he has showered upon them. Even their numbers, however, were eked out by some very diminutive specimens of Bombay citizens, and it would not be without interest to ascertain if any of the Parsee schools had not a half holiday on the day of the meeting.

But the numbers that attended the meeting would not be very material, if the title of Sir Richard Temple to the grateful recognition of the people over whom he ruled, stood on a solid foundation. That he possesses many high and estimable personal qualities, nobody, I think, will be disposed to deny. That he possesses administrative talents of no mean order will be readily admitted by all. His untiring energy, his single-hearted devotion to work, physical and mental, his astonishing versatility, his amiable private character, are worthy of all respect. But unless we can find that these qualities and talents were devoted to noble and statesman-like aims and were productive of good and useful work, we cannot recognise his right to rank with those great statesmen whose names are landmarks of Indian progress, and whose memories are gratefully perpetuated in marble and bronze. Do we then find any great act of statesmanship distinguishing Sir Richard Temple's administration of this Presidency? No better man could have been found than Sir Michael Westropp, who presided at the meeting, to

lay his finger with unerring precision on any such act, if there was one. One might also imagine that the Chief Justice was quietly indulging in that keen and polished irony for which he is so famous, when he singled out Sir Richard's exertions to push on the native contingent to Malta, and his two expeditions to hurry on the construction of the Kandahar line as giving him high rank among the foremost Indian statesmen, and deserving to be commemorated by the erection of a statue. The Hon'ble Mr. Mowat, who has been earning for himself the reputation of an orator, and who moved the principal resolution, had absolutely nothing to say. It was painful to observe the way in which he floundered among rhetorical platitudes and at length took refuge in discreet brevity and poetry. Mr. Latham spoke of Sir Richard's services to the cause of University education, but I am sure nobody would be so ready as himself to acknowledge on reflection that he was carried away by the impulse of the moment when he eulogized Sir Richard Temple as a second founder of the University. That Sir Richard Temple took great interest in the advancement of scientific education must be warmly recognised ; but it must not be forgotten that he set about it in a way that was fraught with danger to the independent growth and development of the University. In a public lecture which years ago Sir Alexander Grant delivered in Oxford, he earnestly warned Sir Bartle Frere never to confound the Chancellor with the Governor. Sir Richard Temple never forgot that he was Governor when he presided as Chancellor. While grateful for the interest he took, Sir Richard's departure releases all true friends of the University, from the anxiety that the very warmth of his interest occasioned—*viz* , that he might transform it into a department of Government. Mr. Budruddin Tyabji, who followed Mr. Latham, went into ecstasies, because Sir Richard Temple promised him the assistance of Government to found a Mahomedan school. Turning from the speeches to the Address where, if anywhere, we might expect to find his titles to glory set forth clearly if succinctly, our astonishment at the courage of its promoters is only destined to increase. A more wonderful document it has never been my fortune to come across. Concocted to bless, it only curses him beyond redemption. First

and foremost it mentions Sir Richard's services in alleviating the severity of the Deccan famine. Surely the framer of this paragraph must have been an unconscious disciple of the bold Danton with his famous battle-cry of *l'audace, toujours l'audace*. How did he chase away, when he penned those lines, the gaunt and hungry spectres that must have thronged round him of the victims of the inhuman experiment of the one pound ration? How did he silence the clamours of the starving ryots from whom the full assessment—arrears and all—was mercilessly wrung out? The audacity of the address reaches, however, its culminating point when, pretending to enumerate the important works urged to completion, during the last few years, it cleverly conveys to the minds of the East Worcestershire electors the idea that their candidate had something considerable to do with them, and deserved nearly the greater portion of the credit attaching in respect of them, by assuring them with the most innocent earnestness that he was present when they were opened! The framers of the address must have been hard pressed indeed, for material, when they were reduced to eulogize Sir Richard because he opened the Prince's Dock, the University Tower and Library, and the Tulsi Water-works when not a tittle of the credit in respect of them can in the remotest degree be claimed for him. Nor does he deserve any acknowledgment for fostering free municipal government in this city, for the Bombay Municipal Corporation came into existence long before his time and has preserved its independence in spite of his attempts at dictation. After mentioning his services to the cause of education to which we have already referred, and relating the stories of the inevitable Malta and Kandahar raids, the Address abruptly comes to an end. All the energy and enthusiasm of his admirers are, we thus find, quite impotent to point to one single act of high statesmanship which can be fitly commemorated by the erection of a statue. But while the reasons for doing him such honour utterly fail, we have, on the other hand, a heavy bill of indictment against him for high crimes and misdemeanours committed by him during the short period that he ruled over this Presidency. Never had an Indian statesman more brilliant opportunities for distinguishing himself in the ranks of those illustrious men who firmly and fear-

lessly trod in 'that path of wisdom, of national prosperity and of national honour', so eloquently yet so sagaciously depicted by Lord Macaulay. He could have covered himself with glory by exposing the short-sighted weakness and impolicy of the Vernacular Press Act. But he gave it his 'loyal support', as it has become the fashion euphoniously to describe servile obedience. He could have assisted in a statesman-like solution of the question of the admission of natives into the Civil Service. But he heartily co-operated in bringing about the most disastrous solution of it that could be imagined. He could have protested against the iniquitous repeal of the cotton import duties and the imposition of an unequal Licence-tax. But he refused even to let the public indignation against these measures find voice in its own Town Hall. He could have fostered the public spirit and independence for which this Presidency had acquired a name. But he tried to control it in its municipal organization, he annihilated it in its Legislative Council. But the gravest charge still remains behind. He found this a free and independent Presidency; he leaves it a servile appendage of the Government of India. To crown all, he now offers himself for election of Parliament as an admirer of that short-sighted and disastrous Imperial policy which gave birth to all these measures, to which may be added that most unwise, if not unjust, Afghan War. It is prophesied that Sir Richard Temple may return to India as Viceroy. Unless the bracing English climate leads him to juster and truer views of Indian policy, it will be an evil day for this country that sees Lord Lytton followed up by Sir Richard Temple.

ESTABLISHMENT OF THE BOMBAY PRESIDENCY ASSOCIATION*

Mr. Chairman and gentlemen,—My honourable friend Mr. Tyabji has already laid before you the reasons why it is

*Address at a public meeting held in Bombay on 31 January, 1885 under the chairmanship of Sir Jamsetjee Jeejeebhoy in order to take steps to start a new political association for the promotion and advocacy of public interests in the country.

necessary to establish this political association in Bombay. He has very well pointed out to you that the need for this association arises not only in the interest of the maintenance and assertion of our rights with the progress of the times, but also from the necessity that arises to acknowledge the duties and responsibilities that attach to us in consequence of our efforts to claim rights. My friends the Hon'ble Mr. Telang and Mr. Nowroze Furdoonjee have appealed to you to recognise that need and come forward to give that help which is due from every citizen of this country in a cause of such importance. And gentlemen, I do not think, I can give you the reasons why everybody should respond to this appeal in more eloquent terms than those which were employed by our new Viceroy, the Earl of Dufferin, nearly ten years ago, in a speech which he made at Quebec. He said :—

I cannot help wishing to express the extreme satisfaction which I experience in observing with what alacrity and self-abnegation the chief citizens of Quebec, gentlemen whose private occupations and engagements must be extremely absorbing, are content to sacrifice their domestic leisure and the interests of their private business in order to give their time and attention to the public service. Gentlemen I take it that there is no more healthy sign of national life than this, or rather that there would be no more fatal indication of an unpatriotic, selfish, and despicable spirit, than were what are called the businessmen of the country, that is to say, those persons, who by their education, character, habits, and intelligence, are best fitted to serve her, being tempted by an over-absorption in their private business to abstain from all contact with public affairs, and from a due participation in the onerous and honourable strife of municipal or parliamentary politics. Were such a defection on the part of the most intelligent, energetic, and high-principled men of the country to prevail, the consequence would be that the direction of its affairs would fall into the hands of corrupt adventurers and trading politicians, and that the moral tone of the nation as a nation would deteriorate throughout every stratum of society ; and what, I ask, is the worth of the largest fortune in the world, of the

most luxurious mansion of all the refinements and amenities of civilization, if we cannot be proud of the country in which we enjoy them, if we cannot claim part in the progress and history of our country if our hearts do not throb in unison with the vital pulse of the national existence, if we merely cling to it as parasites cling to a growth of rotten vegetation. Of course I do not mean to imply that we should all insist on being prime ministers, secretaries of state, or mayors, or members of Parliament, or town councillors. Such aspirations in all would be neither useful nor desirable. A large proportion of the energies of the community must be always employed in building up its mercantile, manufacturing, and agricultural status, and in its learned professions; but I venture to think that no one, especially in a young country, no matter what his occupation, should consider himself justified in dissociating himself altogether from all contact with political affairs. The busiest of us can examine, analyse, and judge; we can all canvas, vote, protest, and contend for our opinion; we can all feel that we are the active members of a young commonwealth whose future prospects and prosperity depend upon the degree of patriotism, self-sacrifice, and devotion with which we apply our energies in our several stations to her material, moral and political development.

I say that I cannot have used more eloquent language than this in making the appeal which we now make to you for the purpose of securing your help in the foundation of this Association Gentlemen, I appeal all the more strongly because I think the time has now come when the individual and isolated efforts of a few men, however good and true, should be supplemented and pushed forward by the young raw material that is accumulating before us day after day. Gentlemen, it has been remarked more than once that in this country our first veteran reformers and leaders have not been succeeded by men from the younger generations. I have more than once said that this is not the right way of looking at the phenomenon. I am quite ready to admit that our old and veteran leaders, men like Dadabhai Naoroji and Nowrozjee Furdoonjee, and others whose names will occur to you at once, have done right

good work in their time, and have rendered most important and valuable services to their country. But gentlemen, my faith is large in time and that which shapes it to some perfect end, and I devoutly believe that just as good fish is in the sea as ever came out of it.

And I sanguinely look forward to the day when our younger generations will produce, even though they be rare, other Dadabhai Naorojis and Nowrozjee Furdoonzees and the rest of them. But before that could be done we must ask you to devote yourselves even at some sacrifice to the cause of the country. (Mr. J. M. Patel. 'As you are doing.' It would in fact, be no sacrifice : life would lose its relish without its sacrifices, and I ask every one of you, however small your means may be, to make some sacrifice for a general and important cause of this character. I trust before the meeting separates, we shall receive assurances of support from a large portion of this assembly who have been so good as to respond to our invitations.

ON ILBERT BILL*

Mr. Chairman and Gentlemen,—In rising to second the resolution which has been just moved by my honourable friend Mr. B. Tyabji, in a speech which you will agree with me in admiring as equally remarkable for its ability and eloquence as for the studied and dignified moderation of its tone, I confess that I undertake task which has been assigned to me with some degree of trepidation. Within the last few days we have been generously inundated with advice to preserve the utmost judicial calmness and moderation without the slightest admixture of even judicial severity, not to allow an angry

*Speech at a public meeting in Bombay on 28 April, 1883 under the chairmanship of Sir Jamsetjee Jeejeebhoy and to adopt the resolution moved by Badruddin Tyabji : "That in the opinion of this meeting the Bill to amend the Code of Criminal Procedure is necessary for the just and impartial administration of justice and is in consonance with the righteous policy which the British Government has followed in the administration of this country "

word or syllable to escape us, while we are also to put forth our case with force and vigour. Now, gentlemen, this advice is more easy to preach than to practise, and though I have resolved to use my best endeavours to achieve this golden mean, I cannot quite escape a feeling of some nervousness as to the success of this rather difficult experiment. But gentlemen, I have one consolation that, in whatever I may say I will be guided by two sentiments of which I am firmly and sincerely conscious and which will never permit me to say anything which will be needlessly offensive or malicious. If I entertain one political conviction more strongly than another, it is that this country in falling under British rule, has fallen into the hands of a nation than which no other is better qualified to govern her wisely and well. Look among all the leading nations of the world, and you will not find out who, both by her faults and by her virtues, is so well adapted to steer her safe on the path of true progress and prosperity. It is true that the English are a stubborn piece of humanity who might well be asked sometimes to take to heart the exhortation addressed once to the chosen people of God, "Circumcise, therefore, the foreskin of your heart and be no more stiff-necked", but it must be acknowledged at the same time, that it is perhaps this very trait which has preserved this country from rash and extreme experiments, and has put it on a path of sure, though slow, development. Secondly, in setting up as a critic of Englishmen in India, I fully recognize that I do not set up any claim of superiority. I do not set up as a superior person who could have done better under similar circumstances. On the contrary, gentlemen, I believe most of the natives who have devoted any thought to this subject, are ready to recognize that if they were placed in the position of the dominant race, God knows how they might have strutted before high Heaven and performed antics which might make angels weep. At the same time, gentlemen, I feel confident that Englishmen will frankly admit that this circumstance gives them no immunity from criticism, nor gives them any right to be impatient if they are judged by the principles they themselves have introduced and taught as the principles on which their work in this country must be finally judged. The

nervousness which I have admitted is therefore allayed by the consciousness, that even if I err, I will not set down aught in malice. My fear and trembling however are not quite at an end, and that is in consequence of the attitude which our European friends have taken up in regard to the public expression of native opinion on this Jurisdiction Bill which we are met here to consider to-day. That attitude is not unlike that of the amiable Scotchman described by Charles Lamb, who pitched into you for your presumption if you ventured to go in for praise of his great national poet and performed the same operation on you for your ignorance if you dared to find fault with him. Much in the same humour our European friends are disposed to rebuke us for our obstreperousness if we make bold to express our opinion of this Bill in public meeting assembled, and are just as ready to take advantage of us on the score of our indifference if we sit quiet without blowing the feeblest counterblast to the incessant sounding of trumpets and clashing of cymbals which is kept up even until now all over the country to fright away this poor little Bill. This attitude may lay claim, I admit, to some amount of rather grim honour, but I trust our European friends will not be very hard upon us if we refuse to be tossed about in this manner on the two horns of such a dilemma as they present to us, and prudently hold fast by the one which does us least injury. But as soon as we decide, gentlemen, after anxious consideration, to hold a public meeting, another mine is sprung upon us. We are told that we have no concern with this Bill at all, that it is only a little matter between Lord Ripon and the Europeans in India, in which the parties have got rather hot with each other, that in fact we have no *locus standi* at all to take part in the argument. Now, gentlemen, of all the cool and astonishing things which have been said in the controversy on this Bill (and they are not few), it seems to me that this is about the most cool and astonishing, for nothing can be clearer than that the natives have the most immediate and vital concern in the subject-matter of this Bill. I do not refer here to the handful of native civilians who might get extended jurisdiction under it. I do not speak here of the educated English-speaking natives who might be supposed to sympathise with native

civilians. But I speak of the masses of the native population, and I say that they are as directly and strongly interested in this Bill as any European British-born subject. As sure as there are two parties to an offence, the offending party and the suffering party, both the one as well as the other are interested in the trial in which they are respectively to appear as complainant and accused. Either may suffer by a miscarriage of justice. As courts of criminal law are constituted in the mofussil, the interest of the natives is still more close and vital. If a European commits an offence against a native, the latter has seriously to consider whether it would be worth his while to bring the offender to justice, remembering that he and his witnesses may have to bear no inconsiderable loss of time and trouble and expense in hunting after a qualified magistrate. Has it ever been inquired into, in the course of this controversy, how many offences committed by Europeans have never been brought to the cognizance of courts of justice in consequence of the difficulties thus created by this 'dear and cherished privilege of being tried by their peers?' I can tell you, gentlemen, that the popular impression in the mofussil about this valuable privilege is that it is simply an immunity practically enjoyed by Europeans from the consequences of a large class of offences committed by them against natives. Only the other day I happened to be at Surat and had a conversation about this Bill, not with educated natives, but with true unsophisticated children of the soil, from the other side of the Taptee I will relate to you, gentlemen, the conversation I had with these natives utterly unspoilt by a knowledge of English, particularly as it is advanced by the opponents of the Bill that the agitation in favour of it is created only by the educated natives in which the masses take no interest whatsoever. They, the people I speak of, asked me if we in Bombay were not going to stir in the matter and support the Bill, as they said that the privilege at present enjoyed by Europeans meant simply in a large number of cases immunity from prosecution altogether, as the trouble and the expense of a trial before a competent magistrate were very great, and further, as they had a very poor chance in the case of ordinary offences before a European magistrate when the offender was a European. And

they gave me an instance within their own knowledge of a European (a man not highly placed be it fairly admitted) who went about bragging in their part of the country that he could ill treat natives as he liked as no native magistrate could try him and no European magistrate would believe any d—d lot of native witnesses. The word 'd—d' is a free translation of my own of the vernacular word used in the conversation. Gentlemen, I do not offer this European as a representative European, or this story, either, as a representative story. It is unfortunately too much the fashion both with natives and Europeans to moralise on isolated instances as if they were always typical ones. But I think this story very forcibly illustrates both the interest which the natives have in the subject-matter of this bill and the interest which they take in the controversy and agitation about it. A *locus standi*, gentlemen, we most assuredly have in this controversy ; if European British subjects hold that of the accused we have the *locus standi* of the complainants. Now, gentlemen, I don't propose to take up your time by entering into a discussion of the merits of this Bill after the able and exhaustive treatment of it by Mr. Tyabji. But all his arguments rest upon one assumption, his inferences follow logically and irresistibly, if there is no question about this assumption. Mr. Tyabji was perfectly justified in arguing upon the basis of this assumption, for it is founded upon the declared policy of the Crown with regard to the Government of this country. But in the progress of this controversy the opponents of the Bill have perceived that their arguments cannot be maintained till they attacked the wisdom of this policy. So now they deliberately urge that this Bill is in itself a matter of little moment, but their fears are aroused as it indicates the shifting of the foundations of British power in India. Denouncing the wisdom of the declared policy of the Crown, or urging that its declarations in that respect were not meant to be practically acted upon, they boldly say that India has been conquered by force and must be governed by force. In preaching this gospel of might with regard to the government of this country, they have found a devoted supporter in England in Sir Fitzjames Stephen and a somewhat doubtful one in Lord Salisbury. They ridicule the policy of

righteousness as one of weak sentiment and seem almost to adopt, with scarcely disguised approval, the vigorous summary of their position given recently by Mr. Bright in his own peculiarly happy manner, that having won India by breaking all the Ten Commandments, it is too late now to think of maintaining it on the principles of the Sermon on the Mount. Our European friends will pardon me if I say that a good many of them have a sneaking, when they have not a pronounced, partiality for this proposition while they consider that the platitudes about England's duty to India, and the other quotations from Lord Macaulay and others about a 'policy of national wisdom, national prosperity, and national honour' have no business to intrude in practical politics but are only good enough to be spouted by native orators on public occasions. For many years the policy of governing India on principles of justice and equality for all the Queen's subjects of whatever caste and creed has never been so openly and so furiously called in question as now. It therefore seems to me, gentlemen, that this is a time, when, without overstepping the limits of our loyalty or our gratitude, we may properly and justifiably examine the propositions which have been thus advanced, and try to show that the declared policy of the Crown was adopted after long and careful consideration not on grounds of weak sentiment, that it was adopted not simply because it was a policy dictated by honour and justice (which we cheerfully and gratefully acknowledge that it is), but also because it was a policy dictated by the true interest of England herself, because in no other way could England hope to preserve her great dependency with the greatest amount of safety and profit to herself. In the first place, gentlemen, it is said that India was won by the sword. Now I say that Englishmen don't do justice to themselves when they read Indian history in this way, though it cannot be denied that there are many pages in this history blotted by error and crime. England has won India not simply by the sword, but in a large measure by the exercise of high moral and intellectual qualities which have not only guided its victories, but have always been on the alert to neutralise its baneful influences. But, gentlemen, however, India was won, can it be maintained with safety and profit by

the sword only ? This is too large a question to be treated fully in a public meeting like this, but I will lay before you three considerations which I think show that it is impossible. First, India maintained by England by the power of her armies would be a heavy burden on her in case of her being involved in European complications. It is utterly improbable that England can always escape being dragged into the contests, rivalries and ambitions of the other European powers. What with France with her desire to extend her colonial empire, with Italy anxious for the African coast right against her, with Russia intent upon extending and consolidating her power in Asia, with the other powers jealously watching these,—however great and powerful England may be, the strain of such entanglements cannot but tell upon her, and one day she may find herself in a predicament in which India may simply hang as a mill-stone round her neck. We must not forget the contingency of the American powers appearing on the scene and complicating matters dreadfully. Ireland is another thorn in the side of England, and what a lesson she teaches as to how hard and difficult it is to undo the mistakes of a policy of force, centuries after they were committed ! How nobly has England been struggling to redeem the consequences of such a policy and yet how slowly she succeeds in undoing the mischief of the past ! But secondly, there is another Nemesis attending a policy of force. That policy would require day by day larger English armies and larger English Civil Services. In progress of time large numbers of Englishmen trained in the maxims of despotism and saturated with autocratic predilections, would return to their native home, where they could not but look with intolerance on free and constitutional forms. This is no visionary speculation. Careful English observers have already noticed traces of such a tendency. In the course of a few generations, such a tendency, if not checked, would develop into a mighty influence and the free and constitutional government of England which has been so long the pride of the world would be placed in the deadliest jeopardy. Rome was once proud of her sturdy freedom and her republicanism ; she lost both in the extension of her despotic empire. She has left, however, a valuable lesson and it has been well and truly said that for the sake of all that she values

most, her own freedom and civilization, England must raise India to her own level or India will drag her down to hers. The third consideration on this point I have to lay before you relates to the benefit to be derived from the commercial intercourse between the two countries. With a policy of force, as I have said before, the resources of India would be drained in the first instance in maintaining large costly armies and huge services ; the country would be thus too much impoverished to admit of her developing the great material resources which nature has showered on her. In India, impoverished and emasculated, the English merchant would only be an emaciated attendant in the rear of the English soldier and the English Civilian, and English commercial enterprise, more glorious even than her military enterprise, would find no congenial field. I have thus, gentlemen, very hastily and very imperfectly sketched the consequences to England herself of a policy of force. Now look at the other picture. With India educated, civilized, contented and loyal, what a help she would be to England in her time of need, what a field for commercial enterprise, what reciprocal benefits from inter-communion in every way. How great England is even now, with her Indian possessions governed on the present declared policy of the Crown ? She would wax greater and greater with every legitimate development of that policy. I say, therefore, gentlemen, that of the two policies on which India could be governed, England has chosen that which will secure her own best interests with those of India herself. When in the inscrutable dispensations of Providence, India was assigned to the care of England, one can almost imagine that the choice was offered to her as to Israel of old : 'Behold, I have set before you this day a blessing and a curse : a blessing if ye will obey the commandments of the Lord your God which I have commanded this day ; a curse if ye will not obey the commandments of the Lord your God, but turn aside out of the way which I have commanded this day, to go after other gods which ye have not known.' England has chosen wisely and well, she has discarded the temptations held forth by the passions of selfishness, prejudice and vainglory she has chosen to follow 'the Eternal that maketh for righteousness.' She has deliberately

declared by the mouths of her greatest and most trusted statesmen, she has proclaimed it through the lips of Her Gracious Majesty herself (cheers), that India is to be governed on the principles of justice, equality and righteousness without distinctions of colour, caste or creed. Our English friends, therefore, gentlemen, must make up their minds to discuss this Bill on the basis of this declared policy of the Crown. On that basis I say, the case for passing the Bill is simply irresistible as my friend Mr. Tyabji has shown. I will only refer to one argument which may be shortly described as the 'anomaly' argument. Now, gentlemen, this word 'anomaly' has a good deal to complain of as to the treatment it has received at the hands of the opponents of this Bill. Never has any word in the English language before been so cruelly maltreated. But it must sit quiet under its injuries at present, as till the Bill is passed it cannot secure conviction before a European magistrate. This anomaly argument however is perfect if it is properly regarded. It derives its force from actual fact and experience. However anomalous the position of Englishmen in India, still, it can be made, and has been made, the basis of a righteous policy. In the prosecution of that policy, native magistrates have already exercised jurisdiction over Europeans, with the most satisfactory success in the Presidency towns. Race feeling and native perjury have not been able to mar the experiment. But it is said that that is because of the existence of a public opinion in the Presidency towns which does not exist in the mofussil. But this plausible argument yields to a close examination. The argument admits that public opinion is sufficient to countervail the dreaded consequences of race prejudice and false swearing. Let us see then if in the mofussil, there is not a force which can operate in the same way. I say that there is, and a stronger one than public opinion, that of the official opinion of the European district officers, which would work on the native magistrate more directly, more expeditiously, and more closely as all his interests and predilections and associations would closely connect him and make him dependent on them. I say, gentlemen, this argument takes the whole question from the domain of speculation and brings it within that of observed fact and experience which establish

that native magistrates can be safely trusted with jurisdiction over Europeans. Before concluding, however, I am desirous of saying a word about the storm of passion and prejudice which, commencing in the Calcutta Town Hall, has so spread over the whole land. Some of my native friends are disposed to be very hard upon these angry and excited people. I, for one, gentlemen, however, am inclined to make great allowances for, nay, almost to treat with tenderness this sudden ebullition of anger and fury, when I realize the real character of it. Gentlemen, all men have their nobler and baser instincts struggling within them, and you will find that even in the most well-disciplined organizations, in the most well-balanced minds, after the nobler instincts have well established their sway, a moment comes when the smallest rift upsets the work of years, casts everything into confusion, and generates a whirlwind at which those who knew the men before as good and worthy stand aghast. So it seems it has been the case with Europeans in India. But this abnormal ebullition lasts only for a short time and I am sure, gentlemen, that soon after this Bill is passed, as passed it will be, Englishmen will themselves smile at the wonderful things they have said and done about this Bill. At present, dire prophecies are proclaimed as to the ill-feeling which has been created between natives and Europeans by the introduction of this Bill which is to leave effects for ever so long. Gentlemen, I will, with your permission, indulge in a truer vein of prophecy. The newspapers have recently informed us that Mr. Branson has left for England. Most probably he will return a short time after this Bill is passed and there has been time for angry feelings and prejudices to cool down. I can then picture to myself Mr. Branson and Mr. Lalmohun Ghose as soon as they meet in Calcutta, rushing into each other's arms—singing the song,

As through the land at eve we went,
 And plucked the ripened ears,
 We fell out, my wife and I,
 O, We fell out, I know not why,
 And kissed again with tears,
 And blessing on the falling out,

Which all the more endears,
When we fall out with those we love,
And kiss again with tears.

In presenting this touching tableau I say, gentlemen, that this Bill, which Lord Ripon has introduced in the honest and well-considered prosecution of his far-sighted and righteous administration, holds forth hopeful promises of improved relations between the natives and Europeans in this country.

THE CONCORDAT*

Sir,—There is a certain class of English people who are well-known to have a penchant for christening their children with high-sounding and aristocratic names, when they are weakly ashamed of rather insignificant surnames. The exploit of the Defence Association in dubbing their understanding with the Government of India about the Ilbert Bill with the sonorous title of a 'Concordat' may be taken as the most recent illustration of this innocent, though somewhat amusing propensity. Whether the Concordat, to call it by its coveted name, be a grievous political blunder or a prudent and timely compromise is a problem which, I suppose, will vex the ingenuity of Indian political thought for some time to come. I should be disposed to regard it as the former, more especially for the very reason advanced by the Government of India in vindication of it, *viz.*, that they had received anticipatory warnings—I should prefer to call them threats 'of an explosion of race feeling—when the new law came to be put in force.' At the same time, it may be freely acknowledged that the real principle underlying the Bill has been stoutly maintained in substituting the test of personal fitness for that of race disqualification in the case of native district magistrates and sessions judges. It is the right given to the accused to be tried by a jury, such as is provided for by section 451 of the Criminal Procedure Code, which is the objectionable feature of the Concordat, viewed in the light of past experience. It is condemned by the native

*Letter addressed to the *Bombay Gazette* on the Ilbert Bill that was printed in the issue of 11 January, 1884.

press and the native public and it seems to me justly on two grounds. In the first place, it emphasizes another race distinction, and in the second, it increases the chances of escape of European culprits from a merited conviction. Even in the Presidency towns European juries have been found to be unduly lenient to European offenders. In the mofussil, where race feeling, as the recent agitation itself has helped us to discover, overrides furiously all sense of justice and right feeling, such a trial by jury would be in many cases a monstrous farce. The discussion that has followed the announcement of the Concordat has taken note of both these objections ; but I find that my countrymen are drifting more and more towards proposing a remedy for the first, instead of applying themselves seriously to the second objection. They have been very much taken by the proposal to extend the jury clause to natives also thus doing away with the race distinction. I quite sympathise with them in their feeling on this subject, but it is needful to remind them that the indiscriminate extension of the jury clause would not be an unmixed boon, but that, on the contrary, it may be a mischievous and retrograde step for the due and proper administration of criminal justice in the country. My purpose in writing this letter is to warn them against setting their hearts on a rectification of the equilibrium between natives and Europeans in such a manner and to point out that it is the second objection which deserves far more serious attention and careful safeguarding. With regard to the first objection, I would invite their earnest consideration of a passage in a most thoughtful letter that appeared in the columns of the *Indian Spectator* of last Sunday, under the signature of 'Historicus.' After pointing out that the amended will preserves the equality of jurisdiction of the native and European judges and magistrates, the writer goes on to observe :—'It seems impossible that this principle, once embodied in actual legislation, should ever again be given up. The efficiency of the magisterial jurisdiction all round will no doubt be impaired by privileges to be newly accorded to European prisoners but when the general perception of this, by and by, makes a change necessary, that change must extend the powers of native magistrates along with those of their European equals. The sagacity of the

Defence Association indeed has been considerably at fault if it has thought that the Concordat contains any element of permanence except the very one which it regards with most detestation.' The last sentence tersely sums up the effect of time and working on the amended Bill. It will give a fresh vitality and impulse to the principle of equality which will not rest till it destroys all race distinction in Indian criminal jurisprudence. It would be lamentable to commit the blunder of accepting as a counterpoise to the European right of claiming a jury, a similar right for ourselves, when for the appearance of securing equality, we will be simply impairing through it, the efficiency of the administration of criminal justice throughout the country, and when after all it will have to be sooner or later modified or curtailed.

The pressing need for us at this moment is to devise some measure for guarding against the unjust acquittal of European culprits at the hands of juries of their own countrymen. I see that, with this object in view, the Hon'ble Syed Amir Ali, in the debate in the Viceroy's Council on Friday last, has signified his intention to propose in the select committee certain modifications of section 526 of the Criminal Procedure Code. That section refers to the transfer of cases by and to the High Courts. But I do not think that any extension of the power of transfer will be an adequate safeguard against the mischief proposed to be remedied. 'Historicus' also points out in his letter what is perfectly true, that in the mofussil a jury's verdict is by no means conclusive, and the judge may disapprove it, and send up the proceedings to the High Court for decision. Section 307, which provides this procedure, at present applies only to sessions judges. Whether it will be extended to district magistrates in the 'amended' Bill is not known. Probably it will be. The section, however, gives the power only to the trying magistrate, and that too only in cases where he disagrees with the verdict of the jury so completely that he considers it necessary for the ends of justice to submit the case to the High Court. Such a provision seems to me to be open to very much the same objections, in case the presiding judge is a European, as are urged against the jury itself, though perhaps not to the

same extent. He is not unlikely to be swayed by the same prejudices and feelings, though in a lesser degree. The following proposal strikes me as one most nearly calculated to attain the end in view. It is suggested by the new departure which Indian criminal jurisprudence has for some time past taken in the direction of modifying the finality of acquittals. Section 417 of the Criminal Procedure Code empowers the local Government to appeal to the High Court from any original or appellate order of acquittal passed by any subordinate Court. The remedy I propose is to provide in the 'amended' Bill for an appeal to the High Court from a verdict of acquittal by the jury or from an inadequate sentence, and to give this right of appeal to the complainant. The mere existence of such a right would not fail to exercise a chastening influence on both judge and jury; it would go a considerable way towards making the judge careful, and it would operate to some extent to deter juries from being scandalously reckless. In case there was still a miscarriage of justice, the complainant would always have it in his power to seek redress from the highest tribunal in the Presidency. Such a measure, on the other hand, cannot be detrimental in any way to the just interests of European prisoners. It has never been contended that they or their womenkind would not be perfectly safe in the hands of the High Courts. I do not say that the remedy will be perfect. Even the cultured and highly regulated conscience of the High Court is not quite impervious to the insidious sophistries of which we have recently seen how prolific the conceits of race pride and prestige are. But we must bear in mind that at the best we have to do with broken pieces. Before the Bill is finally settled in select committee, I beg to offer this proposal for consideration as best calculated, under all the circumstances of the case, to obviate the mischief which there is but too good reason to believe the Concordat will otherwise work.

I have commenced this letter by venturing to condemn the Concordat as a political blunder, let me end it by pointing out the ray of comfort which should sustain and cheer the Indian people in this crisis. The Ilbert Bill and the agitation against it have secured a distinct political gain to the natives. When the din and turmoil of the agitation will have dissipated, it will

be found that the rule of the sword and prestige theories have received blows from which they will never wholly recover. Even that doughty knight, the Goliath of the Philistines, will have assisted in this good work. He may be better compared to Balaam. He was called by his countrymen to curse; he has been unable to do so without intermixing blessing as his latest contributions on the subject of the Bill amply testify. As the old proverb says, his curses, like chickens, will go home to roost, the blessing will remain with us and fructify.—Yours, & c.,

SPEECH ON SIR EVELYN BARING (EARL CROMER)*

Mr. Chairman and Gentlemen—I beg to move the adoption of the address which has been just read to you. You have already heard Mr. Mowat expatiating in an able and exhaustive speech on the financial and economical aspects of Major Baring's administration. You have also heard my honest friend, Mr. Budruddin Tyabji, who like the coy maiden that 'yielding', not, yialdeth, after repeatedly saying that he was not going into details, went into a discussion one by one of most of the measures of the same period. Then we have had only the preliminary, but rather elaborate, remarks of Mr. Javerilal. So that, gentlemen, nothing really is left for me to say, and I think it best to confine myself to a few general remarks. I happened the other day, gentlemen, to glance through the historical chapters of a well-known guide to Bombay which would be excellent, were it less disfigured here and thereby the strong prejudices of the writer, a gentleman well-known to us in Bombay. I will read to you, gentlemen, a passage I found in it. 'It should never be forgotten', says the writer, 'that the conquest of India is really the fruit of the incomparable fighting qualities of the British soldier. After all is said about statesmanship and culture, it remains true, as Bulwer

*Speech at a public meeting in Bombay on 27 August, 1883 under the chairmanship of Rao Saheb V.N. Mandlik for adopting an address to Sir Evelyn Baring in appreciation of his services to the country as Finance Member.

Lytton put it, that 10,000 English soldiers, not one of whom perhaps could repeat a line from any English author, might over-turn the empire of China to-day as easily as they overturned the empires of Mogul and Mahratta.' Without entering into the question of how far this historical estimate requires to be modified by a true reading of Indian history, I venture to say that if British soldiers helped to conquer the British empire in India, it could never have been founded and consolidated into the great and stable empire it now is without the incessant exercise of that statesmanship and culture which the writer sneeringly holds in such slight account. The history of British India will no doubt reserve to the great military herces who fought its battles a page of glory all their own, but a still more brilliant page will have to be accorded to that long list of noble and far-seeing statesmen and administrators, which headed in our own presidency by the venerable (name of Mountstuart Elhinstone) has received within the last three years two most illustrious additions. It is only a short time ago, gentlemen, that we met in this hall to do homage to one, in whom the people of India love more and more, with pardonable, if exaggerated, enthusiasm, to trace the lineaments of a new Buddha, stainless and spotless, true and tender, came to life again for the welfare of India—

Lord Buddha, Lord Ripon styled on earth.

And to-day, gentlemen, we are met again to record our grateful appreciation of the useful and untiring labour and cordial co-operation of his great lieutenant Major Baring. There are people who are struck most powerfully by the material strength of England, and measure its greatness thereby. I for one see more cause of wonder of admiration at its being able to produce such men as Lord Ripon and Major Baring. It is impossible not to be amazed at the rare combination of intellectual grasp and wide moral sympathies which have enabled them to seize the essential conditions of unfamiliar Indian problems with a wonderful quickness of perception and sagacity of insight. This is all the more remarkable when we observe how the average Anglo-Indian civilian, after his long residence in the country, falls short in this respect. You

must have all read, gentlemen, in this morning's papers the vigorous vindication of our civil administrators made by H.E. the Governor. It is certainly most honourable to him to speak out in defence of his officers, and we may go farther and acknowledge that the zeal, ability, and energy of the Anglo-Indian civilians are unquestionable. But the fact still remains that it is seldom that they are able to dive into the Indian mind and heart, and approach Indian problems from the right point of view. Still more rarely is it that they allow their moral sympathies to have full play. And therefore it is that we are grateful to men like Major Baring who bring to their Indian work a trained and cultured intellect, guided and controlled by a generous and sympathetic heart. I do not know, gentlemen, if many of you are familiar with Charles Dickens' humorous delineation of the poor man's friend and father in the guise of Sir Joseph Bowley, who 'does his duty as the poor man's friend and father, and endeavours to educate his mind by inculcating on all occasions the one great moral lesson which that class requires. That is, entire dependence on himself, *viz.*, Sir Joseph. They have no business whatever with—with themselves.' We have become familiar, gentlemen, with many such friends and fathers of the people of India, particularly in the course of some recent discussions. Lord Ripon and Major Baring are friends of the people of India of a different type, who wish to teach them dependence on themselves. The day will soon come, gentlemen, when the Ripon-Baring scheme of local self-government will be more ungrudgingly recognized as a measure of true statesmanship. And here I may be permitted to say that it is a matter of great congratulation to us of this Presidency that that scheme has secured a kindly reception at the hands of the European mercantile community of Bombay, who, ever since the day of James Forbes, have always maintained excellent relations with the natives among whom they have lived and worked. It is a matter of deep regret that the exigencies of the public service deprive us so soon of a minister like Major Baring, but we shall have this consolation that not only his good work will remain after him, but he will have left foot-prints on the good government of India which future ministers,

'seeing, may take heart again.' With these remarks I beg, gentlemen, to move the adoption of the address just read to you.

ON PROPOSED EXTENSION OF LORD RIPON'S VICEROYALTY*

The task of proposing the adoption of this memorial is entrusted to my hands ; and in doing so I could perhaps have

*Speech at a public meeting under the chairmanship of Dinshaw M. Petit on 17 February, 1883 under the auspices of the Bombay branch of the East India Association to memorialise Her Majesty the Queen Empress for an extension of the period of office of Lord Ripon as the Governor-General of India. The text of the Memorial said : "To Her most Gracious Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland and Empress of India.

"May it please your most Gracious Majesty—We, your Imperial Majesty's devoted subjects, the inhabitants of Bombay, in public meeting assembled, at the invitation of the Bombay Branch of the East India Association, approach your Gracious Majesty's throne with feelings of deep loyalty and affection with the following prayer :—His Excellency the Most Noble the Marquis of Ripon, Viceroy and Governor-General of India, has already inaugurated a number of great and good measures calculated to promote the happiness, prosperity and elevation of your Imperial Majesty's Indian subjects. It is enough for us here simply to enumerate some of the more important ones among them. That of Local Self-Government is by far the most important. The progress and ultimate success of this great measure crowned by further concessions we expect of the Legislative Councils being made truly representative and of an adequate employment of native agency in the whole administration and Government of India will be the highest and noblest boon with which Britain can and will bless this great Empire earning its ever lasting gratitude. Besides this noble scheme of Local Self-Government, there are others proposed by his Excellency the Viceroy-in Council to develop the resources and industries of the country, to grant free, open and adequate expression to public opinion in the consideration of legislative enactments, to ameliorate the present deplorable condition of the vast mass of our agricultural population by mild and suitable systems of assessments and agricultural banks, to promote popular education, and c. and c. All these beneficent measures for the very inauguration of which we are deeply grateful and others of the same character which we hope for in the near future, require that the same benign and righteous representative of your Imperial Majesty, who

wished that it had been in point of language a more polished or a more classical production. But I think you will agree with me that the language, if rugged and uneven, is powerful, and if there are some rather precipitate turns, the writer seems only overpowered by the earnest enthusiasm with which he has contemplated the grounds and object of this memorial. The prayer of the memorial is founded, gentlemen, upon two circumstances: 1st, the inauguration by Lord Ripon's Government of the various measures you have already heard enumerated; and 2nd, the desirability of having the same hands to protect them during their future progress and development as those which have launched them. With regard to the first circumstance you have already heard the various measures eloquently described and eulogized by the able and accomplished speakers who have preceded me, particularly by my hon. friend Mr. B. Tyabji. All that I was going myself to say in this matter was to quote from Lord Hartington's recent Lancashire speech. But as is not uncommonly the fate of subsequent speakers, I have been forestalled by my friend Mr. Javerilal. I will therefore content myself by saying that the measures of Lord Ripon's Government bear ample testimony to the energy, the experience, and the sympathy which Lord Hartington so justly and truly recognizes and appreciates in him. But admitting the value and importance of these measures as good work done well and truly, it may still be asked why it is necessary that we should seek for a departure from the regular fixed periods of Viceroyalty and not trust to his successors to preserve and continue his work. They would be just as much responsible for the success of these measures as for the general good government of the country which would be entrusted to their charge. There is more than

has launched them, may have the time and opportunity also to watch, nurse, and develop them to complete practical success. We, your most Gracious Majesty's devoted and loyal subjects, therefore, at this earliest opportunity pray humbly and earnestly that when the present term of the Viceroyalty of Lord Ripon expires, his Lordship may be graciously appointed again by your Imperial Majesty for another term of Viceroyalty of this country. And as in duty bound, we shall ever pray."

one general answer to this question. In the first place, it is always eminently desirable that the same mind which conceived a great measure should be secured to carry it to completion. In the second place, though up to very recent times we were disposed to place implicit confidence in the choice of Viceroys, that is no longer the case now. Lord Lytton has given us a fright which it is not yet easy to get over. His Viceregal pranks have completely dispelled the illusion that a Viceroy, whoever he be, must be a great and good and large-minded man. These two reasons, gentlemen, are still merely general. There is a third reason, however, which has reference to the particular measures of Lord Ripon's Government and is, as it seems to me, imperatively conclusive for asking for a renewal of his period of office. Of all the measures of Lord Ripon's Government the most important confessedly is that of local self-government. Now, gentlemen, the inauguration of his policy in that respect involves two most important admissions. These admissions, however disguised in courteous circumlocution, are full well understood and are more or less resented and scouted by the whole executive Anglo-Indian Civil Service. The first of these admissions is that the Anglo-Indian bureaucracy, able and cultured and civilized above their surroundings, are unequal in the long run to the task of paternally administering the affairs of a people of whose real inner life they have managed to remain profoundly ignorant. They themselves, it is true, are of a contrary opinion. The famous resolution of the Bombay Government in this matter coolly assumes that the Anglo-Indian executive has performed wonders in the way of excellent and efficient local administration. This eulogium is well entitled to all the weight which a certificate given by a person to himself usually carries. It is certainly not to be denied that roads and bridges and dispensaries and schools and chowkies have been built all over the country. It is not to be denied that the revenue has been strictly settled and strictly levied. But has it ever been closely inquired into as to how excessive has been the expenditure of resources on these improvements, whether the same resources could not have been better and more profitably employed, whether gross blunders might not have been avoided by a better knowledge

of real wants ? It is almost sacrilegious to say so, but I believe it would not be impossible to cite instances of sage collectors committing blunders as bad as, if not worse than, those which might be expected from the most ignorant municipal board. In making these remarks I do not intend in any way to speak depreciatingly of the general average of ability that cannot fail to distinguish such a Civil Service as that of India. But I would say of them what Mr. Bright once said about the Board of Directors of the East India Company when he urged their reform. 'He had not the least idea (he said) in any observations made by him of bringing a charge against the East India Company, that is to say against any individual Member of the Board of Directors as if they were anxious to misgovern India. He never had any such suspicions. He believed that the twenty-four gentlemen who constituted the Board of Directors would act just about as well as any other twenty-four persons elected by the same process acting under the same influences, and surrounded by the same difficulties.' All that I mean to say is that no bureaucracy could in the long run be equal to the task of executive administration, and where there is no intimate mutual knowledge between the rulers and the ruled, the task is simply impossible after a time. The second admission is that it is politically expedient that the people of India should be asked to co-operate in the work of administering their own affairs and that the thin end of the wedge must be driven into that pleasant vision of a perpetual paternal government with our Civil Service autocrats acting the wise, honoured and exalted fathers. This point is admirably though incidentally put in the excellent preface which introduces the *Voice of India* in Indian journalism under the superintending care of a gentleman who has always been ready to spend his time, money and energy for the welfare of our country. I mean my respected friend Mr. Dadabhai Naoroji. After alluding to 'certain idols which Bacon forgot to include in his classification—, the idols of the official mind which are nowhere so vigorous as in India,' the writer whom I have no doubt you recognize, goes on to say, 'The belief that internal tranquillity or material prosperity or administrative success will make up for the loss of other things which energetic minds value is one

which has a firm hold of the merely official mind and sometimes offers an impenetrable barrier to the influx of new light. Lord Ripon's scheme knocks this idea on the head and reminds the bureaucrats that to educate the people of India for self-government is the true path, in the oft quoted, but none the less true words of Lord Macaulay, 'of national wisdom, national prosperity and national honour'. Now, gentlemen, both these admissions which underlie Lord Ripon's scheme of local self-government are not unnaturally, I admit, totally repugnant to the present administrators of India. They alternately frown or smile contemptuously at people who ignorantly imagine that any combination or organisation of the inferior natives of the country could possibly come up to, much less excel, their trained and cultured capacities for administration. They are benevolently sceptical as to whether these same natives could be better off than by relying on such wise and well-intentioned paternal rulers as themselves. Lord Ripon's scheme, therefore, though planted in a congenial soil depends for being nursed and otherwise taken care of on subordinate *mallees* who are thoroughly intolerant of these new-fangled fashions. What would be its fate then if Lord Ripon withdraws his superintending care before the plant is more than a year or two old and has scarcely reared its head above the ground? How would it fare at the hands of a new successor even if that successor was at first friendly inclined? We will be best able to realize that successor's position by realizing what Lord Ripon's own position has been in introducing his scheme. Many of you perhaps are acquainted with that beautiful allegory contained in that noble English classic, Bunyan's *Pilgrim's Progress*. You remember, gentlemen, how Christian sets out on his errand and how he is assailed and tempted by all the sophisms of selfishness, prejudice and vainglory. We may well compare Lord Ripon to the hero of that allegory. There have been worldly-wise men after him who have tried to pass off their selfishness and narrow-mindedness by calling them practical commonsense. There have been jingoes after him shouting martial hymns about 'the magnificent pride of English birth.' There have been homoeopaths (like the excellent members of our own Bombay Government) who have

solemnly warned him that the Indian patient can bear none but the most infinitesimally minute doses. But, gentlemen, Lord Ripon, like the true Christian hero that he is, has held on his way firmly and valiantly and resolutely pushes on towards the straight gate which is his goal. It is said in one of the Gospels, 'strive to enter in at the straight gate, for straight is the gate and narrow is the way that leadth into life and few there be that find it.' Gentlemen, it is not given to everybody to emulate such heroism. We cannot easily expect to secure another such Lord Ripon. These qualities which have enabled him to prove himself so consummate a statesman are not common. Almost alone I believe among the English statesmen of our age, one man has been distinguished for his firm moral and intellectual grasp of the great principles of right and justice, unaffected by the most plausible sophistries of interest or pride, Mr. Bright. It seems to me Lord Ripon shares to a considerable extent this trait of Mr. Bright's political character. This it is which has enabled him to inaugurate the memorable work for which we are all so grateful to him. But this great trait is rare and therefore it is that it is imperatively necessary to ask for a renewal of his period of office. And, gentlemen, it seems to me that we can approach the throne of Her Majesty with peculiar propriety for the favour we ask. For Lord Ripon fulfils in him that fervent prophecy which the Poet Laureate has addressed to Her Majesty in his touching dedication of his poems :—

And Statesmen at her Council met
Who knew the seasons, when to take
Occasion by the hand and make
The bounds of Freedom wider yet,
By shaping some August decree
Which left her throne unshaken still,
Broad-based upon her people's will.

Such a statesman has Her Majesty in Lord Ripon and such an august decree is his scheme of local self-government. Let us wish him God-speed in the nobler career of statesmanship on which he has valiantly entered and in which he has already advanced so far. Ignorance and prejudice may prate about the

ingratitude or disloyalty of the people of this country. When he retires, I don't know if Lord Ripon's deeds will be commemorated in brass or marble but this we can say for a certainty that the name of Ripon Saheb will be handed from generation to generation, his memory embalmed in their tender reverence, his epitaph engraved on their grateful hearts. Before I sit down I am reminded by my friend, Mr. B. Tyabji, to refer to a point on which he as well as I had considerable misgivings, viz, whether it is not premature to ask for a renewal when Lord Ripon's tenure of the Viceroyalty has hardly been three years old. I confess, gentlemen, this point has exercised my mind very much. But when we remember what time it takes to move the political forces in England to make up their mind in a matter of this sort, how early sometimes these arrangements are made beforehand in political circles, how many considerations have to be taken into account, how many obstacle to overcome, perhaps it is well to err on the safe side, to take time by the forelock, in a matter which is of such vital importance to us. There is another point also, gentlemen, we must bear in mind. It is all very well for us to ask for a renewal of Lord Ripon's term of office, but we must not forget what he himself may have to say in the matter,—whether he will consent to the himself to another term of arduous and harassing work of no common order, for the Viceroyalty to an energetic and a conscientious man is no bed of roses. We will hope, however, that that generous sympathy, which as Lord Hartington has pointed out, Lord Ripon has for the legitimate aspirations and wants of this country, will persuade him not to leave it till his great work is fairly matured.

ON LORD RIPON*

Sir Jamsetjee and gentlemen,---Under ordinary circumstances I should have laid before you the toast which is entrusted to me, in the quiet and formal manner in which such toasts are usually taken. But I know that a gathering like the present

*Proposing a toast to Lord Ripon, the Viceroy and Governor-General of India, under the chairmanship of Sir Jamsetjee Jeejeebhoy.

one will never consent to receive with cold formality the toast of the present Viceroy and Governor-General of India, the Marquis of Ripon. And gentlemen, if we take this toast with warm enthusiasm it is not, I venture to say, in the partisan spirit of any offensive counter-demonstration against any other body of Her Majesty's subjects in India, as has been said of recent displays in other parts of the country. Nor do we thus receive it because, as has also been said, we exult in the thought that Lord Ripon is promoting the interests of the natives of this country at the expense of those of his own countrymen. True children of the soil which has given us kindly nurture for near upon 1,100 years, we are natives to the very back-bone. But we are also bound by all the strongest ties of interest and gratitude to the British Crown and the British rule. We honour thus the toast of Lord Ripon's health because we are firmly persuaded that his policy is calculated to promote our loyalty to the British Crown and to strengthen the stability of the British rule. We honour his toast thus because, we admire in him the rare combination of grandeur of heart and loftiness of intellect which cheerfully and unfalteringly recognizes that righteousness is an essential and important factor in Indian as in all other true and far-sighted statesmanship. We honour his toast thus because he bravely proclaims that solemn pledges and proclamations are not like pie crusts made only to be broken, are not like Dead Sea apples goodly to behold but dust and ashes in the mouth; nor are they like the gorgeously bound Bibles of men like the now historic member from Madras in the Legislative Council, deceptive cloaks for unjust and unrighteous action. One of the incidental benefits of the agitation against the Ilbert Bill has been to make the people of India widely familiar with the simple and touching words in which the matured wisdom of the Queen-Empress after 20 years of the cares of empire gave directions to Lord Derby to frame the great Proclamation of 1858—words which make us appreciate and feel the well-known dedicatory verses of the Poet Laureate :—

Revered beloved, O you can hold
A nobler office upon earth

Than arms or power of brain or birth,
Could give the warrior kings of old.

It seems to me that Lord Ripon has truly interpreted his mission as the Viceroy of such a Sovereign by setting himself to work steadfastly and honestly to match her noble words with equally noble deeds. Through good report and evil report, Lord Ripon has worked and is working hard to fulfil this mission. Nothing that has happened recently has abated one jot of the honour, the admiration and the confidence in which he is universally held by the natives of this country. Whether we condemn the Concordat as a political blunder with the veteran *Rast Gofstar*, a host in himself, or whether we accept it as a prudent and timely compromise with the *Jame*, the *Samachar*, the *Kaiser* or the *Indian Spectator*—that 'little' paper, but which has none the less done excellent and admirable work in Indian journalism—whether, I say, we condemn or accept the Concordat, our cordial and respectful feelings for Lord Ripon himself have undergone no change whatsoever. At a recent public gathering to do honour to Major Baring—whom by the way we can never forgive Egypt for depriving us of—I ventured to say that the natives of India were learning more and more to regard Lord Ripon as a new Buddha born again for the welfare of this country. I was twitted with having indulged in oriental hyperbole in making the observation. But that observation has been amply verified by the magnificent proof of unabated confidence and almost reverential regard which the natives of this country have given to Lord Ripon at this trying juncture of events. It is not given to all men to be so honoured, and I will say that such a proof honours those who give it as him who receives it. When the history of this agitation comes to be calmly written, I have no doubt that Englishmen themselves will admit that Lord Ripon has done more to uphold the true prestige of the English name than they suspect at present. The explosion of passion and prejudice which has convulsed Anglo-Indian society high and low, official and non-official, has been of a character to leave bitter and deplorable impressions on the native mind. But fortunately, while it has shown how far the English character can deviate in

its selfish and vainglorious moods, the example of Lord Ripon has proved how high it can rise in its nobler and more earnest phases. When I ask you therefore to drink the toast of Lord Ripon, I ask you to drink the toast of the noble Englishmen, the honest and far-sighted statesman, and thus the truest and most faithful representative of that noble Sovereign who has told us that her native and European subjects are equal in her eyes.

LORD RIPON'S VICEROYALTY*

Mr. Chairman and gentlemen,—When we remember the numerous meetings and demonstrations that have taken place all over the country during the last fortnight, and where we behold the vast and enthusiastic concourse of people that has assembled here to-day from all parts of the Presidency, it is impossible not to recognize that Lord Ripon has succeeded in moving the heart of all India, as it has never been moved before, even by the most illustrious of the many illustrious men who have been his predecessors in the high office of Governor-General or Viceroy. And numerous and representative as these gatherings have been, they still most imperfectly indicate the depth and extent of this emotion, when can only be fully understood by those who have opportunities of coming across and witnessing the free expression of native thought and opinion in its ordinary current of daily life. Sir T. Madhava Rao never spoke more truly or more eloquently than when he said at the great meeting at Madras, that Lord Ripon had come to win the entire confidence of three hundred millions of keen and critical Orientals, and that one word from him could do

*Speech at a public meeting in Bombay on 29 November, 1884 under the chairmanship of Sir Jamsetjee Jeejeebhoy in honour of Lord Ripon's retirement from the Viceroyalty. On this occasion a resolution moved by Hon'ble Badruddin Tyabji said: "That this meeting representing the various native communities of Western India desires to place on record the deep sense of gratitude entertained by them for the noblest services to India rendered by the Marquis of Ripon during his administration as the Viceroy of India."

more than a hundred thousand bayonets. Finding it impossible to deny the existence of this universal feeling, our local mentor of the *Times of India* has tried hard to persuade us, and the *Hindu Patriot* has since followed suit, that it is all owing to the circumstance that 'the natives seem to recognize Lord Ripon's generous good-will towards them as the highest attribute possible in a Governor-General', adding, that 'Europeans, however, demand something sturdier in a statesman officially responsible for the prestige of England and for the welfare and safeguarding of two hundred and fifty millions of people.' And the writer finds it impossible to read Lord Ripon's recent speeches without seeing that they are filled 'with amiable regrets.' If persistent tenacity in enforcing a view could achieve success, these views were bound to prevail, for during months past the writer has gone on enforcing them, like

'The gnat
'Which settles, beaten back and beaten back,
'Settles, till one could yield for weariness.'

He has, however, failed utterly, as the strength of the feeling for Lord Ripon has been such as to defy all sense of weariness. Amidst some confusion of thought and language, the political instinct of the people has guided them unerringly to the conclusion that in Lord Ripon, they had the good fortune to secure a statesman who knew how to rule the destinies of the country with wisdom and foresight at an anxious and critical period of its progress. It has been long patent to those who have had opportunities of studying carefully the phenomena of Indian political life, that we have passed and are still passing through a critical period of its history, though in a sense very different from the alarmist prognostications of those superior persons, who with a solemn simplicity that is perfectly charming, delight in describing each other as 'cool, shrewd and distinguished servants of the State.' In the history of British rule in India, gentlemen, the era of acquisition and conquest was succeeded in the natural order of things by the era of consolidation and settlement. It then became necessary to lay

down the principles on which the foreign rule could be carried on. Despite many exceptions and many drawbacks, the sturdy and robust common sense, which is at the bottom of the English character, steering clear of perverse and narrow-minded jingoism as of impracticable sentiment, prevailed in settling these principles. It was clearly recognized, that even the most paternal despotism had never been, and could never be, a lasting foundation for a foreign rule peculiarly so in the case of the people of India, with a civilization, to quote the words of our new Viceroy, 'the most ancient, the most continuous, and the most artificially organized to be found on the face of the earth.' It was clearly understood that, even for Orientals, an absolute despotism was an impossible creed in practical politics, not the less so that the ruling nation itself had to work its testing out of a system of complex social and political forces. The only alternative that remained was accepted, that the paternal despotism must surely, if gradually, prepare itself to be moulded and modified in harmony with the progress, education and enlightenment of the people, and be leavened by their ever-increasing political corporation. These principles were firmly and clearly grasped and enunciated by the statesmen of the day. They found their most animated and forcible expression in the minutes and speeches of that most typical and practical-minded of English thinkers and politicians, Lord Macaulay, and their practical application in the measures adopted to carry them out by the men who had then the conduct of Indian affairs in their hands. And these principles, gentlemen, were not accepted and attend upon, blindly and ignorantly, but with a full forecast of their possible consequences. Perhaps many of you remember, gentlemen, the story told of Mountstuart Elphinstone when he was Governor of Bombay. It is related by Lieutenant-General Briggs, who served under him at the time of the Mahratta crisis. 'On my observing in a corner of his tent one day,' says that officer, 'a pile of printed Mahratta books, I asked him what they were meant for?' 'To educate the natives,' said he, 'but it may be our high road back to Europe,' 'Then,' I replied, 'I wonder you, as Governor of Bombay, have set it on foot.' He answered, 'We are bound under all circumstances to do our duty by them.' Then, gentle-

men, in 1857 and 1858, there came a time of grief and terror, of tribulation and gloom, of exultant triumph and revengeful excitement; and even at such a momentous time these principles were confirmed and ratified in a State document in which the sober statesmanship of England shows off at its best. Well, gentlemen, since then more than a quarter of a century has passed away, and those principles and those measures have been slowly bearing fruit. Palpable and tangible evidences of their working have been springing up on all sides. But unfortunately at the same time, the march of events and the force of the altered condition of things have been changing the English ruler from the vigorous conqueror and statesman into the energetic administrator. It is impossible to deny, gentlemen, that in the Anglo-Indian Civil Service, India has trained up a body of men who are unsurpassed all over the world for excellent administrators. But in undergoing this transformation, they have almost inevitably lost their old grasp of principle in the multitude of details they have to deal with; and though, rising step by step, they sit in the highest councils of the State and may deceive themselves into the belief that they possess their old cunning of statesmanship, the fact is that they have lost it almost altogether. No man is a hero to his own valet, and the Anglo-Indian Civil Servant, coming into too close contact with the Indian people but not close enough for sympathetic comprehension, is more impressed with the unfavourable, outlandish and grotesque side of their qualities and character. In him, therefore, the evidence of the result of the progress that has been going on creates only alarm and amazement. The children have shot up into disagreeable hobbledoys, and are fast growing into aspiring and importunate youths; and the staid step-parent, against whom they are inconveniently pressing closer and closer, feels utterly ill at ease, and does not know what to do with them. And thus our Anglo-Indian rulers come to be in the position of the hero who sets out on high enterprise in many an Oriental allegory. Half-way up the goal, he is assailed by dire threats and forebodings, by hideous shouts from beasts and demons, and warned to turn back for very life. You know, gentlemen, that if, cowed by such menaces, he wavers and looks back, he is lost. He

triumphs only if he resolutely pushes toward. It is through this intermediate stage, gentlemen, that our English rulers have been passing. Half-way on their great mission of governing India they are assailed by fears and alarm at the consequences of the progress around them, and 'the coolest, shrewdest and most distinguished' of them see nothing but disaffection and mutiny and ultimate ruin if they did not retrace their steps. This spirit of alarm and reaction found full play during the administration of Lord Lytton. The results of his Viceroyalty may be shortly described 'as the preparation of the hero of the enterprise to turn back alarmed.' The native press was gagged, the promises and charters given to the people were declared to be made only to be broken, the prestige of England was proclaimed to be one of fear and force, and not of good faith and honour. Imperialism and jingoism were installed in tawdry pageants, and the country was involved in a wanton war, with its attendant heavy financial embarrassments sought to be concealed by discreditable financial manipulations. Gentlemen, there never was a more anxious and critical period in the history of British rule in India, than when Lord Lytton resigned the reins of office. He left the country in a state of doubt and perplexity, of alarm and uneasiness. At this juncture, Lord Ripon assumed the reins of office ; and fortunately for India, in him we got back the true old English statesman, wise in his noble generosity, and far-sighted in his righteousness. It is no exaggeration to say that he has saved the country from grave disasters that would have followed the false and perilous reactionary step that was being taken. More than a century ago, the military sagacity and enterprise of Clive had enunciated the maxim that helped in creating the British Empire in India. The same comprehensive *coup d'ceil* and the same strong spirit led Lord Ripon to perceive that it was necessary to hold fast to the same maxim in maintaining and governing it, viz., 'to stand still is danger, to recede is ruin.' There was no retreat possible from the old declared policy, and history will record it to his lasting honour and glory that Lord Ripon honestly and conscientiously girded himself for the work before him, stopped the reaction and ordered an advance all along the line. It seems to me, gentlemen, that this is the keynote to the whole of Lord

Ripon's policy, and every important act of his administration can be properly referred to it. He restored the liberty of the native press. He gave a vigorous push to the principles of local self-government, avowedly with the double aim of securing improved local and municipal administration as also to give political education to the people. He invited the cooperation of able and qualified natives in the work of government. He has supported in every way the educational progress of the country ; he has encouraged sympathetically the march of high education, and he has cleared and prepared the way for the educational elevation of the masses, so that it should keep touch with the percolating influences of higher education. Whatever may be thought of the immediate result of the Ilbert Bill, one great good it has undoubtedly effected, in consequence of the controversy being carried to England. Through the passing uproar, one assurance for the natives of India has come out clear and strong, that the English nation will never consent to upset or modify the great principles of justice and equity on which the declared policy of the Crown for the government of India is based. Add to this that he restored peace, and vigorously promoted the economical and industrial advancement of the country, so that all the other measures may have a free and fertile field in which to flourish and fructify. True that in all these measures Lord Ripon has taken no leaps and bounds, and the general advance has been gradual and measured so that it may be harmonious. But such a reproach comes with ill-grace from people who, on the other hand, were alarmed at the haste and rashness of his policy. It is the height of inconsistency in such people to say that the outcome of all Lord Ripon's policy is exhausted in 'amiable regrets.' I would answer them in the words of a great book, and tell them that the work Lord Ripon has done is 'like to a grain of mustard seed which a man took and sowed in his field, which indeed is the least of all seeds, but when it is grown, it is the greatest among herbs and becometh a tree, so that the birds of the air come and lodge in the branches thereof.' I say then, gentlemen, that history will gratefully record Lord Ripon's name among those great man who guided the British Empire in India at a crisis of great anxiety and peril and steer-

ed it clear of dangerous rocks. And I am sure it will come to pass, that it will be acknowledged that he has done as great service by his steadfast policy of righteousness, which has been derided as weak Dentiment, as ever Lord Canning did, as is now admitted, by his firm policy of justice, which was then derided as elemency. Memorials and monuments of all sorts bearing his honoured name are being raised in all parts of the country to commemorate his great and good work, and it is said that he will be rewarded with a dukedom on his return to England. This is as it ought to be, but he has raised a surer monument to himself in the grateful hearts of the people of India ; he has secured a nobler reward in their blessing, which will fervently accompany him on his leaving these shores. In giving an account of his stewardship to his country and its royal mistress, he can point to them as the surest testimony of how he has discharged himself of the great trust reposed in him, and say that he has left peace where he found war, he has left content where he found uneasiness and alarm, that he has restored the true prestige of England—the prestige of its good faith and honour—and that he has left the loyalty of the people firmly anchored in their confidence and gratitude instead of in fear and force. Gentlemen, is not this a record of as true and faithful service and of as great and good work as ever was performed ? The verdict which is given by your cheers which have rung through these halls as they have never rung before, will, I doubt not, be endorsed by the great English people and their sovereign, who, as her own poet-laureate has sung—

Has a nobler office upon earth
Than arms, or power of brain, or birth
Could give the warrior kings of old

Never has prophecy been more truly fulfilled than that uttered by that remarkable man, General Gordon, four years ago, when he said, 'God has blessed England and India in giving the Viceroyalty to Lord Ripon.'

GOKHALE'S TRIBUTE TO P. M. MEHTA*

The resolution which I have to propose today for your adoption is one which it is not only a pleasure but a privilege to move, and I feel sure, when it is put to you from the chair, you will carry it with unanimity and enthusiasm, Gentlemen, the brilliant abilities of Mr. Mehta and the great service which he has rendered, not only to our Presidency but to the country at large, during a public life of nearly a quarter of a century, are now so well known that his name has really and truly become a household word with us. The grasp and vigour of Mr. Mehta's intellect, his wide culture, and his fearless independence coupled with dignity and judgement have won for him today a most commanding position in the public life of the Presidency, and a position of singular eminence in the public life of Bombay. Gentlemen, when a person has attained so prominent a position, it is inevitable that the fierce light of comparisons, to vary the beautiful expression of the late Laureate, should beat on him. And I think no person has suffered less than Mr. Mehta by these comparisons. A friend of mine in Bombay, a shrewd observer of men and things, once said in speaking of Mr. Telang and Mr. Mehta and Mr. Ranade, that Mr. Telang was always lucid and cultured, Mr. Mehta vigorous and brilliant, and Mr. Ranade profound and original. I think, gentlemen, you will agree that there is much in that observation. At the same time it must be said that, though some men think that Mr. Mehta's particular qualities are vigour of intellect and brilliancy it does not follow that he is in any way deficient in the other qualities. To my mind it has always appeared that Mr. Mehta, to a great extent, is a happy combination of the independence and strength of

*Personal tribute of Gokhale to Sir P. M. Mehta at the Eighth Provincial Conference held at Belgaum on 4 May, 1895 when a resolution was moved that resolved: "That this Conference desires to place on record its high appreciation of the masterly services rendered to the country by the Hon. Mr. P. M. Mehta in the last session of the Supreme Council at great personal inconvenience, and it authorizes the President to draw up and present on his behalf an address to Mr. Mehta embodying this expression of opinion, at such time and place as may be determined hereafter in consultation with the honourable gentleman."

character of the late Mr. Mandlik, the lucidity and culture of Mr. Telang, and the originality and wide grasp of Mr. Ranade. And these qualities which have always shone well, never shone more brilliantly or to greater advantage than in the work done for us by Mr. Mehta in the last session of the Supreme Legislative Council.

Gentlemen, I do not mean to recount in any detail the services rendered by Mr. Mehta during that session. In the first place, they are so fresh in our memory, and secondly, they were only the other day recapitulated so well by speaker after speaker at a public meeting in Bombay will, however, say this, that in those discussions in the Council Mr. Mehta showed himself to be a match for the ablest of his Anglo Indian opponents and a match for them in their several elements. Those who have read those discussions will agree with me that Mr. Mehta's contributions uniformly displayed the highest ability and skill as a debater, and that his speech on the Budget was calculated to raise even his reputation for grasp of principles and mastery of details. Member after member on the Government side rose on that occasion to demolish Mr. Mehta. Sir Charles Elliott, the Military Member, Sir Antony MacDonnell and Sir James Westland, each in his turn, attacked Mr. Mehta, thereby only showing how strong was the case made out by Mr. Mehta in the opinion of Government themselves. The attempt of Sir James Westland to browbeat Mr. Mehta only recoiled on himself. He lost his temper when Mr. Mehta spoke in his vigorous manner of the defects of the Civil Service, and complained bitterly that Mr. Mehta was introducing a new spirit in the discussions in the Legislative Council, and ended by accusing him of uttering a calumny. When, however, the speeches of the two were published, the public was in a position to judge who it was that had uttered a calumny. The remarkable coolness with which Mr. Mehta behaved on the occasion elicited the admiration of the *Calcutta Statesman*. Throughout Mr. Mehta showed himself, as I have already said, to be a match for his opponents on their own ground, and, as the correspondent of a Madras paper well expressed it, he returned argument

for argument, invective for invective, banter for banter, and ridicule, for ridicule. Gentlemen, we are proud that our representative should have achieved so much glory. We are proud that even our friends in Calcutta thought his services to be so signal that, under the leadership of Mr. W.C. Bonnerjee, they presented a public address to Mr. Mehta to express their sense of gratitude although they had their own member in the Council. Those of us, who know Mr. Mehta, know that he cannot care much for these compliments. We are aware that services such as he has rendered are their own reward. But we owe to ourselves a duty in the matter, and we shall best perform that duty by authorizing our President to convey the expression of our gratitude to Mr. Mehta in the manner suggested in this resolution.

MAHADEV GOVIND RANADE

[M.G. Ranade (1842-1901), popularly known as Justice Ranade and affectionately called 'the Socrates of Maharashtra' for having a massive power of intellectual comprehension, has a significant place of his own in the making of Indian nationalism. If Raja Ram Mohun Roy is recognised as the 'father of modern Indian renaissance', Ranade deserves the credit of being the 'father of modern awakening in Maharashtra'. On account of being a member of the Judicial Department of the Government of Bombay, he could not keep formal association with the Indian National Congress and yet, in the words of Pattabhi Sitaramayya, "for years together he was the power behind the throne. He furnished the inspiration for Congress movement." His Social Conference was virtually an adjunct of the Indian National Congress. When the issue of relationship between the two arose at the Poona Congress of 1895, it, in the words of Surendranath Banerjea (who delivered Presidential Address on this occasion), could be softly put to an end by his 'tolerant and wise action.' Like Raja Ram Mohun Roy, he adhered to the view that social reform must precede political awakening. No doubt, as a distinguished scholar of history, economics and politics, he contributed a lot to the social, economic and political regeneration of India. He set the trend of 'loyal nationalism' by characterising the British colonial rule as 'a divine dispensation'.]

INDIAN POLITICAL ECONOMY*

In the beginning of this year before a similar gathering in Bombay, a masterhand sketched the outlines of the influence of

*Lecture delivered in the Deccan College, Poona, in 1892 included in Ranade's *Essays on Indian Economics*, Chapter 1 (Excerpts).

Nature on Literature and Politics, and in a few bold touches showed how, from time to time, the aberrations and evil tendencies observable in English thought and action were counteracted and corrected by an appeal to, and a diligent study of, the standard of Nature—the final source of all true knowledge, and the only guide to wise conduct. The same master-hand drew also the moral to be learned from such a study—the moral being that our growth could only be in strict correspondence to our aptitudes and surroundings, and that we should be on our guard against precipitation and hot-house culture, which can never lead to permanently beneficial results. There can be no doubt that the historical line of thought so developed is to some extent the chief characteristic feature of the latter half of the present century. It occurred to me at the time that if the law of relativity and correspondence holds good in politics and social science generally, it ought to hold good equally in all kindred subjects, including, among others, the Science of National Wealth, or, as it is more popularly described, Political Economy. As a matter of fact, however, what do we see about us? The same teachers and statesmen, who warn us against certain tendencies in our political aspirations, forget this salutary caution when the question at issue is one of Indian economics. They seem to hold that the truths of economic science, as they have been expounded in our most popular English text-books, are absolutely and demonstrably true, and must be accepted as guides of conduct for all time and place whatever might be the stage of national advance. Ethnical, social, juristic, ethical, or economical differences in the environments are not regarded as having any influence in modifying the practical application of these truths. If free trade is good for England, it must be equally beneficial to all countries, and, prohibitive or protective duties, bounties and subsidies, restrictions and regulative control, are absolute evils, and no thought need be given to the relative differences in civilization, or the possession of natural advantages or disadvantages in matters of situation, climate, soil, national aptitudes and wants. If factory legislation is good in one country, it must be equally needed to protect labourers everywhere. If laws in restraint of usury are out of place in centres

of commercial and manufacturing activity, they must be equally pernicious in backward, antiquated, and agricultural communities. If the State finds no occasion to help credit institutions in England, the demand for such help in countries where the spirit of private enterprise is feeble is also held to be preposterous. If the Governments of advanced countries do not undertake certain functions with a view to direct industry and help enterprise, the Government here is equally precluded from taking any new line of departure in these matters. If direct taxes suit English conditions of life and property, they must be equally suitable to Indian conditions, and octroi and transit duties must be kept down rigorously as sources of our local or municipal income ..

Another reason which also influenced me in the choice of this subject was the fact that, at this time, when an appeal is being made to the popular will in two great communities to declare itself, the questions at issue are more economic than political in their character. The dreams of Cobden and Bright, of Ricardo and Mill, that the civilized world would, in a few years, with one accord embrace their principles, have not been realized. In America the issues are solely economic. One party favours free trade, the other favours protection. One party favours silver legislation, the other denounces it. In England also, as you are aware, the present Prime Minister has declared himself in favour of what is called Fair Trade, which is a modification dictated by political and economic considerations of the extreme doctrine of free trade, with a view to restrict the freedom to those who reciprocate it, and the Liberals have denounced this lapse from orthodoxy as unpardonable heresy. Even in Ireland, the political issue is really at its base an economic dispute, which centres round the question of the extent of the rights of private property and free contract as between the landlords and the tenants. Similarly, here in our own country, the currency association is also running a tilt against economic theorists, and boldly denies the universality of the equation of supply and demand as the best and only regulator of the exchange values of the precious metals. On the continent of Europe, and in the

English colonies, the same protest is being practically urged against the extreme rigour of the current theories of orthodox Political Economy. The Americans dispute the rights of the Chinese to settle in their country, the Australians fear the same scare, and even in England, legislation was contemplated against the immigration of alien Jews, on the ground that they were likely to underbid the indigenous labourer. The Trade Unions and Strikes, and the Knights of Labour, of which we have heard so much recently, furnish another form of this same general protest. This conflict of practice with theory, not in one, but in all points, not in one place or country, but all over the world, which distinguishes contemporary history, furnishes another reason which appeared to me to justify a reconsideration of the question on broader lines than those you will find enunciated in the ordinary text books...

It will be useful at this stage to note the general features of these assumptions of the earlier economists, which they believed to be as necessarily and universally true as the first law of Mechanics, that bodies move in straight lines, or the first law of Physics, that they attract each other directly according to their mass, and inversely according to the square of their distance. These assumptions may be thus briefly stated:—(1) That national economy is essentially individualistic and has no separate collective aspect; (2) that the individual, or typical economical man, has no desire but that of promoting his own self-interest, or at least that this is his strongest motive power; (3) that this self-interest is best promoted by the largest production of wealth, *i.e.*, articles with value in exchange, at the least trouble; (4) that such pursuit of private gain by each individual promotes best the general good; (5) that the free and unlimited competition of individuals in the race and struggle of life is the only safe and natural regulator; (6) that all customary and State regulation is an encroachment on natural liberty; (7) that every individual knows best his interest, and has the capacity and desire of acting according to this knowledge; (8) that there is perfect freedom and equality in the power of contract between individuals and individuals;

(9) that capital and labour are always free and ready to move from one employment to another, where latter remuneration is expected ; (10) that there is a universal tendency of profits and wages to seek a common level ; (11) that population tends to outstrip the means of subsistence ; (12) and that demand and supply always tend mutually to adjust each other....

The discoveries of the 15th century gave a stimulus to trade, and later on to colonization. The large imports of gold and silver helped to encourage the greater circulation of money. The gradual rise of European monarchies, and the decay of the church and the nobility, removed the pressure of feudal ideas, and raised the status of those who were engaged in commerce. The Republics of Italy developed banking and credit. It was when the national activity of Europe took such a varied form, stimulating agriculture, commerce, manufactures, banking, currency, exchange, co-operation, taxation, colonization, and foreign conquests, that the ground was prepared for a systematic study of the theory of the laws which regulated economical arrangements, and made nations prosperous and strong, or the reverse. And the first speculative explanation attempted is known in history as the mercantile theory. It is too much the practice of text-writers to cry down this theory as one which confounded wealth with money and bullion, and made the possession of precious metals the test of national prosperity. This is, however, an utterly unfair and one-sided view of the subject. The leading feature of the system was that it set a higher value on commerce and manufactures than on agriculture, and on foreign over home trade. It encouraged exports, but desired to check imports with a view not to retain money so much as to develop home manufactures. Lastly, it prescribed the directive control of the State in the way of stimulating domestic manufactures and encouraging commerce. Each State competed with the rest in foreign markets, and sought to secure the most advantageous terms, and it sought also to extend its colonies and dependencies with a view to increase the sphere of open markets for its produce....

In the next century the natural progress of events made nations alive to the abuses of the old system, and men began

to feel the necessity of freedom in the economic as well as in the political field. This work of destructive and negative criticism began in England with the teachings of Hobbes and Locke, but was more earnestly taken up in France previous to the Revolution. The enormous abuses of State control and direction, of monopolies and restrictions, led to a reaction in favour of a theory which was founded on the idea of natural liberty. In this negative philosophy individual man was, moreover, conceived as being solely guided by private interest, which, it was supposed, he understood better for himself than others could do for him, and the removal of all restriction and prohibitions became the watchword of this school. The previous preponderance of State support in favour of commerce and manufactures was condemned and a preference for agriculture as the only true source of all wealth was developed into a mania. In grasping the conception that money alone was not wealth, and that all wealth is created by human labour applied to natural agents, people ran to the other extreme of classifying commerce and manufactures along with service and professions under the head of unproductive labour. In protesting against protection and prohibition, the extreme view went so far as to hold that Government itself was only a necessary evil, and that the State had no concern with industry and must confine itself to its sole function of keeping the public peace....

National well-being does not consist only in the creation of the highest quantity of wealth measured in exchange value, independently of all variety of quality in that wealth, but in the full and many-sided development of all productive powers. The nation's economic education is of far more importance than the present gain of its individual members, as represented by the quantity of wealth measured by its value in exchange. In a sound and normal condition, all the three departments of national activity must be fully developed. Commerce and manufactures are, if possible, more vital in their bearing on the education of the intelligence and skill and enterprize of the nation than agriculture. In a purely agricultural country there is a tendency to stagnation and absence of enterprize and the

retention of antiquated prejudices. The function of the State is to help those influences which tend to secure national progress through the several stages of growth, and adopt free trade or protection as circumstances may require. In this view free trade may be good for a country like England, but not for America and Germany....

We have next to consider the bearings of this enlarged view of the Science in its Indian aspects. The characteristics of our social life are the prevalence of ethics over contract, of combination over competition. The habits of mind are conservative to a fault. The aptitudes of climate and soil facilitate the production of raw materials. Labour is cheap and plentiful, but unsteady, unthrifty, and unskilled. Capital is scarce, immobile, and unenterprising. Co-operation on a large scale of either capital or labour is unknown. Agriculture is the chief support of nearly the whole population, and this agriculture is carried on under conditions of uncertain rainfall. Commerce and manufactures on a large scale are but recent importations, and all industry is carried on, on the system of petty farming, retail dealing, and job working, by poor people on borrowed capital. There is an almost complete absence of a landed gentry or wealthy middle class. The land is a monopoly of the State. The desire for accumulation is very weak, peace and security having been almost unknown over large areas for any length of time till within the last century. Our laws and institutions favour a low standard of life, and encourage sub-division and not concentration of wealth. The religious ideals of life condemn the ardent pursuit of wealth as a mistake to be avoided as far as possible. There are old legacies and inherited weaknesses. Stagnation and dependence, depression and poverty—these are written in broad characters on the face of the land and its people. To these must be added the economic drain of wealth and talents, which foreign subjection has entailed on the country. As a compensation against all these depressing influences, we have to set off the advantage of a free contact with a race which has opened the country to the commerce of the world, and by its superior skill and resources has developed communications in a

way previously unknown. If we wish to realize our situation fully, we may not overlook this factor, because it represents the beam of light which alone illumines the prevailing darkness. It cannot well be a mere accident that the destinies of this country have been entrusted to the guidance of a nation whose characteristic strength is opposed to all our weakness, whose enterprize, chiefly in commerce and manufactures, knows no bounds, whose capital overflows the world, among whom contract has largely superseded status, and competition and co-operation play a predominant part, whose view of life is full of hope, and whose powers of organization have never been surpassed.

The first point which illustrates the divergence between the orthodox English doctrine and the enlarged views I have attempted to set forth, as characterizing the more developed modern European thought on the subject, relates to the so called system of the territorial division of labour by which the orthodox economists assign to the backward torrid zone regions of Asia the duty of producing raw materials, and claim for the advanced European temperate zone countries the work of transport and manufactures, as a division of labour in production which is fraught with the highest advantage to all, and is almost a providential dispensation, against which it would be foolish to rebel. Of course, as far as the natural advantages of climate and situation force our hands, economically backward races must submit to such an arrangement, but it is fairly open to question whether there is any such inevitable necessity which justifies a line of separation, which has a tendency to accentuate natural deficiencies, and make them a source of permanent weakness....

(2) The point noticed above has reference chiefly to foreign trade. In domestic interchange also, the same law operates, and every nation which desires economical advance has to take care that its urban population bear an increasing ratio to its rural masses with every advance it seeks to make. John Stuart Mill has expressly laid down that no agriculture can be really productive which is divorced from a neighbouring

non-agricultural market represented by thriving towns and cities. Under native rulers there was a sort of rude adjustment made in this direction, when the courts of the petty sovereigns afforded so many centres of urban activity in industries patronized by the court and its dependents. Mill suggests that in the absence of such near markets, the next available substitute is a large export trade to foreign countries. This substitute cannot, however, be accepted as really answering the purpose in view. The progress of ruralization in modern India means its rustication, *i.e.*, a loss of power, and intelligence, and self-dependence, and is a distinctly retrograde move. The growth of the sea-ports and of the few military and railway stations is not enough to counterbalance the enormous loss that has been inflicted by this retrograde movement. Every class of artisans, the spinners, weavers, and the dyers, the oilmen, the paper-makers, the silk and sugar and metal workers, etc., who are unable to bear up against Western competition, resort to the land, leave the towns and go into the country, and are lost in the mass of helpless people who are unable to bear up against scarcity and famine.

(3) The highest statesmanship may well feel aghast at this rapid change, and I know, as a matter of fact, that this subject weighs heavily on the conscience of the British administrators in India. They, however, feel powerless to act under the influence of the all-pervading doctrine that these matters lie outside the province of Government. A regular system of immigration from thickly populated poor agricultural tracts to sparsely peopled new and virgin districts is a desideratum. The halting efforts made in this direction produce no good, for the concessions are not liberal enough, and there is no prescience about it. The ancient rulers who settled waste districts, and founded towns with flourishing and extensive industries, made no difficulty about granting the most liberal concessions. Anticipating Wakefield's colonization proposals, whole village communities with their varied elements of life were encouraged to move *en masse*, and were made comfortable in their new places. Powerful guilds of traders and artisans from distant places were similarly induced to settle in new

towns by free gifts of lands and houses and privileges. Stray settlers attracted by a few years' leases can never accomplish the end the rulers have in view, and such attempts are bound to fail. A Colbert or a Peter the Great is wanted to give effect to such a scheme, and the ordinary doctrines of *laissez faire* must be set aside in view of the great interests at stake.

(4) Conquest, consolidation, and conciliation have had their heroes in British history. Systematic colonization and the promotion of varied culture are the next stages of development ; and it may be hoped that, before long, with Africa and Australia and the East and West Indies literally starving for Indian labour, and Burma at our door opened up, the ravages of periodical famines, carrying away our thousands and millions for want of work when agriculture fails, will become impossible as soon as the policy of let alone is given up, and an active effort made in all directions to stimulate productions both of raw and manufactured products. If the State can legitimately undertake from borrowed funds the construction or subsidization of railroads and canals, if it can afford to sell the fee simple of waste lands at nominal rates to European settlers on the hills, the road is certainly open for a further development of this same industrial effort on new lines. The Dutch Netherlands Government have shown the way in Java, and with less selfish motives the same method might well be tried in regard, at least, to the industries allied with agriculture, sugar-refining, oil-pressing, tobacco-curing, silk-rearing, etc., all of which can certainly be made to thrive in this torrid land under skilled supervision.

Proceeding next to the department of distribution, the enlarged view of Political Economy stated above does not accept the position of the unearned increment as a leading feature of the law of rent in India. The unearned increment theory fits in only where landed property continues for generations in the possession of the same family. If the land changes hands, the incoming purchaser buys it at its market value, and he enjoys no unearned advantage, and the so-called rent is but a return by way of fair profits on his investment. The

English conditions of landlordism, where the land under a complicated system of entails and settlements and primogeniture, continues in the same family for generations, allow free play to the law of the unearned increment. Here, in this country, lands and houses are not so tied up, and they change hands frequently and largely. In the twenty years the registration returns show that the value of sales comes up to the total value of landed property. In one generation, property thus changes hands, and when new men come in as purchasers for value, they do not enjoy any unearned increment of the past, but have to pay full value for the differential advantages of superior productiveness and vicinity. In the same way, the Ricardian theory that economic rent does not enter as an element of price, admittedly does not apply when all occupied land has to pay monopoly rents to the State landlord. There is no competition among landlords in this country, for there is only one true landlord, and the so called land tax is not a tax on rents proper, but frequently encroaches upon the profits and wages of the poor peasant, who has to submit perforce to a loss of status and accommodate himself to a lower standard of life as pressure increases.

Lastly, the advanced theory expounded by the modern school fully justifies the attempts made by the Government here and in England to check the abuse of competition among poor tenants by conferring fixity of tenure, by adjusting rents judicially for a term of years, and imposing limitations on its increase. In this matter the tenants of Government claim the same consideration as those of private zemindars. The justification for this active interference is as valid in regard to agricultural labourers and tenants as it is in the case of factory labourers and miners in Europe. These people are unable to combine for self-protection or at least their combination is not so effective as that of the employers of labour, and when their efforts fail to obtain regular redress, disorder and misery result as consequences, and threaten public peace and general well-being. In the same spirit, the regulation of the freedom of contract in regard to the fixing of rates of interest in transactions between the poor disunited indebted classes and the

money-lenders, and the protection of immoveable property from being sold away for improvident debt, not secured on the same, are all legitimate forms of protection of the weak against the strong, and do not affect the real freedom of distribution. The advanced theory concedes freedom where the parties are equally matched in intelligence and resources ; when this is not the case, all talk of equality and freedom adds insult to the injury. It is in this spirit that the distribution of produce among the needy many and the powerful few has to be arranged, *i e*, in a spirit of equity and fair-play, and the orthodox views of finality in such matters must be reconsidered in all the relations of life.

Lastly comes the great department of Governmental interference. The meddlesomeness of the mercantile system provoked a reaction against State control and guidance towards the end of the last century in favour of natural liberty. The doctrines of this negative school have now in their turn been abused by a too logical extension of its principles. There is a decided reaction in Europe against the *laissez faire* system. Even in England, the recent factory legislation, the qualified recognition by law of trade unionism, the poor law system, and the Irish land settlement, are all instances which indicate the same change of view. Speaking roughly, the province of State interference and control is practically being extended so as to restore the good points of the mercantile system without its absurdities. The State is now more and more recognized as the national organ for taking care of national needs in all matters in which individual and co-operative efforts are not likely to be so effective and economical as national effort. This is the correct view to take of the true functions of a State. To relegate them to the simple duty of maintaining peace and order, is really to deprive the community of many of the advantages of the social union. Education, both liberal and technical, post and telegraphs, railway and canal communications, the pioneering of new enterprise, the insurance of risky undertakings—all these functions are usefully discharged by the State. The question is one of time, fitness, and expediency, not one of liberty and rights. In our own country the State has

similarly enlarged its functions with advantage. The very fact that the rulers belong to a race with superior advantages imposes this duty on them of attempting things which no native rulers, past or present, could as well achieve, or possibly even think of. This obligation is made more peremptory by the fact that the State claims to be the sole landlord, and is certainly the largest capitalist in the country. While the State in India has done much in this way in the working of iron and coal fields, and in the experiments made about cotton and tobacco, and in tea and coffee and cinchona plantations, it must be admitted that, as compared with its resources and the needs of the country, these attempts are as nothing by the side of what has been attempted with success in France, Germany and other countries, but which, unhappily, has not been attempted in this country. Even if political considerations forbid independent action in the matter of differential duties, the pioneering of new enterprise is a duty which the Government might more systematically undertake with advantage. In truth, there is no difference of principle between lending such support and guidance, by the free use of its credit and superior organisation, in pioneering industrial undertaking or subsidizing private co-operative effort, and its guaranteeing minimum interest to railway companies. The building up of National, not merely State, credit on broad foundations by helping people to acquire confidence in a free and largely ramified banking system, so advantageously worked in Europe under different forms, has also not been attempted here. There is, lastly, the duty cast on it of utilizing indigenous resource, and organizing them in a way to produce in India in State factories all products of skill which the State departments require in the way of stores. These are only a few of the many directions in which, far more than exchange and frontier difficulties, the highest statesmanship will have a field all its own for consideration and action. They will, no doubt, receive such consideration if only the minds of the rulers were once thoroughly freed from the fear of offending the so-called maxims of rigid economical science. It is time that a new departure should take place in this connection, and it is with a view to drawing public attention to this necessity that I

have ventured to place before you the results of modern economic thought. In this, as in other matters, the conditions of Indian life are more faithfully reproduced in some of the continental countries and in America than in happy England proud of its position, strong in its insularity, and the home of the richest and busiest community in the modern industrial world. If the attempt I have made leads to a healthy and full discussion of the change of policy I advocate, I shall regard myself amply repaid for my trouble.

THE SAINTS AND PROPHETS OF MAHARASHTRA*

Saint Ramdas, the spiritual adviser of the great Shivaji, is reported to have exhorted Shivaji's son, Sambhaji, to follow the footsteps of his father, and the advice he gave on this occasion was tersely summed up in two sentences—“Unite all who are Marathas together,” and “Propagate the *Dharma* (religion) of Maharashtra.” The first advice represents the leading feature of the political movement which assumed its final shape under Shivaji's leadership, and the second points no less clearly to the religious development which was at the same time going on all over the country, and of which the political movement was itself only a reflection. The point naturally arises for consideration—what Ramdas could have meant by recommending this second feature of Shivaji's policy, and exhorting Sambhaji to propagate, not the *Vedic*, *Puranic*, or the Hindu religion generally, but the religion of Maharashtra. What was there so particular and distinct in the religious belief of his contemporary countrymen which so strikingly attracted Ramdas's notice, and was deemed by him to be a sure remedy for securing the salvation of his people under the terrible misgovernment of Sambhaji about the close of the seventeenth century? The close connection between the religious and political upheaval in Maharashtra is a fact of such importance, that to those who, without the help of this clue, have tried to follow the winding course of the growth of Maratha power,

*From Ranade's *Rise of the Maratha Power*, Chapter VIII.

the purely political struggle becomes either a puzzle, or dwindles down into a story of adventures, without any abiding moral interest.* Both European and Native writers have done but scant justice to this double character of the movement, and this dissociation of the history of the spiritual emancipation of the national mind accounts for much of the prejudice which still surrounds the study of the Maratha struggle for national independence.

We propose accordingly in this chapter to trace in rough outline the history of this religious upheaval in Western India. Our main sources of information will be the voluminous biographies of the saints and prophets of Maharashtra, written by one of our own poets, Mahipati, towards the close of the last century, long before British influence was felt in these parts as a factor of any importance. Like the political struggle for independence, the religious upheaval was also not the work of a single man, or even of a single century. Its early commencement can be traced even anterior to the Mahomedan conquest of the Deccan. Under the rule of the Yadav kings of Devgiri, Dnyandev, the first saint and prophet of Maharashtra, wrote his famous commentary on the *Bhagavatgita* in the spoken language of the country. Mukundraj, who lived under the Ballal Kings, also wrote his famous work, the first of the kind in Marathi in the twelfth century. The Mohamedan invasions for a time seem to have paralyzed all activity, but gradually the national spirit regained its healthy elasticity, and just about the time of the rise of the Maratha power we had a galaxy of saints and prophets, whose names have become household words with the people of the country. The stream continued to flow in full tide for two centuries, and then it appears to have dried up, and with its ebb, the political domination also became a thing of the past. Roughly speaking, we may state that the history of this religious revival covers a

*'Moral interest' Ranade repeatedly emphasises this expression. In the Preface Ranade writes 'My aim is rather...to remove many misapprehensions which detract much from the '*moral interest*'. This concept of moral interest in the political struggle of the people held great sway amongst the 19th century patriots and nationalists in Europe.

period of nearly five hundred years, and during this period some fifty saints and prophets flourished in this land, who left their mark upon the country and its people so indelibly as to justify Mahipati in including them in his biographical sketches. A few of these saints were women, a few were Mohamedan converts to Hinduism, nearly half of them were Brahmans, while there were representatives in the other half from among all the other castes, Marathas, *kunbis*, tailors, gardeners, potters, goldsmiths, repentant prostitutes, and slave girls, even the out-caste *Mahars*. Much of the interest of this religious upheaval is centred in the facts we have noticed above, as they indicate plainly that the influence of higher spirituality was not confined to this or that class, but permeated deep through all strata of society, male and female, high and low, literate and illiterate, Hindu and Mohamedan alike. These are features which the religious history of few other countries can match or reproduce, unless where the elevating influence is the result of a widespread popular awakening. In Northern and Eastern India a similar movement manifested itself much about the same time. Nanak stirred up the Punjab to rise, and made a supreme effort to reconcile Hinduism with Mahomedanism. Chaitanya in the far East sought to bring men back from the worship of *Shakti* and *Kali* to the faith of the *Bhagawat*; while Ramanand and Kabir, Tulsidas and Surdas, Jayadev and Rohidas, contributed each in his own way to the work of spiritual enlightenment. Their influence has no doubt been great and abiding, but it cannot be compared with the work done by the saints and prophets of Maharashtra. The names of Changdev and Dnyandev, Nivriddhi and Sopan, Muktabai and Jani, Akabai and Venubai, Namdev and Eknath, Ramdas and Tukaram, Shaik Mahomed and Shanti Bahamani, Damaji and Udhav, Bhanudas and Kurmdas, Bodhle Bawa and Santoba Powar, Keshav Swami and Jayaram Swami, Narasinha Saraswati and Rangnath Swami, Chokhamela and the two potters, Narahari Sonar and Savata Mali, Bahiram Bhat and Ganesh Nath, Janardanpant and Mudhopant, and many others that might be cited, furnish an array which testifies to the superior efficacy of this movement in Maharashtra. The Brahmans in these parts furnished a much larger proportion of saints and prophets than was the

case in any of the other parts of India where the *Kshatriya* and *Vaishya* castes furnished a much larger contingent than the Brahmins.

As is the case with all biographies of saints, the popular imagination attributes to these persons, wonderful and miraculous powers, notably those of raising the dead to life, healing the sick and feeding the hungry. The stories which are told of the way in which they were helped by supernatural agency in their mission of love may or may not be accepted in these days of vigilant criticism. As Mr. Lecky has remarked, it is the atmosphere of child-like credulity which predisposes men to require and accept these wonders and miracles as events of ordinary occurrence. The saints and prophets themselves did not claim miraculous powers. They were meek and suffering men who placed their trust in Providence, and their trust was justified beyond their expectations, often-times to their own surprise. The moral interest of these biographies centres, however, not in their miraculous feats, but in their struggles, and in the testimony their lives afforded in vindication of the eternal verities of the moral law and man's higher spiritual life. It is with this aspect of their life that we are more immediately concerned in the sequel, and we hope to show that in this respect the work they accomplished was priceless and blessed beyond all comparison.

There is a curious parallel between the history of the Reformation movement in Western Europe and the struggle represented by the lives and teachings and writings of these saints and prophets who flourished about the same time in Maharashtra. The European reformers of the sixteenth century protested strongly against the authority claimed by the priests and the clergy with the Roman Bishop at their head. The clergy and the Pope represented a tradition of authority which had come down from the remote past, and had done signal service in its own time in humanizing and civilizing the hordes of the barbarian conquerors who devastated the Roman provinces. In course of time, the priests, instead of being the servants, claimed to be masters and rulers, with temporal and

spiritual powers, and intermediaries between God and man. The exercise of this intercession was hedged round by numberless rites and ceremonies, and in course of time many abuses crept in and alienated general sympathy. These abuses assumed their worst forms about the time that Luther rebelled against the authority which issued indulgences and levied Peter's Pence, not as charity, but as a tax to subserve the temporal power of intriguing Popes and their vicious cardinals. The Reformation in Western India had its counterpart in this respect. Ancient authority and tradition had been petrified here, not in an ambitious Bishop and his clergy, but in the monopoly of the Brahman caste, and it was against the exclusive spirit of this caste domination that the saints and prophets struggled most manfully to protest. They asserted the dignity of the human soul as residing in it quite independently of the accidents of its birth and social rank. The circumstances of their own birth and education naturally predisposed some of these preachers to take up such a position. As observed above, nearly half of them were of castes other than Brahmans, and some of them of very low castes indeed. Many of the Brahman reformers also had some stain in their inherited purity which led or forced them to rebel against all artificial restraints. Dnyandev and his brothers and sister Muktabai were born to their father after he had retired from the world and become a *Sanyasi* monk. His spiritual guide, Ramanand, came to know that this *Sanyasi* had not obtained his wife's willing consent to a change of *Ashram*, and he ordered him to go back to his native place and live with his wife. The children so born to the *Sanyasi* became marked objects of caste aversion, and the Brahmans refused to perform the initiation ceremony when the brothers reached the proper age. The children remained in this unrecognised condition all their life, and were revered notwithstanding this defect in their caste respectability. Another saint, Malopant, was married to a low-caste girl, whose caste was not discovered till after the marriage, and the husband did not abandon her, but only held no intercourse with her, and, when on her death, he performed her death-rites as usual, a miracle was displayed which satisfied his worst enemies, that Malopant and his *Mahar* wife were both holy by nature. Jayaram Swami's master,

Krishnadas, was similarly married to a barber girl, and the inferiority of her caste was discovered after marriage. The holy life of the man had, however, such an effect that at last, after much persecution, even the high priest Shankaracharya of the day raised no objection, Eknath, it is well known, made no secret of the little importance, he attached to caste distinctions. He fed an hungry *Mahar* at his house, and, when out-casted, allowed himself to be taken to the river for purposes of purification, when a miracle took place by which the merit of feeding an hungry *Mahar* was proved to be far greater than that of feeding many hundred Brahmans, for the former merit cured a leper of his soul disease, when the latter failed to make any impression on him. A very common miracle is reported to have been performed by many of the saints notably by Dnyandev, Eknath, and Nagnath, when, on the refusal of the Brahmans to officiate on *Shraddha* ceremonies in their places for breach of caste regulations, the deceased fathers of the obstinate Brahmans were made to descend to earth, and shamed their incredulous sons into the belief that their caste exclusiveness was wholly out of place. In Namdev's biography his God of Pandharpur, who had allowed Namdev to invite Brahmans to a feast and himself partook of that feast with the saint, was himself ex-communicated, and then the story relates how Dnyandev, who was present in spirit, remonstrated with the Brahman persecutors. He said :—"There was none high or low with God. All were alike to him. Never entertain the thought that I am high born, and my neighbour is low of birth. The Ganges is not polluted, nor is the wind tainted, nor the earth rendered un touchable, because the low born and high born bathe in the one, or breathe the other, or move on the back of the third."

The most touching incident, however, is that which occurred in the persecution of the out-caste *Mahar* Chokhamela for his having dared to enter the temple of Pandharpur. When remonstrated with for his temerity, Chokhamela replied that his God took him inside by force, and he did not go of his own accord. He remonstrated with the Brahman worshippers of the temple in this strain—"What availeth birth in high caste, what availeth

rites or learning, if there is no devotion, or faith? Though a man be of low caste, yet if he is faithful in heart, and loves God, and regards all creatures as though they were like himself, and makes no distinction between his own and other peoples' children, and speaks the truth, his caste is pure, and God is pleased with him. Never ask a man's caste when he has in his heart faith in God, and love of men. God wants in his children love and devotion, and he does not care for his caste." The Brahmans, as might be expected, were not converted by this preaching of high wisdom, and they complained to the Musalman officer of the place, and he, like another Pilate of the Bible story, ordered Chokhamela to be punished by being tied to and driven by a team of bullocks, and tortured to death in this cruel fashion. God, however, miraculously delivered his worshipper, and baffled the oppressors, for the bullocks would not move from their place. The story of Bahiram Bhat is also interesting in this connection. Being a *Shastri*, he did not find rest in Brahminism, and therefore became a Mahomedan under the impression that its monotheism would satisfy the cravings of his heart, but failing to find the satisfaction he desired, he returned back to Brahminism. Both Brahmans and Mahomedans found fault with him for these changes of faith, but he disclaimed being either Hindu or Mohomedan. Bahiram Bhat challenged the Brahmans to make him a true Brahman as long as his circumcision mark was not removed, and he challenged the Mohomedans to fill up the holes in his ears, which showed that he was still a Hindu. The Mohomedan converts to Hinduism, represented by Shaik Mahomed's followers, even to this day observe the *Ramjan* fasts, and *EkaDash*i fast, and make pilgrimages to Mecca as also to Pandharpur. There are many other saints of great renown who, like Kabir, Nanak and Manik Prabhu are claimed both by Hindus and Mohomedans as belonging to their respective communities, and worshipped and revered as such by both. These examples will suffice to show how the lives of these men have tended to elevate the national conception of man's spiritual nature, and shake the hold of caste intolerance.

The result of all this elevated teaching is seen in the fact that caste exclusiveness now finds no place in the religious

sphere of life, and it is relegated solely to the social concerns of men, and even there its restrictiveness is much relaxed, as any one can judge who compares the Brahmans of Southern India with their exclusive caste prejudices, and their abhorrence of even the shadow of the lower castes, defiling Brahman streets, with the comparative indifference shown in such matters in the Deccan portion of Maharashtra. This feeling of indifference is most accentuated at the times of the annual pilgrim gatherings, and the mixed greetings with which the Lord's Feast is celebrated on the last day. Just as in Europe, men ceased to believe that the priest was a necessary medium between God and man for purposes of salvation, in this part of India, the domination of the Brahman caste as the Gods of creation, whom the other castes should serve and worship, lost much of its potency, and men and women, high and low, came to feel that they were free to attain salvation by faith and love in spite of their low origin.

The European reformers protested further against the institution of the monastic orders, and the celibacy of the clergy, and the unnatural retirement of women who exiled themselves from the world and became nuns. There was a counterpart of this same protest in the way in which our saints and prophets raised their voice against self mortification and fasts, and meaningless penances and endless pilgrimages. The same spirit prompted them to condemn austerities practised by those who followed the *Yoga* system with a view to acquiring the power of working wonders which, it was supposed, the *Yogis* enjoyed in consequence. This contest between *Yoga* and *Bhakti* is well illustrated by the encounter of the proud Changdev, with Dnyandev, when the former, in reliance on his *Yoga* powers, rode on tigers, and used serpent whips, and was put to shame by Dnyandev riding on a wall. There was a similar encounter between Dnyandev and Namdev when the former, by the exercise of *Yoga* powers, became small in size, and drank the waters of a deep well, while Namdev, by his devotion, brought the waters to overflow the well for all time, so that all who passed by, and felt thirsty, might drink to their hearts' content.

These stories most beautifully typify this feature of the teaching of the saints and prophets of Maharashtra.

The story of Kanoba Pathak, who was upbraided by a Brahman of Benares for his inordinate love of children, and astonished his critic by throwing away his child into a well with seeming indifference, illustrates the vanity of the vows of celibacy, which cannot by themselves produce equableness of mind, and indifference to pains and pleasures. Eknath all his life lived with his wife and children, and so did Turkaram and Namdev, though they were not blessed with sympathetic female relations. Bodhle Bawa, Chokhamela, Damajipant, Bhanudas, the two potter saints, and many others lived in the midst of their families. Dnyandev's father, who had become *Sanyasi* without obtaining the free consent of his wife, was directed by Ramanand to return to his home, and live with his wife. All these incidents prove that a very high conception of the sanctity of family-life was realised by these saints and prophets, and they did their best to correct the national weakness which shrinks from trouble and anxiety by retiring from the world's conflict. The lives of the female saints have a special interest in this connection. The biographies relate that owing to their devotion and implicit faith, God helped them out of their difficulties by assisting them in their daily household work, and by assuming strange disguises, permitted them the freedom they wanted to serve him without being missed by their jealous relations. There is a danger in all such stories of making Providential intervention too cheap, but this fault is more than balanced by the high moral which underlies these accounts. The sanctity of married and family life was nobly vindicated by these saints and prophets, and this was a signal moral triumph over the past traditions of asceticism.

All students of modern European history are aware that the Reformers achieved their most permanent success in the liberation of the national intellect from the thralldom of scholastic learning, and the oppressive preponderance of the classical Latin in which all the best books were till then written. The Bible was, by the help of these Reformers, for the first time made accessible to all, high and low, and the monopoly of

learning, till then enjoyed by the priests, was shaken to its foundations. Here in India, the process of liberation was carried out on the same lines. The professors of the old Sanskrit learning found for the first time to their great surprise that the saints and prophets addressed the people, both in speech and writing, in their own vernacular, and boldly opened the hitherto hidden treasures to all and sundry, men and women. Brahmins and Shudras, alike. The final victory was not achieved without much struggle and considerable suffering. Dnyandev was the first adventurer to stray into these forbidden regions, and his example was followed by Eknath and Ramdas, Namdev and Tukaram, Vaman Pandit and Mukteshwar. Shridhar and Moropant. These last four gifted men are more celebrated as authors and poets than as religious teachers, but they derived their inspiration from the same sources. It is true the *Vedas* and the *Shastras* were not translated as the Bible was, but there was a sufficient reason for this difference. These early Marathi writers knew that modern India, after the Buddhistic revolution, was less influenced by the *Vedas* and *Shastras* than by the *Ramayana* and *Mahabharata*, the *Bhagavat Puran* and the *Gita* and these latter works were translated and made accessible to all. The pioneers in this field, Eknath and Tukaram, were each made to bear the brunt of Brahmin opposition. Their works were not burned as in Europe, but they were ordered to be thrown into water. The river gods, however, so the story runs, would not let them be destroyed, and the works remained dry and would not sink, and thus became more famous than ever. Vaman Pandit the great Sanskrit scholar, who would not design to speak or write in the popular language, as unfit to be used by a Pandit, was, when brought in contact with Ramdas, made to see the error of his ways; and a Brahmin translator of the *Ramayana* named Salya Rasal, who was over-proud of his superior learning, was similarly put to shame by a message from his goddess that he should get the work corrected by submitting it to the revision of the tailor Namdev. Dnyandev also was made the instrument of performing a miracle, by which a buffalo was said to have recited the *Vedas* by heart. This story is obviously an allegorical parody of the mental condition of those who prided themselves upon their ability to recite the *Vedas* without understanding their contents.

The struggle between the claims of the classical Sanskrit and the vernaculars, of which we hear so much in these days, is thus an old conflict, the issues in which were decided in favour of the vernacular or living languages long ago, and whatever scholars and antiquarians may urge to the contrary, there can only be one answer to the question,—the answer which was given by the saints and prophets when they laid Sanskrit aside as useless for their work, and spent all their energies in the cultivation and growth of their mother tongue. It may safely be said that the growth of the modern vernaculars in India is solely the result of the labours of these saints, and that the provinces, which showed most decided tendencies in the way of reform, also showed the most healthy development of their vernacular literature.

The Protestant reformers in Europe achieved another change of great importance in the way in which they raised their voice against the excesses to which image-worship and saint-worship were carried in the Roman Catholic Church. On our side, also, this protest was raised, but it did not assume the iconoclastic form which the Protestant reformers, especially the stricter sect among them, adopted. Polytheistic worship was condemned both in theory and in practice by the saints and prophets of Maharashtra. Each of them had his own favourite form of the divine incarnation, and this worship of one favourite form left no room for allegiance to other gods. Ramdas, for instance, worshipped God under the name of Rama; Ekanath and Jayaram Swami worshipped Him under the name of Krishna; Tukaram, Chokhamela and Namdev under the name of Vithoba; Narahari Sonar and Nagnath under the name of Shiva; Janardan Swami and Narasinha Saraswati under the name of Dattatraya; Morya Gasavi and Ganeshnath under the name of Ganapati, and so on for the rest. Strange stories are told in these biographies of the way in which the saints when they visited other shrines refused to see the image in the form in which they did not worship God, and as a consequence the image manifested itself to them in the form familiar to them. The supremacy of one God, one without a second, was the first article of the creed with every one of these saints,

which they would not allow anybody to question or challenge. At the same time, as observed above, the iconoclastic spirit was never characteristic of this country and all the various forms in which God was worshipped were believed to merge finally into one Supreme Providence or *Bramha*. This tendency of the national mind was a very old tendency. Even in Vedic times, Indra and Varun, Marut and Rudra, while they were separately invoked at the sacrifices offered for their acceptance, were all regarded as interchangeable forms of the one and supreme Lord of creation. This same tendency explains the comparative indifference with which the saints and prophets treated the question of image-worship. It is a complete misunderstanding of their thoughts and ideas on this subject when it is represented that these gifted people were idolaters in the objectionable sense of the word. They did not worship stocks and stones. In Vedic times there was admittedly no idol or image worship. It came into vogue with the acceptance of the incarnation theory, and was stimulated by the worship of the Jains and Buddhists of their saints. Finally, it got mixed up with fetish worship of the aboriginal tribes, who were received into the Aryan fold, and their gods were turned into incarnations of the Aryan deities. The saints and prophets, however, rose high above these grovelling conceptions prevalent amongst the people. Idol worship was denounced when the image did not represent the supreme God. Both Tukaram and Ramdas have spared no words in denouncing these aboriginal and village gods, and their frightful rites and sacrifices. In the life of Bhanudas, it is stated that he told the king of Vidyanagar that the Goddess he worshipped served his God at Pandharpur in a menial capacity as a sweeper, and the king found it to be the truth when he visited Pandharpur. In the lives of two other saints it is stated that the Goddess Kali, to whom human and animal sacrifices were offered, was so frightened by the protest of the saints in the name of Hari against such cruelty, that the sacrifices were given up by the command of the God as not only for the time, but for all time. These illustrations will serve to show in what light image-worship, as an aid to devotion, was utilized by these saints, and unless this distinction is borne in mind, it will be impossible to understand the

true position occupied by these teachers in this important matter.

There is one point, however in which the reforming saints and prophets in this country differed essentially from those who were working in the same cause elsewhere, the contemporary Protestant reformers in Europe. From the Vedic times downwards, the *Aryan* gods have been gods of love and of brightness, of sweetness and of light. There were, of course, terrible gods also, such as Varun and Rudra who inspired awe and filled the mind with terror. But the national tendency was to dwell with affection on and contemplate chiefly the bright side of divine Providence, unlike the Shemitic idea which dwelt upon the terrific manifestation of a distant god whose glory could not be seen save through a cloud, a severe chastiser of human frailties, and a judge who punished more frequently than He rewarded, and even when He rewarded kept the worshipper always in awe and trembling. This conception lies at the root of all Shemitic religions, and it is to the credit of Christianity that it attempted and partly succeeded in bridging the gulf by securing the intervention of God incarnate in the flesh, as Jesus Christ, who suffered for mankind, and atoned for their sins. This intervention was never found necessary in the *Aryan* religions of Greece or Rome or of India. God with us has always been regarded more as a father and a mother, a brother and a friend, than a judge and a chastiser and a ruler. Not that He does not judge, or rule, but He judges, rules, and chastises with the love of a father or mother, ever ready to receive the repentant prodigal son back into his arms. The orthodox Brahminical conception does not bring out this feature of a kindly Providence so prominently as it is found to be realised in the teachings and life's experiences of our saints and prophets. They are emphatic in their assertions that they were able to see their God, and hear His words, and walked and talked with Him, and held intercourse with Him. In their higher moments they, no doubt, describe Him as One Who did not speak, but their most normal condition of mind was one of satisfaction when they realised His presence as we realise the presence of sensible things. The *Yogis* and the

Vedantis only talk in their waking dreams of being one with God, but Namdev and Tukaram, Eknath and Dnyandev, were not content with this distant and difficult union, which did not last during all the moments of their conscious life, and compared their own happiness in such daily intercourse with God as being above all the attainments of *Yoga* and *Vedant*. We may believe the miracles ascribed to these saints or disbelieve them, but we cannot disbelieve their emphatic statements on this point. All the love that in Christian lands circles round the life and death of Christ Jesus has been in India freely poured upon the intense realisation of the every-day presence of the Supreme God in the heart in a way more convincing than eyes or ears or the sense of touch can realise. This constitutes the glory of the saints, and it is a possession which is treasured up by our people, high and low, men and women, as a solace in life beyond all value.

As a consequence of this conception of God's relations with man, the supreme efficacy of devotional love (*Bhakti*) over all other methods of attaining to His knowledge became the cardinal creed of these *Vaishnav* sects. There is not a life in all these sketches drawn by Mahipati in which *Bhakti* and Faith (*Bhawa*) are not emphasized as being far superior in virtue to all other forms of worship, such as the performance of rites and ceremonies of external worship, pilgrimages and ablutions, self-mortifications and fasts, learning and contemplation. These have relation only to the body or the mind, while the spirit is what God desires to see engaged in His service. The rites and ceremonies may be performed as indifferent matters, just as food may be taken and thirst quenched, and the rest of sleep enjoyed, as they come naturally without effort or unnecessary anxiety about them. The best ablution is when the senses are drowned in the ocean of God's presence about us, and the same presence is made to fill us inside and out. The best sacrifice and the highest *dana* or gift is when we surrender ourselves to His sweet will and for His service, and claim nothing as our own. The best mortification is that which makes the spirit humble before Him; the best contemplation is when His glory is sung with all our powers. Neither

knowledge nor *Yoga* powers, health nor wealth, nor children nor possessions, not even *Mukti* (freedom from birth and death), is desirable in itself. What is desirable is to be always full of love for Him and His works, including all creation, men and animals. Namdev cried while removing the bark of a tree, because he thought he saw blood coming out from the stroke of his axe, and he struck himself with the axe to see how he felt, and realise what the tree might feel. Shaik Mahomed, being sent by his father to practise the butcher's trade, first cut his own finger with his knife to see how the animal would feel, and the pain he felt drove him to forswear his trade, and retire from the world in which such pain had to be inflicted for earning one's livelihood. Tukaram felt that there must be something wrong about him, when, on seeing him, the sparrows left the field he was sent to watch, though he did not intend to disturb them. This intense spirituality and absolute surrender of self may sound somewhat unreal to men not brought up in the atmosphere these saints breathed. But there can be no doubt about the fact, and there can also be no doubt that the national ideal of spiritual excellence has been shaped by these models. It may be that a stronger backbone and more resisting power are needed in the times in which we live, but in an account of the saints and prophets as they flourished more than two hundred years ago, we cannot afford to interpolate our own wants and wishes.

It may be interesting to note how these saints thought and spoke, and how, when they came in contact with a militant religion like Mahomedanism, they faced their troubles and conquered them. The lives of Namdev, Ramdas, Eknath, and others are full of such incidents. The most noteworthy fact in this connection is that several Mahomedans became converts to the Hindu Faith, and obtained such a public recognition that their help was invoked by the Hindu authors who wrote in those times along with the Hindu saints. Shaik Mahomed and Kabir may be cited as examples of this catholic spirit of recognition. On the other hand, Tukaram and Eknath were so influenced by their contact with Mahomedanism that they composed verses in Urdu of so catholic a character as to

be unobjectionable to the strictest Mahomedan. Ramdas did the same when one of his disciples, Udhav, got into trouble at Bedar. The story of Damajipant, a servant of the Bedar Kings, is well known to all. In a time of famine he distributed the Government stores of grain among the poor, and on being taken to ask he was relieved by an unexpected remittance of the full value of the grain to the King's treasury. The saints came out well in their struggles with their foreign rulers, and they prevailed not by fighting nor by resistance, but by quiet resignation to the will of God. There was a tendency perceptible towards a reconciliation of the two races in mutual recognition of the essential unity of Alla with Rama, and by the time Shivaji appeared on the scene, this reconciliation seems to have been almost complete, though occasional outbursts of Mahomedan fanaticism were not altogether unknown even then.

We have thus noticed all the principal features of the religious movement, which, commencing with Dnyandev who lived in the fifteenth century,* can be traced to the end of the last century as a steady growth in spiritual virtues. It gave us a literature of considerable value in the vernacular language of the country. It modified the strictness of the old spirit of caste exclusiveness. It raised the *Shudra* classes to a position of spiritual power and social importance, almost equal to that of the Brahmans. It gave sanctity to the family relations, and raised the status of woman. It made the nation more humane, at the same time more prone to hold together by mutual toleration. It suggested and partly carried out a plan of reconciliation with the Mahomedans. It subordinated the importance of rites and ceremonies, and of pilgrimages and fasts, and of learning and contemplation, to the higher excellence of worship by means of love and faith. It checked the excesses of polytheism. It tended in all these ways to raise the nation generally to a higher level of capacity both of thought and action and prepared it, in a way no other nation in India was prepared, to take the lead in re-establishing a united native power

*Fifteenth century is a mistake ; it ought to be thirteenth.

in the place of foreign domination. These appear to us to be the principal features of the religion of Maharashtra, which Saint Ramdas had in view when he advised Shivaji's son to follow in his father's footsteps, and propagate this faith, at once tolerant and catholic, deeply spiritual and yet not iconoclastic.

SOCIAL EVOLUTION*

Mr. President and gentlemen, once more we meet in this busy week of December, this time in your historical and holy city, to take stock of our year's achievements, to count our losses and gains, and to pledge ourselves to help each other in the unceasing struggle to better our condition. When from our distant provinces we start on these annual pilgrimages, we are often twitted for our pains by those who take credit to themselves for superior wisdom, and the question is often asked, what mad freak lays hold of so many earnest minds in the country, which leads them to pursue this mirage of national elevation, which recedes further from our grasp the more eagerly we run after it. This same irreverent doubt also weighs down some among our own body in our weak moments, and it seems to me very necessary, before we enter upon more serious work, to purify ourselves by the discipline of a rigorous course of self-examination for the struggle. Nothing strikes our critics, both European and Native, as more manifestly absurd than this our faith that these annual gatherings will prove helpful in attaining the objects we seek. Progress in the art of self-Government, both in its national and individual bearings, it is urged by some of our native friends, can never be secured by these half-confused gatherings of races and creeds and interests, and the jumble of tongues, and the tame imitation of methods not our own. Our European critics are more wise in their generation, and some of the wisest among them have demonstrated to their own satisfaction that all Oriental

*Speech at a public meeting held at Allahabad on 25 December, 1892 on the occasion of Sixth Social Conference under the chairmanship of Hon'ble Rai Bahadur R. K. Chaudhuri.

racess have had their day, and that nothing is now left to them but to vegetate and die, and make way for their betters. Political elevation, and social emancipation, religious or spiritual enlightenment,—these gifts have not been, and will never be, according to their philosophers, vouchsafed any more to the Indian races. If these black forebodings were really inspired prophecies, our outlook would be dark indeed. Happily for us these prophecies are not true, and what is more, it is in our power to falsify them. History does not countenance them, and the teachings of science are not in their favour. No earnest prayer, no self-denying aspiration, no sincere battling with falsehood and ignorance, can ever under God's Providence, end in failure. The methods may have to be changed, but the struggle is ever the same, and none need despair. It is not the gains that you make outside of you, it is not what you have, but what you yourselves, become, that makes or mars a man's or a nation's destiny. Particular reforms may be out of our reach, or may not be for our advantage : but the earnest desire for reform, and sincere efforts of self-sacrifice directed towards their attainment cannot but elevate us above our weaknesses, and strengthen our strong points, and plant the banner of union in hearts torn with centuries of strife and disunion. This is the moral interest of the struggle, and those who cannot appreciate this invaluable privilege of fighting in the ranks in such a struggle are,—what shall I call them—superior persons living in a paradise of their own. If indeed history and science both declared against us, we might find it necessary to pause. But the history of this great country is but a fairy tale, if it has not illustrated how each invasion from abroad has tended to serve as a discipline of the chosen race, and led to the gradual development of the nation to a higher ideal if not of actual facts, at least of potential capabilities. The nation has never been depressed beyond hope of recovery, but after a temporary submerging under the floods of foreign influences, has reared up its head—absorbing all that is best in the alien civilisation and polity and religions. The testimony of science points in the same direction. If the environments determine the growth, a change in the environments must bring about a change in the political and social organism. There is thus no cause for

despair if we only remember one great lesson of history and science, namely, that no development of the body politic is possible, unless the new heat animates all our powers, and gives life and warmth to all our activities.

When we meet at these annual gatherings to seek our political elevation, we must not lose sight of the fact that our social emancipation should go along with it, if we desire to be an individual consistent whole, with a just balance of power in all our movements. In other words, the social evolution must take place side by side, if it should not precede the political growth that we desire to achieve. What is it, some of you will ask, that you require of us to do in this work of internal freedom? I would reply, the evolution that we should seek is a change from constraint to freedom—constraint imposed by our own weaker nature over the freedom of our higher powers. It is a change from credulity to faith, from credulity which behoves without grounds to faith which builds itself upon a firm foundation. Our station in life, our duties, and our limits of action are certainly fixed for most of us by circumstances over which we have no control, but there is still a large margin left for freedom of action. We voluntarily contract that margin, and bind ourselves by fetters, and glory in them as the Mahomedan fakir in Bombay, who thinks himself specially favoured because he bears heavy iron chains. The change which we should all seek is thus a change from constraint to freedom, from credulity to faith, from status to contract, from authority to reason, from unorganised to organised life, from bigotry to toleration, from blind fatalism to a sense of human dignity. This is what I understand by social evolution, both for individuals and societies in this country. Even if we accept the evolution view to be correct, it should not be forgotten that the environments which surround us have changed, and are not the same that they were a hundred years ago. Peace and order reign throughout the land instead of the old disturbances which made the preservation of life one's chief care. Instead of our country being a sealed book, we are now a part of the community of nations, feeling joy and sorrow in their prosperity or distress. In our own country distance and

local barriers which so long separated us have been removed, and we are made more mobile and coherent than we ever were before. These are only physical changes. More important still is the discipline afforded us by the example and teaching of the most gifted and free nation in the world, whose rule guarantees to us a long continuance of these favourable conditions. The reign of law is supreme. Human skill and human sympathies are busy at work to correct all our failings, and it cannot well be that all this should have happened as a mere accident in human story. The European philosophers themselves admit that wholesale migration and infusion of new blood can alone revive the old *effete* Oriental races. I contend that the changed order of things described above are the new environments in which, without change of place, we have been forced to migrate, they infuse new blood into our veins, and they bring down from heaven the spiritual fire which has strength enough to purge us of our grosser selves, if we only will do our duty. On their own theory, therefore, there is no cause for the despair which European thinkers feel. The process of growth is always slow, where it has to be a sure growth. The best natures naturally want to shorten this long process in their desire to achieve the work of a century in a decade. This temptation has to be resisted, and in this respect the teachings of the evolution doctrine have great force, because they teach that growth is structural and organic, and must take slow effect in all parts of the organism, and cannot neglect any, and favour the rest. There are those amongst us who think that, in this connection, the work of the reformer is confined only to a brave resolve to break with the past, and do what our individual reason suggests as proper and fit. The power of long-formed habits and tendencies is however ignored in this view of the matter. "The true reformer has not to write upon a clean slate. His work is more often to complete the half-written sentence. He has to produce the ideal out of the actual, and by the help of the actual." We have one continuous stream of life flowing past us, and "we must accept as valid the acts which were noted in the past, and on the principles of the past," and seek to turn the stream with a gentle bend here, and a gentle bend there, to fructify, the land ; we cannot afford

to dam it up altogether, or force it into a new channel. It is this circumstance which constitutes the moral interest of the struggle, and the advice so frequently given—that we have only to shake our bonds free and they will fall off themselves,—is one which matured and larger experience seldom supports. We cannot break with the past altogether; with our past we should not break altogether, for it is a rich inheritance, and we have no reason to be ashamed of it. The society to which we belong has shown wonderful elasticity in the past, and there is no reason for apprehending that it has ceased to be tractable and patient and persistent in action. While respecting the past, we must ever seek to correct the parasitical growths that have encrusted it, and sucked the life out of it. This is, at least, the spirit in which the societies and associations which are represented at the Social Conference seek to work. They seek no change for its own sake, or because it is fashionable elsewhere. They seek their inspiration in the best traditions of our own past, and adjust the relations of the past with the present in a spirit of mutual forbearance. The Shastras they revere, but they respect the spirit more than the letter of the old law. The road is difficult and beset with dangers, but as it is the only sure road, there is no choice. Looked at in this spirit, we may now review the work of the past year, and although, as in the political sphere of our activity, we have both gained and lost ground, there is, on the whole, no cause for thinking that we have wasted our opportunities during the year that is about to close. Being in touch with friends in all parts of the country, I can speak with some authority, and I am glad to testify to the fact that it cannot be laid at the door of the different local Associations that they have been idle all the year round. In the Bengal Presidency an agitation initiated by Kumar Bonoy Krishna Bahadur, and supported by such men as Sir Romesh Chandra Mitra and Pundit Mahesh Chandra and Babu Surendra Nath Bannerjee has been carried on in the matter of removing hindrances in the way of the free admission of men who go to foreign countries. Vyavasthas numerously signed by Pundits and others, have advanced the solution of that question to a sensible extent. In the N.W. Provinces and Oudh, the Kayastha Associations and their

Conference have done a great deal for that community in the way of checking intemperance and extravagance, and promoting education. In the Punjab, the healthy activity of the local Arya Samajas has given to that body a position of great usefulness in the education and training of the community of the country. Two re-marriages, one in high life and the other in consonance with the old practices, have taken place with the apparent approval of many orthodox leaders. Lower down in Rajputana the Walterkrit Rajputra Sabha has developed its organization, and enforced its rules with greater success than before, and the movement is now spreading among other classes of the community. The leading Native States are lending their support to the cause of reform officially. In Guzerath in our own Presidency, His Highness the Maharajah Gaikwar has been appealed to for help by the Mahajans of thirty leading sub-castes to help them in raising the limit of marriageable age, and checking extravagance. In the British territory in the same province, the Kunbi population has been similarly profiting by the operation of the rules framed under the Infanticide Acts. In the rest of the Presidency, the Marwadi Jains at Nasik and the Kayastha Prabhus have held Conferences for the promotion of reform in their own community. In Bombay a re-marriage was celebrated the other day which was also an inter-marriage. In Poona, owing to local distractions, much has not been done, but the Poona Association has received several more pledges, and some of the highest families in the city have arranged mutual marriage alliances, the actual celebration of marriage being postponed till the girls arrive at puberty. Even the local distraction had a higher moral interest than what people, looking superficially, would be prepared to admit. As the question is, however, still undecided, it would be premature to prophesy the final results. But there are evident signs that the struggle has commenced in earnest, and it will end in a compromise creditable to both the parties. In Mysore His Highness the Maharajah's Government is prepared to undertake legislation in respect of marriage reform, and has been good enough to show His Highness's appreciation of the work of the Conference by deputing a learned Shastri of his Court to help us in our deliberations. In Malabar the proposed

legislation of marriage among Nairs has made some progress. In the Madras Presidency, three re-marriages took place, one of them being an inter-marriage. A new association of earnest workers has also been formed there, which represents the young Madras party, and promises the happiest results. Two of our most prominent workers undertook missionary tours in the Punjab, in the Central Provinces and in the Berars, at great self-sacrifice. In the Central Provinces a Native Christian was taken back into his caste by the leading Pandits of Jubbulpore. Taking things as they are, this is not, I hope, a very unsatisfactory account of the year's work, and it shows that the conscience of the country is touched in all great centres, and with better organization, greater courage of conviction, and more faith in Providence, we may hope that this process of social regeneration or evolution, if you like so to call it, will continue to grow in strength and in power. To help that growth, by bringing all workers together once a year to exchange views and sympathies, is the object with which we meet here. Last time the people of Allahabad gladly welcomed our efforts, and we feel quite sure of a similar welcome on this occasion.

TRUE TESTS OF SOCIAL PROGRESS*

Mr. Chairman and gentlemen, this is not the first time that I have come to visit this beautiful city of yours. Nearly 20 years ago I first visited Lahore, and saw the sights and made myself acquainted with the notables of the city. One generation has passed away since then, and many of my old acquaintances have departed, and their place has been taken up by others who were then perhaps attending your schools and colleges. During these 20 years, a spiritual wave has swept over your province, and I see signs and indications which satisfy me that you have been all the better for the operation of this most elevating influence. I visited this place again 7 years ago ; but my visit then was only for a short time, and now you

*Speech delivered at D.A.V. College, Lahore on 28 December, 1893 on the occasion of Seventh Social Conference.

find me here before you in your midst on the occasion of this great gathering of the Indian nations, which has been held annually for the past nine years in the great capitals of the British Indian Empire. I come this time in connection with a mission of peace, which the General Secretary of the Conference, Dewan Bahadur R. Raghunath Rao, has been pleased to assign to me, namely, to bespeak your favourable attention to the consideration of matters which more intimately concern the true welfare of the great Empire to which we all belong than many others with the noise of which the air is singing all about us here. Perhaps few of you have been privileged to see Dewan Bahadur Raghunath Rao. He is the father and the patriarch of this movement. The respect due to age and rank and education is sanctified in his case by the charm of a highly spiritual life, a temper so sweet, a heart so warm and sympathetic, that I am not exaggerating when I say that many of you might well undertake a pilgrimage all the way to Madras to see him once in your life. By reason of old age and infirmities he has been unable to come over here, and has deputed me to deliver to you this message of peace, and to seek your cooperation in the great work of social reform, which has a claim upon your attention as legitimate as the more stirring political aspirations which for the time engage your attention. This reminds me of a story which I happened some months ago to read in a biography of the prophet of Arabia. You all know that Mahomed's first wife Khadija was older than himself, and that in later life when he became a power in Arabia, he took a second and a younger wife named Ayesha. This younger wife once asked the old prophet the reason why he did not give all his heart to the wife of his choice, so beautiful and so young, who had brought him accession of power and wealth, and why he still shared that affection with one who was old and decayed. Mahomed gave a reply which has a moral true for all eternity. He said to his young wife that though he loved her, he could not well give up his whole affection to her, for his old wife's claims on his love were stronger and far more legitimate than any that she could plead. Khadija had accepted him when he was poor and unknown, she had tended him, advised him, and helped him in his cares and anxieties, and

her place could not be filled by any woman however lovely, whom he chose for her charm of age and beauty.

This beautiful little story has a moral, the significance of which we should not forget on occasions like this. Those who know we know full well that I should be the last person to condemn the political aspirations that have been created in our minds as a result of British rule and liberal education. They represent a department of human activity, to the claims of which the people of this country have been long indifferent. No man can feel the full dignity of human existence who is dead to the duties of the citizenship of a great empire. At the same time this new love, that has sprung up in us, ought not to dry up the fountains of our affection for the old claimant, who accepted us when we were poor and helpless, without whose anxious care and watchfulness we can never hope to be in a fit condition to undertake the higher responsibilities that we seek to deserve. It was a sense of this necessity of developing with equal care the whole of our being, both in its family and social relations, as also in its relation to the body politic, that impelled Dewan Bahadur and myself as his helpmate to attend these gatherings ever since their inception in Bombay in 1885. The Congress leaders have also, after some preliminary difficulties, recognized the fact that this old claimant upon our affections could not be entirely ignored, and have granted us permission to carry on in their camp our propoganda on our own responsibility. I hope these introductory observations will give you an insight into the nature of the message that I have been deputed here to communicate to you, and it is this mission that brings me and others of my friends to this great distance, at this by no means to us at least agreeable season of the year. About 135 years ago my ancestors came to your parts of the country for a brief interval, but then their mission was different. Our hands were at each other's throats then. The *Pax Britannica* has now released those hands for other and nobler work. We now meet as brothers and friends. You have treated us as your welcome guests, and we meet here to discuss, in a language that we all understand and with complete freedom, the many evils that we-

all more or less suffer, and which are so deep-rooted in the very vitals of our family and social system. Do I exaggerate in any way the character of this disorder in our system of family life? I am not given to exaggeration, and the subject is too serious to admit of such light treatment. I appeal to every one of the many hundreds of the men before me,—I appeal to them most solemnly,—I ask them to lay their hands on their hearts, and stand up before this meeting and say, if any one can muster courage to say it,—that our family and social arrangements have not been out of joint for centuries together? Are we or are we not conscious that many of us, under the narcotic influence of custom and usage, too often violate the feelings of our common human nature and our sense of right and wrong, stunt the growth of our higher life, and embitter the existence of many of those who depend on us, our wives and children, our brothers and sons, our relatives and friends? Are we prepared to point out any single hour of the day when we do not unconsciously commit injustice of a sort by the side of which municipal injustice is nothing, when we do not unconsciously sanction iniquities by the side of which the most oppressive tyrant's rule is mercy itself? We resent the insult given by the oppressor. We protest against the unjust judge. Here however we are judge and jury and prosecutor and accused ourselves, and we are sometimes consciously and more often unconsciously committed to a course of conduct, which makes tyrants and slaves of us all and, sapping the strength of our resolution, drags us down to our fall—to be the laughing stock of the whole world. Till we set these matters right, it is almost hopeless to expect that we can have that manliness of character, that sense of our rights and responsibilities without which political and municipal freedom is hard to achieve and impossible to preserve.

I want you to recognise this fact. I have no authority to suggest to you remedies. These will suggest themselves to you. The letters of the mind once realized as fetters, will drop of themselves. They cease to be fetters, and even become a discipline for a better existence. It may take years and generations to achieve this result. We may all have to die and become manure

for the seeds of life in future generations. But once we enter upon the right path, the torch of light blazing inside us, which we only seek to darken with our artificial rushlights, will show to those who come after us the way to heaven. The way to heaven is a narrow path, and one has to tread upon sharp-edged instruments, carefully balancing the weak limbs and spirits. The way to hell is, as you all know, a road well paved with good intentions, and we have only to close our eyes and shut our ears, to be listless and indifferent, lead a butterfly existence, and die intellectually and spiritually. We have pursued that way too long, and it is time now that we should take due care to set our houses in order, as no mere whitewashing and no plastering would remove these hidden sources of our weaknesses. The whole existence must be renovated. The baptism of fire and not of water must be gone through by those who seek a renovation of heart such as this.

Perhaps some of you might think, and in this favoured land of yours you have good reason to think, that things are not so bad as they seem. That is also my own hope: and this faith in us alone makes us feel that if we all pull strongly and heartily, we may yet achieve our regeneration. I profess implicit faith in two articles of my creed. This country of ours is the true land of promise. This race of ours is the chosen race. It was not for nothing that God has showered His choicest blessings on this ancient land of Aryavarta. We can see His hand in history. Above all other countries we inherit a civilization and a religious and social polity which has been allowed to work their own free development on the big theatre of time. There has been no revolution, and yet the old condition of things has been tending to reform itself by the slow process of assimilation. The great religions of the world took their birth here, and now they meet again as brothers prepared to welcome a higher dispensation, which will unite all and vivify all. India alone, among all the countries of the world, has been so favoured, and we may derive much strength of inward hope from such a contemplation. Change for the better by slow absorption—assimilation not by sudden conversion and revolution—this has been the

characteristic feature of our past history. We have outlived Buddhism, and we conquered it by imbibing its excellences and rejecting its errors. We have outlived Mahomedan repression, and have conquered it by being the better for the hardy discipline in the suffering we went through under its domination. The old world looseness of the relations of married life and of affiliation of sons has been purged from us. The old world slavery of the Sudra millions has been quietly abandoned, the erewhile Sudra classes have been elevated into Vaishyas, our Brahmins have become warriors and statesmen, Kshatrias have become philosophers and guides, and our Vaishyas have become our prophets and saints. The old world fetichism has given place to idolatry. The old world polytheism has given place to a full recognition by the humblest of our people of the unity of the godhead. Our voracious love of flesh and wine has made room for an ideal of abstinence, charity, and mercy, unknown all over the world. The old sacrifices of man and beast have given place to the holier sacrifices of the passions in us. The patriarchal forms of society have made room for communal organizations all over the country. The sanctity of woman's place—if not as wife, yet as mother, daughter, and sister,—has been realized in a way unknown before or elsewhere.

All these changes have been brought about consciously or unconsciously without any violent struggle, and without breaking up the continuity of the old life. If the guiding hand of God in history has so favoured us hitherto, why should we despair now when we have been brought under influences of a still more elevating kind? The Old Testament testifies to the truth and benignity of the promise of the New Gospel. It is the Gospel which teaches us the supreme duty of unification in place of dissension. It teaches us by example and precept the supreme virtue of organization and self-reliance. It holds before us a brighter ideal of the dignity of the individual soul—the image of the God in us. It seeks to bridge the chasm we otherwise would have been unable to span by our own unaided efforts, and holds us out a hope of a more hopeful future than we have ever enjoyed in the past.

I hope thus to have shown the urgency of the work of social reform and the grounds which justify our hope that honest and united efforts will surely lead to success. Thanks to the Arya Samaj movement in your part of the country and the Brahma Samaj organizations in other parts of India,—good and noble work has been accomplished within the past generation or two. I am here however speaking as a representative of no particular Samaj, but as a member of the great Hindu community which peoples this land and forms one-sixth of the human race. The true test of progress must be seen in signs which show that this vast mass of humanity is being vivified by the sacred fire which burns only to purify and elevate. There are those who think that no such signs can be seen, and that our highest duty is to separate ourselves from the decaying mass and look to our own safety. I have battled with this idea for the last 30 years and I shall protest against it, till life is spared and my voice permits me to speak. The Hindu community is not a festering mass of decay and corruption. It is no doubt conservative to a degree, but that conservatism is its strength. No nation has any destined place in history which changes its creed and its morals, its customs and its social polity, with the facility of fashions. At the same time, our conservatism does not prevent the slow absorption of new ideas and the gradual assimilation of new practices. You will naturally expect me to produce my credentials for such a statement. If you will not do it there are others who will, and I shall therefore pass briefly in review the social history of the past year, just reminding you of its leading features in support of my statement. (1) First and foremost in the list of such events I would put the action taken by the Mysore Government in the matter of improved legislation for checking infant and ill-assorted marriages. The matter was taken up at the instance of the Representatives of the Mysore Assembly and after obtaining the consent of the heads of the great Mutts, the subject was discussed formally and, though the numerical majority was against this reform, the minority was respectable and was sure to carry the day sooner or later. (2) The example of Mysore was followed also by the enlightened ruler of Baroda whose help was asked by the leading Mahajans of that city to strengthen their efforts at reform

by legal sanction. An infant Marriage Bill and also a Bill to encourage the formation of social improvement societies have been framed and published, and are now under consideration. (3) The Rajput Hitkarini Sabha has as you all know been the pioneer in these reforms, and its work has been growing in scope and power. The example of the Rajputs is being followed by other castes in that Province. We have thus had three experiments conducted on different methods by the ruling authorities of Rajputana, Gujarath, and Mysore,—all tending towards the same end by different directions. This variety of methods is the best test of the genuineness of the reform movement. (4) While these leading Native States show clear signs of advance, the great Ecclesiastical Heads are not backward. In our part of the country the Shankaracharya of the Sankeswar Mutt has been moved by a petition signed by many thousands of persons to express his disapproval of the practice of the sale of girls in the form of marriage. (5) The Madras High Court three years ago gave some sanction to this illegal practice, and its action was commented upon in a formal Resolution at the Nagpur Conference. Since then it has seen reason to change its views and has disowned the inferences suggested by its previous decisions. (6) Another Shankaracharya at Dwarka in Gujarath has promised his support to a movement for the improvement in the native calendar about which discussion has been going on for a long time in our part of the country. (7) Sringeri Shankaracharya has been distinguishing himself on the same side by removing the hindrances to foreign travel, and advising the Maharajah of Mysore to undertake a trip to Calcutta by sea instead of by land. You will thus see that both the Civil and Religious heads of the community are feeling a new responsibility in this matter, which is surely a sign we cannot but welcome. It shows that the movement is not confined to a heterodox minority, as some people are pleased to call it. (8) In further proof of this progress I would draw your attention to the movement in Malabar for legalizing marriage,—a want which the Nairs had not till now felt. The question is still under the consideration of Government, and thanks to the efforts of my friend, the Hon'ble Sankaran Nair, an improved marriage law will sooner or later

be passed for that province. (9) Another of my friends the Hon'ble Bhashyam Aiyangar has brought in a Bill for relaxing the rigidity of the joint family system by extending the scope of self-acquired property. The Hon'ble Rash Behari Ghose has actually carried a small measure of improvement in the ancient law of equal partition in his province. (10) It might be urged that all this was the work of the authorities and that people generally took no part in it. This was, however, not true. The meetings of the Social Conference from year to year would have no value by themselves, if they did not reflect considerable local activity in the same direction. The Kayastha community in the North-West Provinces may well claim the honor of leading this popular movement. In the North-West Provinces and the Punjab, their Sadar Sabhas, provincial and local Sabhas, their journals, their educational Institutions and benevolent Funds, are a feature of this activity too marked to be passed over. Their methods of operation are suited to their needs and they have fought successfully against intemperance and extravagance in their community. (11) Their example has been followed by the Bhargavas of the North-West Provinces, the Jains, the Agarvalas or Vaishyas, the Jats, the Malis in Rajputana, and the Sarins in the Punjab and by many other smaller communities, who meet in Conferences every year to provide for the education of their children, both boys and girls, and frame rules against early marriages and extravagance in expenditure. (12) The tendency of all these local bodies, especially the Kayastha Sabhas, is to break up the smaller divisions and promote inter-marriage and inter-dining among sub sections of the same caste. The Jaitpur-Mahajans in Kathiawar have expressly proposed this latter object for the consideration of their caste. (13) Following the example of the North-West Provinces, the Audicha Brahmins in Gujarath, the Oswal Jains in Nasik and the Kayastha Prabhus in Thana have held similar meetings of their castes for the same objects with equally good results. These caste organizations do not reflect heterodoxy, but are intensely orthodox and yet they feel the necessity of reform and organized efforts. Many of these organizations are not regularly affiliated as societies represented at the Social Conference, but some of them are so affiliated and

the Conference is chiefly of value in that it stimulates these local efforts. (14) There are regular circles, in which Associations exist, who send their delegates to the Conference ; as for example I might refer to the Bellary Sanmarga Samaj, the Berar Association, the Dharwar Samilani Sabha, the Madras, Poona and Ahmedabad Associations, the Gaziapur, Meerut, and Ajmere circles, and the Sind Association. Several of these are registered Associations and others are taking steps to register themselves. (15) These Associations while taking up social reform join with it a general movement in favour of purity of conduct, and of purging the community of vicious practices. The Madras Sabha has taken the lead against the dancing girl institution. Many others take pledges against intemperance, incontinence and polygamy. (16) The Bengal Presidency, while it is the centre of the Brahma Samaj movement, has unaccountably shown a strange tendency towards bigoted conservatism among the masses in a way not known in other parts of India. Even there, however, the sea-voyage movement has been taken up in right earnest, and organized efforts are being directed to facilitate the admission into caste of persons who have crossed the seas. (17) On our side of the country the same movement has found greater favour with orthodox people, and admissions into caste have taken place in Ahmedabad and the Konkan, and Rajkot on terms, which show a great relaxation of the former prejudices. (18) Our Presidency has also been distinguished by the favourable reception it has given to the re-marriage movement. As many as seven re-marriages took place last year in our Province—spontaneous marriages not brought about by organizations. (19) Madras and the Punjab have also shown some activity in this direction. As might be expected these re-marriages frequently involve the breach of strict caste exclusiveness, and they thus serve a double purpose. (20) The Arya Samaj has distinguished itself by the re-admission into their community of repentant converts to other religions. (21) In my part of the country among the highest caste Brahmins two virgin girls respectively of 13 and 15 years were married last year, reflecting the highest credit upon their parents. Two or three other girls of the best families have had the Vakdan ceremony performed at the age of 12 or

13, and the marriage ceremony postponed till maturity. (22) The Baroda Government has taken steps to enforce compulsory education in one part of its territory as an experiment.

I think I have said enough to show that this movement in favour of social reform is neither confined to any one province, nor to any class of the community, but is a general and popular movement all over the country, and embraces all castes. It covers a wide programme, encouraging foreign travel, re-marriage of widows, interfusion of castes, the admission of converts, and checking infant and ill-assorted marriages, polygamy, sale of girls, intemperance, and incontinence. The methods on which it is conducted are varied, but all are animated by a common purpose. There is the method of legislation and of executive action, there is the method of strengthening caste organizations, and the method of appealing to the consciences of men by pledges. There is also the method of interpretation, and public preaching and popular enlightenment are also relied upon as helps. All these methods of work are carried on together with a common aim. There is thus no reason for feeling hopeless about the ultimate success of efforts so directed and so general. There is no other sphere of activity, political or educational or industrial, which seems to have taken such hold of the popular mind. Of course admission is slow, and change is gradual; and ardent and earnest minds desire to see the work accomplished in their own life-time. The method of rebellion, *i.e.*, of separating from the community, naturally suggests itself to such minds. I am constitutionally inclined to put more faith in the other methods mentioned above. They keep up continuity, and prevent orthodoxy from becoming reactionists out of a mere spirit of opposition. There are disadvantages in this slow process of working, but they have to be put up with. This has been the characteristic line of action followed by our ancestors, and there is no reason to think that they were essentially mistaken. The Social Conference meets every year to focus all this information and make it available to all local workers. By this mutual exchange of views, each circle and association is stimulated by example and precept to higher efforts, and these efforts are guided in the proper direc-

tions by the experience of those provinces which are more advanced than others in particular matters. Its resolutions express the ideals to be aimed at. Each local association is recommended to approach these ideals in its own way, and is required to give an account of its work every year. This may seem to many a very small progress, but it is eminently practical. A few advanced reformers from all parts of the country meeting together will not be able to accomplish their purpose, because, as at present situated, they are separated from one another in all relations of life in a way to make joint action impossible. The resolutions are strictly binding upon those who accept them in the same way as the dictates of conscience are binding; and they cannot be made more binding in any other way except in small local organizations. I hope I have made the aims and purposes of the Conference clear to you, and with this explanation I feel confident that you will join with us and promote the work we all have at heart. I thank you heartily for the patient hearing you have given me, and hope that our session here will interest you, and enlist your sympathy in this good cause.

INDIA A THOUSAND YEARS AGO*

Mr. President, ladies and gentlemen,—This time last year, I had the occasion, at the inauguration of the Conference held at Madras, to speak on the subject of "Southern India a Hundred Years Ago." To-day I find myself far away in the North, surrounded on all sides by the traditions of a civilisation older than the oldest known to history, the land of the Aryan race settled in India, tracing its descent from the self-born Swayambhu Manu, where the Solar dynasty flourished for thousands of years, the land of the Ikshwakus, of Dilip and Raghu, of Dasharatha and the incarnate hero Rama, with his illustrious brothers and the still more honoured wife Sita, the land where Vashistha and Vishvamitra lived and flourished, the home of all that is beautiful and true, and lovely and godlike in Aryan

*Speech at the Thirteenth Social Conference held at Lucknow in 1899.

history. This favoured land of yours gave birth also in later times to Sakhya Muni Buddha who has been well described as the perfection of humanity in its highest and noblest development, and whose "wheel of law" still regulates the thoughts and feelings of half the human race in its efforts to attain beatitude. The South and the North thus contrasted together suggest recollections that are so overpowering, that I am tempted on this occasion when we meet to inaugurate the work of the Conference at Lucknow, to dwell for a few moments on this subject, and I bespeak your thoughtful attention to the lessons it suggests. Far in the South, which is now the stronghold of Brahminical ideas uninfluenced by outside contact, the Aryan civilisation no doubt made its way, but it continued to be an exotic civilisation confined to a small minority of Aryan settlers, so few in numbers that they were overwhelmed by the influences of the earlier Dravidian dominion. It never made its home in those remote regions, and the common people continued their adhesion to their old worship and to their old faiths under new names. What the effects of this subordination were, was depicted in my address at Madras in the words of a foreign missionary who lived and worked a hundred years ago, and who had exceptional opportunities of studying these effects. I propose this time to draw your attention to the turn which the Aryan civilisation has taken under the influences represented by the conquest of this part of the country by the Mahomedans, nearly a thousand years back. The one factor which separates Northern India from its Southern neighbours, is the predominant influence of this conquest by the Mahomedans which has left its mark permanently upon the country, by the actual conversion to the Mahomedan faith of one-fifth of the population, and by the imperceptible but permanent moulding of the rest of the people in the ways of thought and belief, the like of which is hard to find on the Malabar or Coromandel Coasts. I propose to draw my materials from the Mahomedan philosophers and travellers who visited India, both before and after the Mahomedan conquest had changed the face of the country. Owing to the absence of the historic instinct among our people, we have necessarily to depend upon the

testimony of foreign historians. That testimony is however unexceptionable, because it was for the most part given before the Mahomedan domination had effected the separation which distinguishes the Old India of the part from the Modern India in which we are now living. This domination also separates the line which marks off Southern India, of which I spoke last year, from the North, in one of the most representative centres of which we are met here do-day. At the outset, we must have a correct understanding of what Northern India was before Mahamad of Gazni made his numerous expeditions for the plunder of its far-famed cities and temples, at the commencement of the tenth century. Fortunately for us, we have a witness to this period of our history in the writings of Alberuni, whose work on India was written shortly after the time that Mahamad crossed the Indus as a conqueror of infidels. That work has been translated by Dr. Sachau, a professor in the Berlin University, and in its English form, is now accessible to us all. Alberuni was a native of Khorasan, his birth-place being near Khiva. Mahamad of Gazni conquered Khorasan, and Alberuni had thus to shift to Gazni which was then the seat of a flourishing empire, the rulers of which were great patrons of Mahomedan learning. Alberuni was in special favour with Masaud the son of Mahamad, and he was thus enabled to travel throughout India, where he spent many years, having mastered the Sanskrit language. He was a philosopher by profession and temper, and had a special liking for Indian philosophy, which he studied with the same care and attention that he bestowed on Plato and Aristotle. His work on India consists of 80 chapters, relating to Religion, Philosophy, Caste, Idolatry, Civil Polity, Literature, Science, Mathematics, Medicine, Geography, Astronomy, Cosmogony, Alchemy, and Astrology. He took great pains to give a full description of all that was known to the Hindus under these several heads, and being naturally not a bigoted Mahomedan, his book shows that he wrote his whole work with a single desire to promote the cause of true learning. While Alberuni shows a great regard for the Hindu Philosophy, Astronomy, and Medicine, he was not slow in finding out the weak points of the Indian character. In his chapters on caste and idolatry,

in the condemnation he pronounces on the want of practical aptitudes of our people, and in their devotion to superstitious observances, Alberuni did not spare his censures. He contrasted the democratic equality of the Mahomedan people with the innumerable divisions of the Indian races. He notices the helpless position of the women of India, and the filthy customs and the habits of the people in those days. He gives praise to the few educated Brahmins whom he separates from the superstitious multitudes, whose fallen condition he deplores. Even among the Brahmins, he notices the verbosity of their writings and the words-splitting which passed for wisdom. He notices the greediness and tyranny of the Hindu princes who would not agree to join their efforts together for any common purpose, and the timidity and the submissiveness of the people who, in his expressive language, were 'scattered like atoms of dust in all directions' before the invading Moslems. The prevailing feeling among the Mahomedans of the time was that the Hindus were infidels and entitled to no mercy or consideration, and the only choice to be allowed to them was that of death or conversion. Alberuni did not share in these views, but these were the views of his master Mahamad of Gazni and of the hordes who were led by him on these expeditions. Another traveller, Ibn Batuta, a native of Tanjiers in North Africa, visited this country about a hundred years after Kutubudin established the Afghan kingdom at Delhi. Like him he was taken into favour by the then Delhi Emperor, Mahomad Taghlak, under whom he acted for some time as Judge of Delhi. Ibn Batuta travelled more extensively than Alberuni. He travelled from the extreme west of Africa to the extreme east of China, and went round the coast from Malabar to Coromandel. He was however not a philosopher nor a scholar. His Journal of Travels is interesting, but he did not observe the manners and customs of the people with the same mastery of details that Alberuni's work shows on every page. The only points which struck Ibn Batuta in the course of his travels through India were the rite of Sati of which he was a witness, and the practice of drowning men in the Ganges, both of which struck him as inhuman to a degree he could not account for. He also notices the self-mortifica-

tion of the jogeess and their juggleries, in describing which last, he mentions the fact that in the presence of the Emperor he saw a jogee raise his body up in the air, and keep it there for some time. Another traveller Abdur Razzak visited India about 1450 A.D. His travels lay chiefly in the southern peninsula, Calicut, Vizianagar and Mangalore. The narratives of two other travellers, one a Russian and the other a Venitian, who both visited India in the fifteenth century, are published by the Hakluyt Society which afford most interesting reading. The general impression left on the minds of these travellers was a respect for the Brahmins for their philosophy and attainments in astrology, but for the common people, the vast multitudes of men and women, their sense was one of disgust and disappointment. Abdur Razzak expressed this feeling in his own words in a reply to the invitation of the King of Vizianagar. He said to the king, "If I have once escaped from the desert of thy love, and reached my country, I shall not set out on another voyage even in the company of a king." In Southern India, these travellers found that both men and women, besides being black, were almost nude, and divided into innumerable castes and sects, which worshipped their own idols. This abuse of idolatry and caste struck every traveller as the peculiar characteristic of the country, and gave them offence. The practice of self-immolation or Sati, and of human sacrifices to idols by being crushed over by the temple car are also mentioned. Finally, we have the the testimony of the Emperor Babar who in his memoirs thus describes this country:—"Hindusthan is a country which has few things to recommend. The people are not handsome. They have no idea of the charms of friendly society or of freely mixing together in familiar intercourse. They have no genius, no comprehension of mind, no politeness of manners, no kindness or fellow-feeling, no ingenuity or mechanical invention in planning and executing their handicraft work, no skill or knowledge in design or architecture. They have no good horses, no good flesh, no good grapes or musk-melons, no good fruits, no cold water or ice, no good food or bread in their bazaars, no baths, no colleges, no candles, not even a candle-stick. They have no aqueducts or canals, no gardens,

and no palaces ; in their buildings they study neither elegance nor climate, nor appearance nor regularly. Their peasants and lower classes all go about naked tying on only a *langoti*. The women too have only a *lang*." The only good points which Babar could find in favour of Hindusthan were that it is a large country, and has abundance of gold and silver, and there is also an abundance of workmen of every profession and trade for any work and employment.

Such was the picture presented to the Mahomedans when they entered India through the passes in successive hordes for three or four centuries. A great portion of the disgust and disappointment felt by these Mahomedan invaders may be set down to ignorance and the pride of race. At the same time, it is always of advantage to know exactly how India appeared in its strong and weak points to intelligent foreigners, such as those we have mentioned above. The question for consideration to us at the present moment is, whether in consequence of the predominance of the Mahomedans for five centuries which intervened from the invasions of Mahamad to the ascendancy of Akbar, the people of India were benefitted by the contact thus forcibly brought together between the two races. There are those among us who think that this predominance has led to the decay and corruption of the Indian character, and that the whole story of the Mahomedan ascendancy should, for all practical purposes, be regarded as a period of humiliation and sorrow. Such a view however appears to be unsupported by any correct appreciation of the forces which work for the elevation or depression of nations. It can not be easily assumed that in God's Providence, such vast multitudes as those who inhabit India were placed centuries together under influences and restraints of alien domination, unless such influences and restraints were calculated to do lasting service in the building up of the strength and character of the people in directions in which the Indian races were most deficient. Of one thing we are certain that after lasting over five hundred years, the Mahomedan Empire gave way, and made room for the re-establishment of the old native races in Punjab, and throughout Central Hindusthan and Southern India, on foundations of a much

more solid character than those which yielded so easily before the assaults of the early Mahomedan conquerors. The domination therefore had not the effect of so depressing the people that they were unable to raise their heads again in greater solidarity. If the Indian races had not benefitted by the contact and example of men with stronger muscles and greater powers, they would have never been able to reassert themselves in the way in which history bears testimony they did.

Quite independently of this evidence of the broad change that took place in the early part of the eighteenth century when the Mogul empire went to pieces, and its place was taken up not by foreign settlers, but by revived native powers, we have more convincing grounds to show that in a hundred ways the India of the 18th century, so far as the native races were concerned, was a stronger and better constituted India than met the eyes of the foreign travellers from Asia and Europe who visited it between the period of the first five centuries from 1000 to 1500. In Akbar's time this process of regenerate India first assumed a decided character which could not be well mistaken. No student of Akbar's reign will fail to notice that for the first time the conception was then realized of a united India in which Hindus and Mahomedans, such of them as had become permanently established in the country, were to take part in the building of an edifice rooted in the hearts of both by common interests and common ambitions. In place of the scorn and contempt with which the Mahomedan invaders had regarded the religion of the Hindus, their forms of worship, their manners and customs, and the Hindus looked down upon them as barbarous Mlenchas, whose touch was pollution, a better appreciation of the good points in the character of both came to be recognized as the basis of the union. Akbar was the first to see and realize the true nobility of soul and the devotion and fidelity of the Hindu character, and satisfied himself that no union was possible as long as the old bigotry and fanaticism was allowed to guide the councils of the Empire. He soon gathered about him the best men of his time, men like Faizi, Abul Fazal and their Father Mubarak, the historians Mirza Abdul Rahim, Nizamuddin Ahmed,

Badauni and others. These were set to work upon the translation of the Hindu epics and Shastras and books of science and philosophy. The pride of the Rajput races was conciliated by taking in marriage the princesses of Jaipur and Jodhpur, and by conferring equal or superior commands on those princes. These latter had been hitherto treated as enemies. They were now welcomed as the props of the Empire, and Maharaja Bhagvandas, his great nephew Mansingh for some time Governor of Bengal and Kabul, Raja Todarmal and the Brahmin companion of the Emperor Raja Birbal, these were welcomed to court, and trusted in the full consciousness that their interests were the same as those of the Musalman noblemen. The Emperor himself, guided by such counsel of his Hindu and Mahomedan nobles, became the real founder of the union between the two races, and this policy for a hundred years guided and swayed the councils of the empire. A fusion of the two races was sought to be made firmer still by the establishment of a religion of the Din-i-ilahi in which the best points both of the Mahomedan, Hindu, and other faiths were sought to be incorporated. Invidious taxation and privileges were done away with, and toleration for all faiths became the universal law of the Empire. To conciliate his subjects, Akbar abjured the use of flesh except on four special occasions in the year, and he joined in the religious rites observed by his Hindu Queens. In regard to the particular customs of the people relating to points where natural humanity was shocked in a way to make union impossible, Akbar strove by wise encouragement and stern control where necessary to help the growth of better ideas. Sati was virtually abolished by being placed under restraints which nobody could find fault with. Re-marriage was encouraged, and marriage before puberty was prohibited. In these and a hundred other ways, the fusion of the races and of their many faiths was sought to be accomplished with a success which was justified by the results for a hundred years. This process of removing all causes of friction and establishing accord went on without interruption during the reigns of Akbar, Jahangir and Shahajahan. Shahajahan's eldest son Dara Sheko was himself an author of no mean repute. He translated the Upanishads, and wrote a work in

which he sought to reconcile the Brahmin religion with the Mahomedan faith. He died in 1659. This period of a hundred years may be regarded as the halcyon period of Indian history when the Hindu and Mahomedan races acted in full accord. If in place of Aurangzeb, Dara Sheko had succeeded to power as the eldest son of Shahajahan, the influence set on foot by the genius of Akbar would have gathered strength, and possibly averted the collapse of the Mogul power for another century. This was however not to be so, and with Aurangzeb's ascent to the throne, a change of system commenced which gathered force during the long time that this Emperor reigned. Even Aurangzeb had however to follow the traditions of his three predecessors. He could not dispense with Jaising or Jaswantsing who were his principal military commanders. In the reign of his son, whole provinces under him were governed by Rajput, Kayastha and other Governors. The revival of fanatic bigotry was kept in check by the presence of these great Rajput chiefs, one of whom on the reimposition of the *zezia* addressed to the Emperor a protest couched in unmistakable terms that the God of Islam was also the God of the Hindus, and the subjects of both races merited equal treatment. Aurangzeb unfortunately did not listen to this advise, and the result was that the empire built by Akbar went to pieces even when Aurangzeb was a live. No one was more aware of his failure than Aurangzeb himself, who in his last moments admitted that his whole life was a mistake. The Marathas in the South, the Sikhs in the North, and the Rajput states neiped in the dismemberment of the empire in the reigns of his immediate successors with the result that nearly the whole of India was resorted to its native Hindu sovereigns except Bengal, Oudh, and the Deccan Hyderabad. It will be seen from this that so far from suffering from decay and corruption, the native races gathered strength by reason of the Mahomedan rule when it was directed by the wise counsel of those Mahomedan and Hindu statesmen who sought the weal of the country by a policy of toleration and equality. Since the time of Ashoka, the element of strength born of union was wanting in the old Hindu dynasties who succumbed so easily to the Mahomedan invaders.

Besides this source of strength, there can be no doubt that in a hundred over ways the Mahomedan domination helped to refine the tastes and manners of the Hindus. The art of Government was better understood by the Mahomedans than by the old Hindu sovereigns. The art of war also was singularly defective till the Mahomedans came. They brought in the use of gunpowder and artillery. In the words of Babar, they "taught ingenuity and mechanical invention in a number of handicraft arts," the very nomenclature of which being made up of non-Hindu words, shows their foreign origin. They introduced candles, paper, glass, and household furniture and saddlery. They improved the knowledge of the people in music, instrumental and vocal, medicine and astronomy, and their example was followed by the Hindus in the perversions of both these sciences, astrology, and alchemy. Geography and history were first made possible departments of knowledge and literature by their example. They made roads, aqueducts, canals, caravansarias, and the post office, and introduced the best specimens of architecture, and improved our gardening, and made us acquainted with a taste of new fruits and flowers. The revenue system as inaugurated by Todermal in Akbar's time is the basis of the revenue system up to the present day. They carried on the entire commerce by sea with distant regions, and made India feel that it was a portion of the inhabited world with relations with all, and not cut off from all social intercourse. In all these respects, the civilisation of the united Hindu and Moslem powers represented by the Moguls at Delhi, was a distinct advance beyond what was possible before the tenth century of the Christian era.

More lasting benefits have however accrued by this contact in the higher tone it has given to the religion and thoughts of the people. In this respect, both the Mahomedans and Hindus benefitted by contact with one another. As regards the Mahomedans, their own historians admit that the Sufi heresy gathered strength from contact with the Hindu teachers, and made many Mahomedans believe in transmigration and in the final union of the soul with the supreme spirit. The Mohorrum festival and saint worship are the best evidence of the way in

which the Mahomedans were influenced by Hindu ideas. We are more directly concerned with the way in which this contact has affected the Hindus. The prevailing tone of pantheism had established a toleration for polytheism among our most revered ancient teachers who rested content with separating the few from the many, and established no bridge between them. This separation of the old religion has prevented its higher precepts from becoming the common possession of whole races. Under the purely Hindu system, the intellect may admit, but the heart declines to allow a common platform to all people in the sight of God. The Vaishnava movement however has succeeded in establishing the bridge noted above, and there can be no doubt, that in the hands of the followers of Ramananda, especially the Kabirpanthis, Malikdasis, Dadupanthis, the followers of Mirabai, of Lord Gauranga on the Bengal side, and Baba Nanak in Punjab in the fifteenth and the sixteenth centuries, the followers of Tukaram, Eknath and Namdev in the Deccan, Babalalis, Pranathanis, Sadhs, the Satnamis, the Shiva-Narayans and the followers of Mahant-Rama Charan of the last two centuries—this elevation and the purification of the Hindu mind was accomplished to an extent which very few at the present moment realise in all its significance. The Brahma and the Arya Samaj movements of this century are the continuations of this ethical and spiritual growth. Caste, idolatry, polytheism and gross conceptions of purity and pollution were the precise points in which the Mahomedans and the Hindus were most opposed to one another, and all the sects named above had this general characteristic that they were opposed to these defects in the character of our people. Nanak's watchword was that he was neither Hindu nor Mahomedan, but that he was a worshipper of the Nirakar or the formless. His first companion was a Mahomedan, and his teacher is said to have been also a Mahomedan. Lord Gauranga had also Mahomedan disciples. Mahomedan saints like Shaik Mahomed, Shaik Farid and Mahomed Kazi were respected both by the Hindus and Mahomedans. The abuses of polytheism were checked by the devotion to one object of worship which in the case of many of these Vaishnava Sects was supreme God, the Paramatma,

and the abuses of caste were controlled by conceding to all, Hindus and Mahomedans alike, the right to worship and love the one God who was the God of all.

In the case of the Sikhs, the puritanic spirit even developed under persecution, into a coarse imitation of the Mahomedan fanaticism directed against the Mahomedans themselves; but in the case of the other sectaries, both old and new, the tolerant and the suffering spirit of Vaishnavism has prevailed breathing peace and good-will towards all.

Such are the chief features of the influences resulting from the contact of Mahomedans and Hindus in Northern India. They brought about a fusion of thoughts and ideas which benefitted both communities, making the Mahomedans less bigoted, and the Hindus more puritanic and more single-minded in their devotion. There was nothing like this to be found in Southern India as described by Dubois where the Hindu sectarian spirit intensified caste pride and idolatrous observances. The fusion would have been more complete but for the revival of fanaticism for which Aurangzeb must be held chiefly responsible. Owing to this circumstance, the work of fusion was left incomplete; and in the course of years, both the communities have developed weaknesses of a character which still need the disciplining process to be continued for a longer time under other masters. Both Hindus and Mahomedans lack many of those virtues represented by the love of order and regulated authority. Both are wanting in the love of Municipal freedom, in the exercise of virtues necessary for civic life, and in aptitudes for mechanical skill, in the love of science and research, in the love and daring of adventurous discovery, the resolution to master difficulties, and in chivalrous respect for womankind. Neither the old Hindu nor the old Mahomedan civilisation was in a condition to train these virtues in a way to bring up the races of India on a level with those of Western Europe, and so the work of education had to be renewed, and it has been now going on for the past century and more under the *pax britannica* with results—which all of us are witnesses to in ourselves.

If the lessons of the past have any value, one thing is quite clear, *viz.*, that in this vast country no progress is possible unless both Hindus and Mahomedans join hands together, and are determined to follow the lead of the men who flourished in Akbar's time and were his chief advisers and councillors, and sedulously avoid the mistakes which were committed by his great-grandson Aurangzeb. Joint action from a sense of common interest, and a common desire to bring about the fusion of the thoughts and feelings of men so as to tolerate small differences and bring about concord—these were the chief aims kept in view by Akbar and formed the principle of the new divine faith formulated in the *Din-i-ilahi*. Every effort on the part of either Hindus or Mahomedans to regard their interests as separated and distinct, and every attempt made by the two communities to create separate schools and interests among themselves, and not to heal up the wounds inflicted by mutual hatred of caste and creed, must be deprecated on all hands. It is to be feared that this lesson has not been sufficiently kept in mind by the leaders of both communities in their struggle for existence and in the acquisition of power and predominance during recent years. There is at times a great danger of the work of Akbar being undone by losing sight of this great lesson which the history of his reign and that of his two successors is so well calculated to teach. The Conference which brings us together is especially intended for the propagation of this 'din' or 'Dharma,' and it is in connection with that message chiefly that I have ventured to speak to you to-day on this important subject. The ills that we are suffering from are most of them, self-inflicted evils, the cure of which is to a large extent in our own hands. Looking at the series of measures which Akbar adopted in his time to cure these evils, one feels how correct was his vision when he and his advisers put their hand on those very defects in our national character which need to be remedied first before we venture on higher enterprises. Pursuit of high ideas, mutual sympathy and co-operation, perfect tolerance, a correct understanding of the diseases from which the body politic is suffering, and an earnest desire to apply suitable remedies—this is the work cut out for the present generation. The awakening has

commenced, as is witnessed by the fact that we are met in this place from such distances for joint consultation and action. All that is needed is that we must put our hands to the plough, and face the strife and the struggle. The success already achieved warrants the expectation that if we persevere on right lines, the goal we have in view may be attained. That goal is not any particular advantage to be gained in power and wealth. It is represented by the efforts to attain it, the expansion and the evolution of the heart and the mind, which will make us stronger and braver, purer and truer men. This is at least the lesson I draw from our more recent history of the past thousand years, and if those centuries have rolled away to no purpose over our heads, our cause in no doubt hopeless beyond cure. That is however not the faith in me; and I feel sure it is not the faith that moves you in this great struggle against our own weak selves, than which nothing is more fatal to our individual and collective growth. Both Hindus and Mahomedans have their work cut out in this struggle. In the backwardness of female education, in the disposition to over-leap the bounds of their own religion, in matters of temperance, in their internal dissensions between castes and creeds, in the indulgence of impure speech, thought, and action on occasions when they are disposed to enjoy themselves, in the abuses of many customs in regard to unequal and polygamous marriages, in the desire to be extravagant in their expenditure on such occasions, in the neglect of regulated charity, in the decay of public spirit in insisting on the proper management of endowments,—in these and other matters both communities are equal sinners, and there is thus much ground for improvement on common lines. Of course, the Hindus being by far the majority of the population, have other difficulties of their own to combat with; and they are trying in their gatherings of separate castes and communities to remedy them each in their own way. But without co operation and conjoint action of all communities, success is not possible, and it is on that account that the general Conference is held in different places each year to rouse local interest, and help people in their separate efforts by a knowledge of what their friends similarly situated are doing in other parts. This is the

reason of our meeting here, and I trust that this message I have attempted to deliver to you on this occasion will satisfy you that we cannot conceive a nobler work than the one for which we have met here to-day.

GOKHALE'S TRIBUTES

I*

I think, my Lord, if ever an Indian in these days deserved to have a memorial voted to him by his loving, grateful, and sorrow-stricken countrymen, unquestionably that Indian was the late Mr. Ranade. For forty years Mr. Ranade laboured for us, not in one field; but in nearly all fields of public activity, with matchless devotion and steadfastness and with a faith that continued undimmed amidst the severest discouragements. The work that he has done for us, the ideals of individual and collective life that he has placed before us, and the high example that he has given us of a life spent nobly in the service of the country these will ever constitute one of the most precious possessions of my countrymen. It is true that much of Mr. Ranade's work was rendered possible by the fact that Nature had bestowed on him—and that with no niggardly hand—intellectual gifts of the highest order; but these gifts by themselves had not availed much, if they had not been joined with patient and prodigious industry, a severe discipline, and those great moral qualities, which even singly would have entitled their possessor to great honour among his fellowmen, and which were combined in Mr. Ranade in so equable and harmonious a manner.

This resolution says that subscriptions should be invited from all classes in the country to raise a suitable memorial to Mr. Ranade. I think that that is an eminently proper proposal. For no man was more free from race or class prejudices, or more ready to recognize the good points of other

*Speech delivered by Gokhale at the Ranade Memorial Meeting held at Bombay on 9 July, 1901 presided over by the Governor of Bombay (Lord Northcote).

communities and co-operate with them for common ends than Mr. Ranade. Indeed, one of the dearest dreams of his life was to have a common platform on which members of the different communities might stand together for national purposes, and regard themselves as Indians first, and Hindus, Mahomedans, Parsees, Christians, etc. afterwards. There was nothing sectional or narrow about Mr. Ranade's ideals. He desired progress along all lines of human activity and for all classes and ranks of the people, and he desired us, above everything else, to realize the essential dignity of man as man. We all know how faithfully Mr. Ranade lived up to the ideal he set before himself. It was a noble mission in life fulfilled, but the cost he had to pay for it was by no means a light one.

I do not speak of the sacrifice of physical comfort which it involved—for no man bore his burden more cheerfully, with less desire to complain or with less desire even to rest than Mr. Ranade—but I speak of the mental suffering which he had so often to endure. About eight years ago, in speaking of the late Mr. Telang in this very place, Mr. Ranade described in a passage, which has since become classical, the conflict which two ideals of conduct and two forms of duty constantly presented to the minds of men such as he and Mr. Telang, in the present transitional state of our society. Mr. Ranade had to face this conflict in several spheres of his activity and endure the pain which it often occasioned. Not only had he to lead what he himself called a two-fold existence in social and religious spheres, but in political matters also an apparent conflict sometimes arose between what was due to the rulers by way of a generous recognition of their work and difficulties, and what was necessary in the largest interests of the country; and the effort to reconcile the two duties was not always free from anxiety or pain. But Mr. Ranade accepted all such suffering in the right spirit, looking upon it as a preparation for better things to come. "We must bear our cross", he once said, "not because it is sweet to suffer, but because the pain and suffering are as nothing compared with the greatness of the issues involved."

Another characteristic of Mr. Ranade which I would mention to you was his rigorous habit of constant introspection and the severe discipline to which he subjected himself all through life. No man judged himself more severely, or others more charitably, than Mr. Ranade. The marvellous self-control which he always exercised was no gift of Nature, but was the result of a severe discipline constantly applied to himself. I have seen him having the most ferocious and discreditable attacks on him carefully read out to himself while complimentary notices of anything he had said or written were asked to be often left unread. It is a mistake to suppose that his temperament was such that the attacks did not pain him. It is true that he lived and moved on a plane of his own far removed "from the madding crowd's ignoble strife". But he had an exceedingly sensitive mind and was keenly alive to every form of injustice. But he accepted this pain for its disciplinary value and never complained of it even to those who were nearest to him.

My friend, Sir Bhalchandra has already referred to the extraordinary quickness with which Mr. Ranade discerned and encouraged all earnest workers in the country. He had a wonderful faculty in this respect, and, as a result, he was, to many young men, scattered all over the country, like the central sun from whom they derived their light and warmth, and round whom they moved, each in his own orbit and at his own distance. The feeling of devotion that he was able to inspire in such men was most marvellous, and to those young workers who were privileged to come in intimate personal contact with him, his word was law and his approbation their highest earthly reward. Mr. Ranade, in fact, possessed in the highest degree the ideal attributes of a great teacher. And when such a master is gone from our midst, is it any wonder that we should feel that the light that till now guided our erring footsteps has been extinguished and a sudden darkness has fallen upon our lives? However, my Lord, we can only humbly trust that He who gave Mr. Ranade to this nation may give another like him in the fullness of time. Meanwhile, it is our duty to cherish his name, treasure up his

example, and be true to his teachings in the faith that a nation that has produced a Ranade need not despair of its future.

II*

In January last, my friend Mr. Padhye invited me, in the name of the Hindu Union Club, to deliver the address at this year's anniversary of Mr. Ranade's death. When I received his letter, I felt at once that it was a call to which it was my duty to respond ; but I was then in Calcutta and there was no prospect of my returning to this side before the end of March. I, therefore, wrote back to explain how I was situated, offering at the same time to place my humble services at the disposal of the Club, should it, on any account, be thought desirable to postpone the day of this gathering. The Committee of the Club very courteously accepted my offer, and appointed a day convenient to me. And thus it is that you find me this afternoon standing before you to deliver an address, which should really have been delivered something like six months ago.

Ladies and gentlemen, it was easy for me to say 'yes' to the request contained in Mr. Padhye's letter. It was by no means so easy to make up my mind as to what I should say in the course of my address. You all know that Mr. Ranade had great talents, and they were joined to a prodigious amount of industry, and a singular depth of earnest conviction. And for thirty-five years this most remarkable man read, and thought, and wrote, and spoke and worked incessantly, almost without a day's break or holiday. The material, therefore, on which one may base one's address on Mr. Ranade, is bound to bewilder and overwhelm by its very immensity. Indeed, it seems to me to be an easier matter to deliver a series of a dozen addresses on the different aspects of Mr. Ranade's life and life-work than to attempt a

*Speech on the occasion of anniversary celebration of Ranade's death organised by the Hindu Union Club of Bombay.

general discourse such as I am expected to deliver this afternoon. Thus we might speak of Mr. Ranade as one of the saintliest men of our time—one, contact with whom was elevating and holy ; or we might speak of him as a patriot, whose love of India overflowed all bounds and whose unwearied exertions for her welfare will always be a bright and shining example to the people of this land ; or we might speak of him as a reformer whose comprehensive gaze ranged over the fabric from summit to base, and took in at the same time all parts of it, political, social, religious, industrial, moral and educational ; or we might speak of him as a scholar or as a teacher, or again as a worker, I believe, the greatest worker of our time ; or we might take his opinions and teachings and the methods that he favoured in the different fields of our national activity and examine them. We might thus have a dozen different discourses, and yet not exhaust our subject. But a general address touching on all these sides of Mr. Ranade's work, and yet avoiding the appearance of mere commonplace observations, is, in my opinion, a most difficult task.

In what I am going to say to you today, I do not propose to present anything like a critical estimate of Mr. Ranade's career or achievement. In the first place, we are not sufficiently removed from his time. And, secondly, I stood too near him to be able to possess that aloofness without which no critical estimate can be usefully attempted. But this very nearness, which disqualifies me, to a certain extent, for forming a critical estimate, gave me exceptional opportunities to become acquainted with his innermost thoughts and hopes, with his ideals and aspirations, and with the main springs of that magnetic influence, which he exercised on all who came in contact with him. And it is of those that I propose to speak here today. I will tell you as briefly as I can what it was that struck me most in him during the fourteen years that I was privileged to sit at his feet ; what was the faith in him, what sustained that faith in the midst of great difficulties and disappointments ; and, finally, what message he has left behind for the rising generations of his country, so that the harvest for which he laboured may be reaped and not lost in the fullness of time.

The first thing that struck anyone who came in contact with Mr. Ranade, as underlying all his marvellous personality, was his pure, fervent, profound patriotism. In all my experience, I have met only one other, so utterly absorbed, day and night, in thoughts of his country and of her welfare—and that is Mr. Dadabhai Naoroji. To him India's past was a matter of great, of legitimate pride; but even more than the past, his thoughts were with the present and the future, and this was at the root of his matchless and astonishing activity in different fields of reform. Mr. Ranade had realized clearly and completely the great possibilities for us Indians under British rule and the limitations under which practical work for the country had to be done in the existing state of things. I have heard that when he was at college, his ideas were indeed wilder. The late Mr. Javerilal Bhai once told me that in those days Mr. Ranade once wrote an essay, disparaging greatly the British Government, as contrasted with Mahratta rule. Sir Alexander Grant who was then Principal of Elphinstone College, and who had great admiration for Mr. Ranade's talents, and a feeling of personal affection for him, sent for him, and, after pointing out to him the error of his views said to him: "Young man, you should not thus run down a Government which is educating you and doing so much for your people". And to mark his serious displeasure he suspended Mr. Ranade's scholarship for six months. I may state at once that this remonstrance left no bitter feeling behind, for Mr. Ranade, throughout his life, used to speak of Sir Alexander Grant with deep reverence and admiration. With more reading and thinking came sounder views and the outlook became broader. And, before long, Mr. Ranade came to realize the great mission of his life, and reached that faith which no injustice, no opposition, no disappointment, ever dimmed. His one aspiration throughout life was that India should be roused from the lethargy of centuries, so that she might become a great and living nation, responsive to truth and justice, and self-respect, responsive to all the claims of our higher nature, animated by lofty ideals, and undertaking great national tasks. And he came to recognize that the present contact between India and England was a Providential arrangement brought about in order that this aspiration might be

realized. His conviction on this point never wavered, whatever happened. Even when he himself was misjudged and misunderstood, here he was firm. He often said to those who were about him that though under the present regime there was less field for personal ambition and less scope for the display of individual talent, there were greater possibilities for the mass of our people, and a great future lay before us, if only we roused ourselves to a true sense of our position and did not let slip our opportunities.

And it was this belief, ardent and passionate, which inspired all Mr. Ranade's activity in the field of reform. It was not merely love of truth, or impatience of evil that made a reformer of Mr. Ranade—these, of course, were there, but Mr. Ranade was by nature far too gentle and forbearing to cause pain to others by an aggressive attitude towards their religious beliefs or social practices, if that pain could by any means be avoided. There have been reformers—and great reformers—in the history of the world and of India too who have preached reform and braved persecution for the sake of truth and of conscience, because they heard a Higher voice urging them to proclaim that truth at all hazards. I think such men stand on a pedestal all their own—the highest on which man can stand. Mr. Ranade's platform was not this—he preached reform, not merely because his conscience urged him to do so, but also because his intellect was satisfied that without reform there was no hope for us as a nation. Men who preach truth for its own sake live really for all humanity, though their words are addressed to the people of a particular time and place. Mr. Ranade was content to live and work for his country only, and though he was a careful student of the history and institutions of other people he studied them mainly to derive lessons from them for the guidance of his own countrymen. I think this essential difference between Mr. Ranade and other great reformers has to be clearly grasped in order to understand the true character of his work and teachings. Thus Raja Ram Mohan Roy took up his stand against idolatry, because to his mind the worship of idols was wrong in itself, was against truth, and as such called for his denunciation. Mr. Ranade,

too, spoke against idolatry, but it was mainly because it gave rise to low and grovelling superstitions, which impeded the progress of the nation towards a higher stage of moral and religious life. I want you to note this point, because it explains much in Mr. Ranade's conduct which sometimes puzzled his friends. Some of you will remember that, a few years ago, several members of the Prarthana Samaj were displeased with Mr. Ranade, because he went to the Thakurdwar temple to deliver discourses on the lives of saints Tukaram, Ramdas and Eknath. What he said in those discourses was, of course, in entire accord with the teachings of the Samaj, but the very fact that he, a prominent member of the Samaj, should have gone to a place of idolatrous worship for addressing people, gave offence to some. I do not, of course, mean that these gentlemen were wrong in feeling as they did on the occasion. I should probably have felt the same in their place. But Mr. Ranade thought that the discourses were everything—the place where they were delivered was nothing. He wanted his ideas to reach his countrymen and he had no objection to going wherever they were assembled, provided he got an opportunity to speak to them.

The next thing that struck us in Mr. Ranade was that he was the most profound thinker among the Indians of our time, with a mind remarkably well balanced and fitted for taking comprehensive views of things and a great sense of justice and proportion. He was never in a hurry to draw conclusions, always seeking to look beneath the surface, and trace results and growths to their hidden causes. His views were based on wide reading and observation, and were the result of mature reflection and when once formed, they were urged upon the attention of his countrymen with a force and persistence which could only come out of deep and earnest conviction. Again, his comprehensive mind ranged over the entire field of national work and perceived the necessity of a due co-ordination between different activities—and this made him equally keen for reform in all directions—equally interested in all movements—whether they were for the removal of political disabilities and the redressing of administrative grievances or combating the

evils of female ignorance and early maternity and righting the wrongs of widows and the depressed classes, or spreading a correct knowledge of the economic situation of the country or purifying worship and making it simpler and more spiritual. But while recognizing the necessity of all these reforms, he realized that, above all, it was necessary for the individual man to be renovated in spirit, so that his springs of action might be purer, his ideals nobler, and his practical life courageous and devoted to worthy ends. His ideas on these subjects he preached with great courage, earnestness, and persistence, but never were they marred by any extravagance of thought or speech. And his convictions were never disturbed by any amount of personal wrong or injustice.

Many of you probably know that, about twenty-five years ago, there was considerable unrest in the Deccan, and a Poona man, named Vasudev Balvant, openly rose against the Government, collecting a number of ignorant followers and committing dacoities and plundering innocent people. The Government of Sir Richard Temple somehow took it into its head that the decoits had the sympathy and support of the leading citizens of Poona—because, I believe, Vasudev Balvant was a Poona Brahmin—and, among others, their suspicion fell upon Mr. Ranade. It was, of course, a monstrous suspicion, absolutely undeserved, for Mr. Ranade was the recognized inspirer and leader of the constitutional movement in Poona, as against the resort to violent methods, represented by Vasudev Balvant. However, when, in May 1879, the two palaces in Poona were set fire to by an incendiary, the Government at once transferred Mr. Ranade to Dhulia—he had already been transferred to Nasik, but Dhulia was thought safer, as being more remote from Poona—and though it was vacation time, he was ordered to leave Poona at once and proceed to Dhulia. This action of Government was so extraordinary that even the High Court subsequently protested against the transfer; and, as a matter of fact, it was Mr. Ranade himself who had detected the culprit and secured his confession. On his arrival at Dhulia, his private correspondence was closely watched for about a month, and curiously enough, at that very time he began to get letters from

the Poona side, purporting to be reports from leading dacoits of what they intended doing. Mr. Ranade could not help concluding that these letters were sent by the Police to ascertain if he really had any relations with Vasudev Balvant, and he scrupulously handed over to the Dhulia Police all such letters. After a month, during which he often felt bitter in regard to the treatment he was receiving, Mr. Ranade had a talk in the matter with an English officer there—a member of the Civil Service, whose name is well known in this Presidency for his broad-minded sympathy with the people. This officer then expressed his regret at what had been done, assuring Mr. Ranade that Government was satisfied that the suspicion against him was ill-founded. Now, any one in Mr. Ranade's place would have spoken with more or less bitterness, whenever there was occasion to recall the incident. But I remember how in speaking of it to me, he was careful to add: "Oh, such misunderstandings are occasionally more or less inevitable in the present state of things. After all, we must not forget that we might have done much worse in their place." It was a striking illustration of his strong sense of justice and of the fact that no amount of personal wrong affected his faith in the character of British rule.

Another instance, of a different kind, illustrating how his mind was habitually alive to all the considerations involved in a question, occurred nine years ago, when we were returning from Madras after attending the Congress and the Conference, and when Mr. Ranade was insulted by a young Civilian at the Sholapur Station, who, taking advantage of Mr. Ranade's absence in a second class carriage (in which the rest of us were travelling) threw down his bedding from his seat in a first class carriage and usurped the seat himself. Mr. Ranade, on being informed of what had happened, quietly went back to his carriage and without one word of remonstrance, sat on the other seat with Dr. Bhandarkar, who was then with us. When the hour for sleeping came, Dr. Bhandarkar, as the lighter of the two, took the upper berth, and gave his own seat to Mr. Ranade. On arriving at Poona, the Englishman, who was then an Assistant Judge, somehow came to know that the

gentleman whom he had insulted was Mr. Ranade, Judge of the High Court, and it appeared that he wanted to apologize to Mr. Ranade. Mr. Ranade, however, on seeing him came towards him, simply turned his back on him and walked away. The next day I asked him if he intended taking any steps in the matter. He said : "I don't believe in those things. It will only be a case of statement against statement, and, in any case, it is not worth fighting about." "Moreover," he asked me, "is our own conscience clear in these matters? How do we treat members of the depressed classes—our own countrymen—even in these days? At a time, when they and we must all work hand in hand for our common country, we are not prepared to give up the privileges of our old ascendancy, and we persist in keeping them downtrodden. How can we, then, with a clear conscience, blame members of the ruling race, who treat us with contempt?" "No doubt," he continued, "incidents like this are deeply painful and humiliating, and they try one's faith sorely. But the best use to which we can put even these unpleasant incidents is to grow more earnest and persistent in the work that lies before us."

Another striking characteristic of Mr. Ranade was his great faith in work. One is filled with a feeling of wonder and awe, as one contemplates the amount of work which this great man did during his life—his mighty brain incessantly engaged in acquiring knowledge and in imparting it with an enthusiasm and an energy of purpose rarely witnessed in this land. Not only was his capacity for work phenomenal, his delight in it was so keen—he almost seemed to reveal in it. In it he lived and moved and had his being. Apathy, he always said, was our greatest curse in these days. Wrong opinions he could stand; misdirected activity he could stand; but apathy filled him with deep sadness—that he found harder to overcome. He himself approached almost all work with a religious sense of responsibility. Just think of how much work he was able to get through during his life. His official duties throughout were heavy enough; but they did not come in the way of his doing for the country more work in various fields than half a dozen men could have together done. The range of subjects that

interested him was wide—philosophy, theology, sociology, history, politics, economics—all seemed to interest him equally, reading in respect of them was vast, and he tried, as far as possible, to keep himself in regard to them abreast of the times. Then in politics it is well known that, for nearly a quarter of a century, he was the guiding spirit of the Poona Sarvajanic Sabha. All the best work of the Sabha, in its palmy days, either came from his hands direct, or else had to pass through them. About two, thirds of the articles that appeared in the Quarterly Journal of the Sabha, during its seventeen years existence, were contributed by him. Under his guidance, the Sabha had attained the first position among the political associations of the country, and its representations, for a number of years, had admittedly far more weight with Government than those of any other Indian organization. In the field of social reform, his activity was boundless, almost from the day he left college to the hour of his death. Constantly writing, speaking, discussing, advising, helping, he took a leading part in every reform movement of his time. Of the Social Conference, he was the father and founder, working for it with a faith that was a sight for gods and men. His interest in religious reform was also deep and continuous, and I have never heard anything richer than some of his sermons. He was a profound thinker, and a frequent writer on economic subjects and his studies in Indian Political Economy are a valuable guide to those students who wish to apply their knowledge of Political Economy to the practical conditions of India. He was one of the principal organizers of the Industrial Conference that used to meet in Poona for some years, and of the Industrial Exhibition that was held during the time of Lord Reay, Governor of Bombay (1885-1890). And most of the industrial and commercial undertakings that have sprung up in Poona during the last twenty years owe a great deal to his inspiration, advice, or assistance. He has left us a History of the Mahrattas, though unfortunately it is incomplete. While in Bombay, he used to take a leading part in the affairs of the University, and Mr. Justice Candy, the late Vice-Chancellor, has borne willing and eloquent testimony to the value of his work in the Syndicate. In addition to all these activities, Mr.

Ranade carried on a voluminous correspondence with numerous friends and followers all over India. For a number of years, he received and replied to over twenty letters a day, and these concerned a wide variety of subjects, from petty matters of mere domestic interest to high questions of State policy. He was in touch with every earnest worker throughout India—his heart rejoiced when he met an earnest worker—he noted such a man with unerring judgement, and kept himself in communication with him everafter. But it was not merely the amount of work that he did, which excited our admiration. The spirit in which he did it was, if anything, even more wonderful.

Speakers and writers have often remarked on Mr. Ranade's robust optimism, which they have regarded as a part of his mental constitution. No doubt, to a certain extent, it was so. He had a temperament which was essentially hopeful. It was this which made him note and gather together for use even the smallest signs of progress visible in any part of India. To a certain extent also his optimism sprang from the fact that his horizon was wider than that of others—he saw as from a mountain-top, when others could see only from where they stood on the plain below. But it always appeared to me that Mr. Ranade's great optimism was mainly the result of his being so magnificent a worker. It is generally those who do not work—who do not realize the dignity and the power of work—that give themselves up to preaching the gospel of despair. Mr. Ranade was profoundly convinced that if only our people worked earnestly their future was in their own hands. Work was to him the one condition of national elevation, and having fulfilled it so gloriously in his own case, it was not possible for his mind to be weighed down by thoughts of despondency. About twelve years ago, in speaking of the Social Conference and of its unpopularity, I once ventured to ask him what it was that sustained his faith in the Conference work, seeing that some of the best friends of social reform shook their heads, and said that nothing was to be achieved by such hollow work as holding meetings and passing resolutions. Mr. Ranade turned to me and said: "Not that the work is

hollow, but the faith in these men is shallow." After a little pause, he said : "Wait for a few years. I see a time coming, when they will ask the same question about the Congress, which at present, evokes so much enthusiasm. There is something in the race which is unequal to the strain of sustained exertion." For himself, Mr. Ranade had clearly realized that patient and long-sustained work was necessary before any appreciable results could be achieved. A remark of his made to me, in, I believe, 1891, has firmly fixed itself in my memory. In that year there was severe scarcity in the districts of Sholapur and Bijapur. The Sarvajanik Sabha, of which I was then Secretary, had collected a large amount of information about the condition of those districts, and a representation on the subject was in due course submitted to Government. It was a memorial, in the preparation of which we had spent considerable labour and thought. Government, however, sent us a reply of only two lines, just saying that they had noted the contents of our letter. I was greatly disappointed when we received this reply, and the next day, joining Mr. Ranade in his evening walk, I asked him : "What is the good of taking all this trouble submitting these memorials, if Government don't care to say anything more than that they have noted the contents of our letter ?" He replied : "You don't realize our place in the history of our country. These memorials are nominally addressed to Government, in reality they are addressed to the people, so that they may learn how to think in these matters. This work must be done for many years, without expecting any other result, because politics of this kind is altogether new in this land. Besides, if Government note the contents of what we say, even that is something."

Another notable feature of Mr. Ranade's work was readiness to play any role that was necessary, however humble it might be. In the building of the temple, he did not insist upon being assigned the architect's part ; he was willing to carry bricks and stones on his back, so the edifice was raised. In the performance of public duties he was prepared to bear personal humiliation, if thereby public interest could be furthered. A striking instance of this came to my notice within

a few months of my going to Poona in 1885. In that year our Municipal Boards were reconstituted in accordance with the liberal legislation of Lord Ripon's Government. The elective system was for the first time introduced, and the elections in Poona aroused an extraordinary amount of interest. Before that year, the Municipal regime in Poona had been virtually official, and Mr. Ranade was anxious that in the new Board the popular element should have a chance of administering the affairs of the city. Unfortunately, another distinguished citizen of Poona—the late Mr. Kunte—came forward strongly to support the official side. Mr. Ranade and Mr. Kunte had been great friends from their childhood, having been class-fellows from the very beginning. Mr. Kunte's support of the old regime, however, drew from Mr. Ranade a sharp remonstrance, and Mr. Kunte, who was a powerful speaker, immediately organized a series of ward meetings to oppose the popular party. Feeling for a time ran very high; and it appeared that Government would misunderstand the character of the struggle then going on. Mr. Ranade, therefore, thought it necessary to conciliate Mr. Kunte and with that object, he attended one of Mr. Kunte's meetings, though it was known that Mr. Kunte indulged in strong denunciation of Mr. Ranade personally at almost every one of his meetings. The meeting in question was held in Raste's Peth. It was in the hall of a private house and we were all squatting on the floor and Mr. Kunte was addressing us from one end of the hall, the door being at the other end. After Mr. Kunte had spoken for some time, Mr. Ranade's figure was suddenly seen entering the hall. He came and squatted on the floor near the door like the rest of us. Mr. Kunte immediately turned his back upon him, and, therefore, practically upon the whole audience, and, after a few words uttered with his face to the wall, abruptly closed his speech. On his sitting down Mr. Ranade left his seat and went and sat by him. After the meeting was over, Mr. Ranade invited Mr. Kunte to go with him in his carriage for a drive. Mr. Kunte, however, roughly said: "I don't want to go into your carriage," and he went and took his seat in his own carriage. Mr. Ranade, however, quietly followed him, and after saying "Very well, if you won't go with me in my carriage, I will go

with you in yours," he stepped into Mr. Kunte's carriage. After this it was impossible for Mr. Kunte to avoid Mr. Ranade and they went out for a long drive, and everything was satisfactorily settled before they returned. Mr. Kunte's anger was appeased, and his opposition to the popular party wholly withdrawn.

I have so far spoken of Mr. Ranade's comprehensive intellect, the balance of his mind, his patriotism and his great passion for work. A word or two I will add about the nobility of his nature—his saintly disposition, which, even more than his great intellectual gifts, won for him the devoted admiration and attachment of large numbers of his countrymen throughout India. It is no exaggeration to say that younger men who came in personal contact with him felt as in a holy presence, not only uttering 'nothing base' but afraid even of thinking unworthy thoughts, while in his company. The only other man who has exercised a similar influence on me in my experience is Mr. Dadabhai Naoroji. Among Mr. Ranade's great qualities, one of the most prominent was his utter, absolute unselfishness. As I have already told you, he was incessantly working in several fields, but never did he seek the least recognition, never did he think of his getting or not getting credit for this or that. Indeed, nothing pleased him more than to do his work—not only political but almost of every kind—from behind somebody else. His great anxiety was to get more and more men interested in and associated with the work. I do not think anybody ever heard Mr. Ranade said: "I did this, I did that." It was as though the first person singular did not exist in his vocabulary. The humility with which he sought to discipline himself almost to the last day of his life was another of his great qualities. By nature he was very sensitive, feeling keenly injustice or meanness in any shape or form; but his constant effort to discipline himself enabled him to preserve his calmness under the most trying circumstances. The normal state of his mind was indeed one of quiet cheerfulness, arising from a consciousness of work well done, and from humble faith in the purpose of Providence. But even when he was seriously displeased with anything or disappointed with any

one, or suffered inwardly owing to other causes, no one, who did not know him intimately, could detect any trace of that suffering on his face. And never did anyone—not even those who stood nearest to him—hear him utter a word of complaint against those who might have done him personal injury. He insisted on having attacks on him a newspapers carefully read out to him. He was constantly before the public in one capacity or another, and his views, therefore, came in for a good deal of criticism—friendly and unfriendly—almost from day to day. The appreciative notices that appeared he did not always read through—I know because I sometimes had to read the papers to him—he rarely read them himself, his sight being defective. But all unfriendly criticism he made a point of hearing. He wanted to know if there was any idea therein that he could accept. And in any case, even if there was pain in hearing all that was said, that pain itself had its disciplinary value.

One more great quality of his I would like to mention on this occasion, and that was his readiness to help all who sought his help—and especially those who were weak and oppressed. He was accessible to all—even the humblest—at all hours of the day. No one ever wrote to him without receiving a reply. He listened patiently to every one, whether he was able to help or not. This indeed was to him a part of his practical religion. After the Amraoti Congress of 1897 when we were returning to this side, he and I were, for one night, the only occupants of our carriage. At about 4 A.M. I was suddenly roused by some singing in the carriage, and, on opening my eyes, I saw Mr. Ranade, sitting up and singing two *Abhangs* of Tukaram again and again, and striking his hands together by way of accompaniment. The voice was by no means musical, but the fervour with which he was singing was so great that I felt thrilled through and through and I too could not help sitting up and listening. The *Abhangs* were: “He who befriends the weary and the persecuted—he is a true saint and God himself is to be found there;” and “Be you humble and seek the favour of saints. If you want to meet God this is an easy way.”

As I sat listening to these verses, I could not help realizing how constant was Mr. Ranade's endeavour to live up to this teaching and how simple and yet how glorious was the rule of life that it inculcated ! It was a rich moment in my own life. The scene indeed will never fade from my memory.

Ladies and gentlemen, I have told you as briefly as I could what it was that most struck me in Mr. Ranade. I think that for about thirty years he represented our highest thought and our highest aspiration, and it will be long before we shall have another like him in our midst. It is almost a significant circumstance that Mr. Ranade has passed away at the commencement of new century, which should have opened for us full of hope and encouragement, but which in reality finds us filled with deep despondency and gloom. That voice—so calm, so faithful, so full of hope—is now hushed in the silence of death ; and yet it was now that our need of it was the greatest. A kind of despair is setting on the minds of some of our foremost workers. I grant that there is much in the present juncture to try our faith and justify such despair. The middle and lower classes of our community seem to be slowly but steadily sinking lower and lower in various parts of the country. And we seem to be losing ground in several directions in the great struggle in which we are engaged. But I am sure it is only a passing phase, and in any case, in giving ourselves up to such despondency we show ourselves unworthy of the work that Mr. Ranade did for us, and of the legacy that he has left behind him. You remember how we wept for him when he died. Never before had such universal grief been witnessed in this land. It was as though a mighty wave of sorrow swept over the whole country, and every one—high and low, rich and poor—was equally touched by it. But our duty towards Mr. Ranade is surely not done by merely mourning his loss. The message of his life must be recognized by us, especially by the younger generations, as sacred and binding. The principles for which he laboured all his life—greater equality for all, and a recognition of the essential dignity of man as man—are bound to triumph in the end, no matter how dark the outlook occasionally may be. But we all of us, can

strive to hasten that triumph, and herein lies the true dignity of our life : "Work and sacrifice for the Motherland." This is the message which Mr. Ranade has left us. And, my friends, our Motherland, whatever may be her present condition, is worthy of the best work we can give her, of the highest sacrifice we can make for her. She was at one time the home of all that is great and noble in the life of a nation—a noble religion, a noble philosophy and literature and art of every kind. This great heritage is ours ; and if only we remember this and realize the great responsibility which it imposes upon us, if we are true to ourselves and are prepared to live and work for her in the spirit of our departed leader, there is no reason why her future should be in any way unworthy of her past.

KASHINATH TRIMBAK TELANG

[Popularly known as Justice Telang (1850-1892), he was one of the most active founders of the Indian National Congress. He was closely associated with Sir Pherozeshah M. Mehta, Badruddin Tyabji and M.G. Ranade and was instrumental in establishing the Bombay Presidency Association. Dr. Bhandarkar praised him as one "large of heart and brain, wise in his generation and instinct with the true spirit of dedication to learning and scholarship and as well as to the service of his country through literary and many other active channels". His motto was 'to search truth with sighs.' Dinshaw E. Wacha described his speeches and writings as 'brilliant specimens of the highest Indian intellectuality.' At the first Congress in 1885 he moved the resolution relating to the Supreme and Provincial Legislative Councils and outlined the electorates for members. At the fourth Congress (1888), he effectively answered the hostile criticisms of Colvin and Dufferin. On this very occasion he raised his finger on the point that while the British government could spend any amount of money on varied activities, it allocated only one percent of its revenue to Education. He retired from politics in 1890 when he accepted the post of a judge of Bombay High Court and had his premature demise just two years after.]

ABOLITION OF INDIAN COTTON DUTIES*

Mr. Chairman and Gentlemen,—I beg to move the adoption of the petition which has just now been read by my friend

Speech delivered at a function in Bombay on 3 May, 1879 under the chairmanship of Sir Mangaldas Nathubhai to adopt a petition to the House of Commons.

Mr. Pherozechah M. Mehta and in doing so I trust you will permit me, even at this late hour to make a few—and they shall be only a few—remarks. The case which we wish to present to the House of Commons on this question of the import duties, is so fully stated in the petition itself, that I need not go into the details of it. It cannot, however, be too much insisted on, that that case is not based on protectionist grounds at all. We treat this as a question of finance pure and simple, without reference to any protection of indigenous industry. The House of Commons has already passed a resolution that the import duties in so far as they are protective must be repealed. The prayer of our petition, if granted, does not require the House to withdraw from that resolution. We say that in any case the duties have now ceased to be protective and that therefore as a question of finance, they ought to remain part of our system of taxation. Gentlemen, in 1870, Lord Salisbury, who was then Secretary for India, in replying to a deputation of the Manchester Chamber of Commerce, clearly declared that he would be no party to a repeal of these duties, if there was to be substituted for them some other mode of taxation. Lord Lytton, too, I believe, made a similar declaration when on the eve of coming out to this country as Governor-General. I venture to say, gentlemen, that the promise thus solemnly given to India indirectly through the replies to Manchester, have not been fairly kept. It is admitted in this petition, that there has been no additional taxation this year. But I think, gentlemen, that that admission must be taken only in a qualified sense. I venture to say, that in truth, there is considerable additional taxation ordered by the Government of India this year. Gentlemen, we all know how the Licence tax was levied last year and for what purpose. Now we have the admission of the Government of India, that the Famine Insurance Fund for which it was announced that tax was to be “religiously” set apart has “virtually ceased to exist,” that is to say, that no such fund has been established out of the proceeds of the tax last year, and no provision is made for establishing it out of the tax this year. That being so, I venture to say, gentlemen, that although in name the tax is not a new one, it is in substance a new tax for this year. The tax levied

last year was one for the establishment of the Famine Insurance Fund. The tax levied this year is one for the ordinary current expenses of the State. That is in substance and effect a new tax. To this are to be added the enhanced duty on salt, and the very considerably advanced rates of stamp duty leviable under the new Act. I venture therefore to say, gentlemen, that the admission that there has been no new taxation this year must be taken with many qualifications. And those qualifications are enough to show that the promises held out to us about the conditions necessary for the repeal of the import duties have not been kept.

There is one other point, gentlemen, in connexion with this matter, which, in my view, is of very great importance indeed, as being one of many indications of a new departure in Indian policy. I allude to the fact brought out by Sir George Campbell in the House of Commons—namely, that on this question, the Viceroy has overruled a majority of his colleagues in Council. Gentlemen, I am afraid we shall not know for a long time yet, if we ever do know, the number of votes for and the number against this repeal. But it has been credibly asserted that the Viceroy had only one of his Councillors on his side, thus standing in a glorious minority of two against a very large number against him. I say, gentlemen, that this is a most important circumstance. In a recent instance the Secretary of State set at naught the opinion of a majority of his Council, and here we have the Viceroy setting at naught an overwhelming majority of his Council. This is one, gentlemen, of many signs indicating that we are coming now on bad days—on the days of personal Government, of Government according to the whims and caprices of individual officers, and that the days of Government by Cabinets or Councils is passing away. However exalted the individual officer may be, who sets at naught the opinion of a majority of his colleagues, this condition of affairs, gentlemen, is one which is most unsatisfactory and mischievous. It has been touched on by *Punch* in a recent cartoon—and *Punch* you are aware is remarkable for the accuracy and felicity of his hits. He represents a retired Indian officer asking a nephew who is in a great hurry where he the

nephew is going. The nephew says he is going to the House of Commons for some important debate, whereupon the retired Indian says, "what, is the House of Commons still in existence? I thought you had improved it off the face of the earth long ago." I do not remember the precise words, but that is the effect, and it indicates one of the most remarkable tendencies of Indian administration in these latter days. Gentlemen, I cannot sit down without adding to what has fallen from my friend Mr. Nowroji a word of sympathy with our brethren in Bengal under the rebuke which was administered to them by the Viceroy in consequence of their action with reference to the subject which we are met to discuss this evening. That rebuke, gentlemen, I venture to say—though I am but a humble individual, speaking about the most exalted personage in the Indian Empire—that rebuke was most unmerited, ungenerous, uncharitable, unjust. Gentlemen, we are all pretty familiar with the mastery of English style, that *curiosa felicitas*, which characterises Lord Lytton's speeches and writings. But I make bold to say, gentlemen, that mastery of style, that *curiosa felicitas*, was never turned to worse use, was never more mischievously employed, than when it was made the vehicle of that rebuke to the members of the deputation, consisting of eminent subjects of Her Majesty in Calcutta. Lord Lytton's reply to the deputation is exceptionable not merely for its fallacies and incorrect statements, not merely for its spirit and tone, but also because of its being quite unprecedented among the replies of Her Majesty's representatives to Her Indian subjects throughout almost the whole course of British Rule. In that reply, gentlemen, Lord Lytton said that he was anxious to put an end to a "fruitless and increasingly irritating controversy." Gentlemen, that passage of His Lordship's reply reminds me very strongly of a passage in another of Lord Lytton's performances—in a capacity in which, I at all events can give to his genius the tribute of a much more unalloyed admiration—I mean in his capacity of a Poet. In one of his exquisite Fables in Song, Lord Lytton describes man as a paradoxical creature, and after adducing several instances to bear out the view, he winds up thus—

“Height measures he in depth, seeks peace in strife
And calls all this the poetry of life.”

His Lordship, gentlemen, has undoubtedly sought peace in strife both in our North-West where under the guidance of his Chief, Lord Beaconsfield, he has gone in quest of a “scientific frontier,” and also in this affair of a domestic administration. For the problematical, “peace” in the future of the stoppage of an irritating controversy, His Lordship has resorted to a wide-spread strife in the present. And probably Lord Lytton has by this time seen, that the cinders of that “controversy” have been blown into a vigorous flame by his own breath. Gentlemen, I shall not detain you longer. I will conclude by moving that the petition now read by my friend Mr. Pherozechah be adopted.

THE ILBERT BILL QUESTION*

Mr. Chairman and gentlemen,—The resolution which has been entrusted to me runs as follows :—“That the Committee of the Bombay Branch of the East India Association be also requested to take steps to have the memorial, with the necessary alterations, forwarded to the Honourable the House of Commons in England ” In proposing this resolution, it would be wrong, on more than one ground, if I were to detain you with any lengthy speech of my own at this late hour, and especially after the able speeches which have been addressed to you. But the subject which we are met to consider tonight is one of such great importance that I trust the meeting will bear with me while I make a few remarks on it. I do not propose to travel over the ground occupied so well by the speeches of Mr. Budroodin and Mr. Pherozechah and the speakers who followed them. Nor, for obvious reasons, shall I say anything about the recent doings of our European friends in the Town Hall of Calcutta. These doings were of such a nature that, to

*Speech delivered at Bombay under the chairmanship of Sir Jamsetji Jeejeebhai on 28 April, 1883 in defence of the proposed Ilbert Bill for amending the Code of Criminal Procedure.

borrow the language used on a celebrated occasion by a distinguished man, now no more, the best rebuke we can administer to these gentlemen is to refrain from following so dangerous an example. There was, however, one point, gentlemen, made, I believe, at the Calcutta Town Hall, and certainly made in the public press since, to which I feel bound to refer. It has been asserted that the Bengalis entertain feelings of hatred and hostility to the British nation. Well, gentlemen, having had the honour, as you are aware, of being appointed to serve on the Education Commission, I had recently to spend a few months in Calcutta. And during the period of my stay there I came into close, intimate, and frequent contact with the leaders of thought and the leaders in public affairs of the Bengali nation. And, having frequently had frank conversations with many of them, having thus seen them in a sort of mental undress, so to speak, I venture to affirm, and to affirm very confidently, that this hatred and hostility is a mere figment of some alarmist brain, and has no existence in reality. I think that, believing this, as I do believe it, to be the truth upon the subject, I am bound, if not by any other obligation, at least by gratitude for the kindness which I received from my Bengali brethren while I was among them, to make this statement to correct misapprehension. I need not, however, dwell any further on this point, and therefore, I shall turn at once to the main subject to which I wish to address myself. As I have said, I do not intend now to go into any of the positive arguments in favour of the Jurisdiction Bill. But I propose to examine the main points made by an eminent man, Sir Fitz-James Stephen, in his letter on the subject. Sir Fitz-James Stephen has held high office in this country, and now occupies a distinguished position on the English Bench. He is not only a lawyer, but a writer on Jurisprudence and a political philosopher who has thought out the ultimate principles of the political creed which he holds. And, therefore, I need not say that his authority on such a subject as ours is very high, and I should be the first in ordinary circumstances to defer to it, but in this case I must say that if I was an opponent of the Jurisdiction Bill, I should be afraid of Sir Fitz-James Stephen's championship. Many years ago he wrote a work entitled "Liberty, Equality, and Frater-

nity" which, I think, may, with substantial accuracy, be characterised as the gospel of force. In that work he set himself in obtrusive antagonism to the doctrines of modern liberalism, by which I do not mean what is called by that name in the jargon of English party politics, but I mean liberalism in the broader and higher sense, as signifying those political principles, which, for us here in India, are embodied in the great Proclamation of 1858. Well, as he holds those opinions, it is plain that even his support, if he supported any measure of Government which involved any of those principles, would be an occasion of embarrassment. But apart from these general considerations, let us see for an instant what Sir Eitz-James Stephen does say. His first proposition, not first in order in his letter, but first in importance is that the policy of Lord Ripon's Government is shifting the foundations of British power in this country, or, to use his own expression, is inconsistent with the foundations on which British power rests. Now, I deny this entirely. I say that the principles of Lord Ripon's administration, as pointed out in our memorial, are in consonance with the long-established principles of the British Government as laid down by Parliament and the Crown. And I say, further, that those principles are in accord with the lessons to be derived from the study of past history. I remember being struck many years ago, in reading the history of the Romans under the Empire, with a passage in which the author said that one great lesson to be deduced from the history of Rome was that all conquering nations, in order to render their Government in the conquered countries stable and permanent, must divest themselves of their peculiar privileges by sharing them with the conquered peoples. Now, gentlemen, we all know that it is the proud and just boast of Englishmen that they are the Romans of the modern world, and that the British Empire is in modern days what the Roman Empire was in ancient times. If so, are we wrong, are we unreasonable in asking that the lessons of Roman history, and, as Mr. Merivale points out, the lessons of the history of other ancient Governments also, should be adopted by our British rulers? It is not quite proper and reasonable for us to ask that the countrymen of Clarkson and Wilberforce, of Gladstone and John Bright—should not only adopt those

lessons but improve upon them, and rise superior to the countrymen of Marius and Sylla, the Triumvirs and the Caesars ? I venture to say, gentlemen, that if Britons are now content to fail to carry out those lessons, and to fall short of the generosity of the Romans, it will be regarded as not creditable to them by the future historian. And as a loyal subject of the British Government I should be sorry for such a results. We next come to Sir Fitz James Stephen's second point. He says— Oh ! it is all very well to ask for the abolition of these special privileges to Europeans, but every other section of the Indian Community has its own privileges which the law recognises. And he given as an instance the fact that Hindoos, Mahomedans, and c., have their own special laws of inheritance administered to them. Now, I venture to say that no fair comparison can be made between laws of inheritance and laws of criminal procedure. The former does not affect any one save the special community to which it is administered. What does it matter to John Jones whether the property of Rama, or Ahmed, or Mancherjee goes on his death to his sons or his daughters, his father or mother or widow ? But a law of criminal procedure, as has been already pointed out by other speakers, affects the other communities in a most important respect. It is plain, therefore, that the two cases which Sir Fitz-James Stephen treats as identical, are really distinguishable on essential points. Besides, it must be remembered that no other class privileges are recognised in the criminal law of British India ; it is only in the civil law that they are so recognised. But, further, I am surprised at Sir Fitz-James Stephen not alluding in his letter to one point relevant to this branch of the subject to which reference is made in his own volume already referred to. He has there pointed out that the British Government in India is, involuntarily it may be, but still actually, interfering with the personal laws of natives, even in matters connected with their religious beliefs, and is applying, as Sir Fitz-James Stephen puts it, a constant and steady pressure to adapt them to modern civilization—so that the Government, as Sir Fitz-James Stephen himself puts it, is really heading a revolution. If then the Government is actually interfering with the personal laws of us unenlightened and uncivilized natives, is

there any thing wrong in their interfering with those of the enlightened Britons, with whose views and opinions, feelings and wishes they are much more familiar, and in much greater sympathy? Is there anything unfair if we ask that the same measure should be dealt out to both? Sir Fitz-James Stephen next refers to the special tribunals for Europeans maintained in Turkey and other countries. But there the European is protected from foreign courts to be subjected to British courts. Here he is protected from one class of British courts to be subjected to another. The difference is quite manifest between the two cases. Further, Sir Fitz-James Stephen says it is only natural that everyone charged with a criminal offence should wish to be tried by one of his own race and colour. But this leads to a difficulty, namely, that natives may have a similar wish. And how does Sir Fitz-James Stephen meet that? Why, he says that while no native understands English sufficiently to conduct a trial in that language properly, *attempts* are made—mark the expression, attempts are made—to get European officers to study the vernaculars of the country. Now, gentlemen, I think it is not egotistical to say that the first part of the statement is the reverse of the truth. For every one European that can be shown competent to conduct a criminal trial in a vernacular language, we can show at least one hundred natives even more competent to do so in English. And as to the second part, we have not to rely only on our personal experiences. As we say at Law *habemus optimum testum confidentem reum*. Many years ago a book was published by a Bengal Civilian, called “Life in the Mofussil,” in which he very candidly admitted that though he passed the examination in Bengali, he knew little or nothing of the language. Here we have a test of the success of the *attempt* to which Sir Fitz-James Stephen refers. I do not think, gentlemen, I need further detain you with Sir Fitz-James Stephen’s arguments. His principal points have, I venture to say, been satisfactorily answered. There is, however, one argument to which I should like to refer before sitting down. It is put forward in the *Times of India* by a gentleman who signs himself “Maratha,” but whose nationality, from internal evidence, seems to be European and not Maratha. However, on the principle of measures, not men, we shall consider his

argument as it deserves to be whether it emanates from a veritable Maratha or not. He says natives are not fit and competent judges of Europeans, because the native papers are writing about the cases of deaths of natives, at the hands of Europeans as if they were all cases of deliberate murder and the explanation of a ruptured spleen always untrue. He argues that as this view of the native papers has not been disavowed by educated natives, it indicates the state of their feelings towards Europeans, and renders them unfit judges for trying Europeans. Now, I am not one of those who believe that this explanation of the ruptured spleen is always untrue. I have no doubt that in many cases it is true, and that the language of many of our native papers on the subject is exaggerated and without justification. But having admitted that, I do not admit the correctness of "Maratha's" argument. I will not, however, analyse it now, but put another argument on the other side. We all know that many Europeans have spoken of the native communities in a way which means that they consider us all as, on the whole, a people given to perjury. This opinion, publicly expressed by some members of the European community, has not been disavowed by others. And, therefore, according to "Maratha's" logic, the true conclusion to be derived from this is that Europeans are not fit judges for natives. This broad conclusion follows according to "Maratha's" principles. Certainly, in cases where natives are charged with perjury, Europeans would be, on those principles, unfit judges. Because whereas, according to the presumption of English law, the accused would have to be treated as innocent until the contrary was proved, in the mind of the European judge the native prisoner would be guilty until he proved the contrary. Mark, I don't say this would be a correct result. But I say it follows if "Maratha's" argument is sound, I use it only as an *argumentum ad hominem*. See then the deadlock. You cannot have European judges, and you cannot have native judges. How then is the administration of justice to be secured? I do not think, gentlemen, that I ought to detain you any longer. We have a very good case; let us take it before the House of Commons. It has been taken there already, in fact, by the opponents of the Bill. Let us place our view before the House. By past

experience we know that in such matters we can trust to the justice and sense of fairplay of the British House of Commons. Let us leave this matter also to their judgment, in the full confidence that it will be there decided on considerations free from all local passion and local prepossession.”

RETIREMENT OF LORD RIPON*

I have very great pleasure, indeed, in seconding the resolution which has been proposed by Rao Saheb Mundlik. And when I say that I have very great pleasure in doing so, I am not merely indulging in the conventional cant supposed to be suitable to such occasions. I really feel it to be not only a pleasure, but also an honour, to have the opportunity of taking part in such a proceeding as that we are engaged in this afternoon. Gentlemen, it was only yesterday that I was asked by two of my friends whether I really and seriously intended to join in this movement, and why I was going to do so. I answered, gentlemen, that I had not only joined in the movement, but that I had joined in it with all my heart and soul, and that my answer to the question, why I had done so, would be given this afternoon. Gentlemen, there are two tests, I think, by which we can judge, whether anyone who has been entrusted with the government of men has or has not acquired a title to the gratitude of his subjects. We may form our judgment either from the views of those over whom he has borne sway, or from a careful analysis and examination of the measures of his administration, and after striking a balance between their merits and defects. Gentlemen, I venture to say that tried by both tests, Lord Ripon's regime will come out triumphant. Whether we look to the popularity which his Lordship has won among the people over whom he has borne sway for the last four years, or whether we consider the various measures of his administration, the conclusion is forced upon all unbiased minds that Lord Ripon's Government has been most successful. As to the first point, we have only got to

*Speech delivered at Bombay under the chairmanship of Sir Jamsetji Jeejeebhai on 20 November, 1884.

consider the history of the past fortnight or three weeks which his Lordship has spent in the journey from Simla to Calcutta and notice his popularity, which remains full of vitality and power in spite of the great strain put upon it only a few months ago. The accounts which we are receiving every day point to that with conclusive effect—an effect which cannot for one moment be impeached. Again, gentlemen, there have always been amongst us men who have been branched by our critics, as constituting what may be called a permanent Opposition to Her Majesty's Government in this country, however that Government may be at any time constituted. But strange as it may seem, even these men have now walked over into the ranks of the ministerialists, so to speak, and are joining in the chorus of praise which is reverberating throughout the length and breadth of the land. Gentlemen, that is not a slight success for any ruler of men to have achieved. It is a very great triumph for an alien ruler. But then it may be said that popularity is but an unsatisfactory test to apply in these cases. I agree in that view to a certain extent. But we must here remember two kinds of popularity, which have been distinguished from one another by that eminent judge, the late Sir John Coleridge. There is the popularity which followed after, and there is the popularity which follows the performance of one's duty—the pursuit of an honest and straight-forward course. The popularity which is followed after may not afford good evidence of the worth of a man. But, gentlemen, the popularity of Lord Ripon is of the latter class, and does, therefore, constitute a fair test of the success of his Lordship's rule. But let us apply the second test to which I have alluded above. Let us examine and carefully scan, without any prejudices, some of the measures of Lord Ripon's administration, for it is impossible to go through the whole number even of the most prominent measures on such an occasion as the present. Taking only those connected more or less closely with fiscal administration, we have, gentlemen, the beginnings made of a policy of real and powerful support to the manufactures of the country. That is a measure fraught with great possibilities. Take again the recent resolution regarding surveys and assessments of land. Gentlemen, after a great deal of complaint and

outcry on that subject, we may now consider ourselves as being at least within measurable distance of the time when the ryot may be saved from one of his many vexations—the ryot who has hitherto been the object rather of passive than of moving active sympathy. Look again at reduction of the active salt duty—a measure most satisfactory in the interests of the poorer classes of our population. These measures show that Lord Ripon's policy has been one of affording genuine sympathy and tangible help to the classes of the population who are least able to help themselves, or to make the voice of complaint heard when they are oppressed. It is diametrically opposed to that policy of carrying taxation "along the line of the least resistance," which commanded itself once to some great masters of statecraft. But, gentlemen, there is one point connected with Lord Ripon's fiscal policy, to which I must here refer, as it is the point on which the strongest attack on Lord Ripon's rule has been made, purely on grounds of reason. I refer to the repeal of the import duties on Manchester goods. Gentlemen, I remember, when that repeal was announced, being told by a friend of mine that I was allowing myself to be blinded by English party prejudices, in making an effort to publicly protest against Lord Ripon's proceedings, as we had done on the occasion of the first partial repeal of the duties by Lord Lytton's Government. I denied then, gentlemen, as I deny now, that there was any party prejudice in the matter at all. For, see how different were the circumstances in the two cases. A little consideration will make it absolutely clear that they differed entirely from each other on most essential points. In the case of Lord Lytton's measure, it was voluntarily undertaken by his Lordship's Government, when a general election was impending in England, and at a time when, in substance, additional taxation had been imposed upon the people. How stood the facts when Lord Ripon's measure was enacted? The repeal was enforced upon Lord Ripon's Government by the action of their predecessors—an action which, it was cynically confessed by those predecessors, was intended to enforce this further step. It was taken at a time when there were no immediate English interests to please, and when, so far from there being any increase of taxation, there was actually a remission of

taxation in the shape of the reduction of the salt duty, which Lord Ripon's predecessors had enhanced in some parts of the country on the plea of securing symmetry and uniformity throughout the empire. Therefore, waiving all other considerations, it seems to me capable of conclusive proof that the measure sanctioned by Lord Ripon was not at all as objectionable as that which we did publicly protest against. I have thus, gentlemen, referred to a few specific measures of Lord Ripon's rule, but they have only been referred to as illustrations. Other measures, if examined, will yield similar results. But I don't propose to dwell on them. I will rather say a word on the general tone and spirit of liberalism, which has been a pervading characteristic of Lord Ripon's rule. Whether we look at the repeal of the Vernacular Press Act or the resolution for making public the aims and scope of Government measures, or the practice of inviting people's opinions on contemplated projects, or whether we look to the great scheme of local self-government, or the manner, for that is most important, in which the late Kristodas Pal—*clarum et venerabile nomen*—was appointed to the Supreme Legislative Council, we see clearly the liberal policy of Lord Ripon's Government. Gentlemen, many of you will doubtless remember the noble lines in which the successor "of him that uttered nothing base" has embodied the anticipated sentiments of after generations on the reign of Queen Victoria. "And statesmen" the Laureate sings—

"And statesmen at her Council met,
 Who knew the seasons when to take
 Occasion by the hand and make
 The bounds of freedom wider yet,
 By shaping some august decree
 That left her throne unshaken still
 Broad-based upon her people's will
 And compass'd by the inviolate sea."

The ideas so beautifully expressed in these lines are literally true of the Government of Her Majesty as represented by the present Viceroy in this country. Yes, gentlemen, Lord Ripon

has made the bounds of freedom wider, by shaping diverse august decrees, which have not only left Queen Victoria's throne unshaken in this land, but have made it even more broad based upon the people's will. It is the perception of this tendency of Lord Ripon's policy to extend the bounds of freedom that is gall and wormwood to Sir F. Stephen. It is no longer necessary for us to consider whether his views can be properly accepted or not. The principles which he seems to advocate have been finally rejected by the British Parliament and the British Crown. But it is that tendency and the tangible embodiments of it against which that eminent person, as well as some feebler and less intellectual spirits, are dashing themselves. It is that, however, on which, in my humble judgment, rests most firmly Lord Ripon's claim upon our gratitude. It is that, therefore, which explains our present movement. It is that which affords the basis of my answer to the question I alluded to at the outset of my observations. It is that which justifies the remark that, summing up the result of Lord Ripon's rule, you may say, again borrowing the language of the Laureate, that "he wrought his people lasting good." In the case of such a Viceroy, gentlemen, what we are doing this evening is not merely proper and called for, it is really inadequate. Gentlemen, I will not detain you any longer ; I beg to second the motion which has been placed before you.

REFORM OF THE INDIAN LEGISLATIVE COUNCIL*

I have the honour to move the first resolution which runs as follows :

"That this Congress do affirm the necessity for the expansion and reform of the Council of the Governor-General for making laws and regulations and the provincial Legislative Councils, already set forth in Resolution III. of the Congress of 1885 and 1886, and Resolution II of the Congress of 1887, a tentative scheme for which

*Address delivered at the Allahabad Session of the Indian National Congress held under the presidentship of George Yule on 27 December, 1888.

expansion and reform was suggested in Resolution IV of the Congress of 1886."

I think you will see from the terms of the resolutions that its substance hardly requires much explanation or much in the way of remark to commend it to the acceptance of the delegates here assembled from all parts of the Empire. The subject-matter of that resolution has been considered by each of the three Congresses which have been held in Bombay, Calcutta, and Madras, and this Congress is to be asked to re-affirm the proposition which was passed by those Congresses. It would, therefore, be pure surplusage if I were to address any lengthened remarks to the Congress in support of the subject-matter of this resolution. The subject to which the resolution refers has not only been fully discussed and debated by the three Congresses which have been already held, but has also been debated and discussed outside these, both in the public press and at innumerable public meetings. And it has been discussed not only by those who sympathize with the Congress, but also by other bodies and individuals throughout the Empire ; and the conclusions at which they have all, as a rule, arrived have been in full accord with the resolution which the various Congresses have already passed. After all this threshing out of the matter dealt with in this resolution, it would be unpardonable were I now to inflict on the Congress any lengthened dissertation on the main questions at issue. But there are certain points in connection with this resolution which have been raised in recent controversies and brought forward by gentlemen who are authorities upon Indian questions, and whose remarks, observations and suggestions are unquestionably entitled to the greatest attention, to which I am constrained to refer.

One of our critics who, in this particular part of the Empire, will easily be identified—I mean the Lieutenant-Governor of these Provinces—has said that the Congress, in putting forward this suggestion about the expansion and reform of the Legislative Councils, has not suggested anything of a very novel or original character ; that the thing which the

Congress has been asking for is one which has been considered long before the Congress was dreamt of. And he has made this observation as though this fact might be supposed to throw some discredit on the work of the Congress. Perhaps discredit is a stronger word than should be used ; but the remark has been made at any rate in a depreciatory sense. Now, speaking for myself, I must say that I consider that remark as by no means one to which we need object. When a scheme does not issue forth in full panoply, as it were from the brain of a single author, but is the synthesis of the best thoughts of many brains during a long period, it is considered in practical politics as rather a merit than a defect ; and therefore when Sir Auckland Colvin tells us that our suggestion is one which has been put forward long before this Congress came into existence, I welcome that remark as one of the certificates of the work of the Congress and I consider it rather satisfactory than the reverse.

But, gentlemen, we have had criticism from another quarter, about which also it is necessary to speak, though not in any great detail. We have all read Lord Dufferin's speech at the St. Andrew's Dinner at Calcutta, and in this too we have seen some criticisms upon our work, which similarly deserve some passing notice. For my own part, I am prepared to treat Lord Dufferin's criticism as on the whole friendly criticism, and as a piece of warning and advice coming from a friendly quarter, which deserves all the attention which can be bestowed upon it. But while I am prepared to welcome His Lordship's deliverances from that point of view, I think it my duty to point out from my place here that some of his Lordship's criticism and statements have been based upon a complete misapprehension of the actual facts of the case.

I hold in my hand a newspaper report of what his Lordship said at Calcutta, and I think it is desirable to refresh your memory by reading the exact words of His Lordship's remarks in regard to the work of the Congress. "And now, gentlemen," Lord Dufferin said, "some intelligent, loyal, patriotic and well-meaning men are desirous of taking, I will not say a

further step in advance, but a very big jump into the unknown, by the application to India of democratic methods of Government and the adoption of a Parliamentary system which England herself has reached by slow degrees and through the discipline of many centuries. The ideal authoritatively suggested, gentlemen, as I understand" [mark, please, the qualification implied in, "as I understand"] "is the creation of a representative body or bodies in which the official element shall be in a minority, who shall have what is called the power of the purse, and who, through this instrumentality, shall be able to bring the British Executive into subjection to their will." Before I pass on to another portion of his Lordship's speech, I will pause here for the purpose of pointing out that every one of the statements made here by his Lordship is inaccurate as applied to any proposal that has ever been passed, at any previous Congress or any proposal that you will be asked at this Congress to pass. His Lordship begins by saying that we ask for democratic methods of Government for India. You have all of you, I suppose, read the reports of the three Congresses which have been already held. I myself took part in the first, but was unfortunately unable to attend the second and the third Congresses. I have, however, read the reports, and have failed to find in them anything of which it can be fairly said that either the Congress as a whole or any individual member of it, has asked for the application of democratic methods of Government to India. The next charge is that we are asking for "the adoption of a Parliamentary system which England herself has only reached by slow degrees, and through the discipline of many centuries of preparation." I say that precisely the same remark that I made with regard to the first clause is applicable to this. We have asked for no such thing, as will be obvious to those who will consider the precise terms of our resolution ; and when Lord Dufferin, so cautious and circumspect a statesman as he is, has been so inaccurate in his observations, I can only conclude that His Lordship has not had time to read our reports, and that he has taken his information at second hand, as indeed is indicated by the qualifying remark, "as I understand." His Lordship says : "The idea authoritatively suggested, as I understand, is the

creation of a representative body or bodies in which the official element shall be in a minority, who shall have what is called the power of the purse, and who, through this instrumentality, shall be able to bring the British Executive into subjection to their will." The basis for that statement is our demand that the financial statement shall be brought before the Council for discussion. Not only do I not find in any of the reports any grounds for such a statement, but I find what is actually the reverse of it. It has been said over and over again that the Executive shall have the power of deciding what shall be done, and of absolutely vetoing any proposal emanating from the rest of the Council, and yet in face of such a resolution as this, which we have passed not once, not twice, but three times, such a statement has been made by his Lordship. I can only express my amazement as it, and I cannot believe His Lordship to have been capable of making it, except on the assumption that he has lacked the time to study our reports himself. The various charges which His Lordship makes against the Congress are charges which remind me of a certain definition which was once given of a crab, *viz.*, that a crab is a red fish which walks backwards; and the criticism made upon that was that the definition was perfectly correct, except that the crab was not a fish, that it was not red, and that it did not walk backwards. Now, I may say that Lord Dufferin's criticism is perfectly correct; except that we have not asked for democratic methods of Government; we have not asked for Parliamentary institutions which England has got after many centuries of discipline; we have not asked for the power of the purse; and we have not asked that the British Executive should be brought under subjection to us.

If you permit me, I will go on to the next passage in which he says: "I am afraid the people of England will not be readily brought to the acceptance of this programme, or to allow such an assembly, or a number of such assemblies, either to interfere with its armies, or to fetter and circumscribe the liberty of action, either of the Provincial Governments or of the Supreme Executive." I say this is a programme which is not brought forward officially or unofficially by the Congress.

We have never dreamt of or asked for such things as Lord Dufferin supposes. We have—I say we have explicitly—declared that the right of interpellation which we ask for must not extend to questions military or political. Then again he goes on to say : “In the first place, the whole scheme is eminently unconstitutional ; for the essence of constitutional Government is that responsibility and power should remain in the same hands, and the idea of irresponsible Councils, whose members could never be called to account for their acts in the way in which an opposition can be called to account in a constitutional country, arresting the march of Indian legislation, or nullifying the policy of the British Executive in India, would be regarded as an impracticable anomaly.” I entirely agree in this view of his Lordship, only I do not see what application it has to anything said by the Congress. We have never asked for a divorce between power and responsibility. We have, on the contrary, distinctly said that the responsibility must rest with the Executive, and that therefore, they must have the power of rejecting any resolution and vetoing any proposal, even though such should come from a majority of the Council. I need only say, in conclusion, that the criticisms which have been made upon us by the late Viceroy are criticisms which have no manner of application to the resolutions we have passed, or the proposals we have made, but relate rather to some imaginary scheme which somehow seems to have floated through Lord Dufferin’s brains, but of which we of the Congress had never even so much as heard, until he enunciated it.

MUST SOCIAL REFORM PRECEDE POLITICAL REFORM IN INDIA ?

Mr. Chairman and Gentlemen,—In opening the address which I have undertaken to deliver this evening, I am afraid I must begin with a word of apology for the imperfections which I am certain must be found in it. And as I am not in a position to plead the excuse of having been asked to deliver the address by any one other than myself, I must say a few words in explanation of my appearance before you this evening. Well, as one of the Secretaries of the Students’ Literary

and Scientific Society, it is part of my duty to see that the Society's session does not remain quite barren of essays and lectures. But in consequence of circumstances which need not now be dwelt on, although this session of the Society began as far back as October last, no essays have in fact been read or lectures delivered as yet before the Society. And when I endeavoured to make arrangements to avert any reflection upon us in consequence of this circumstance, and began to ask friends to prepare lectures and addresses, it occurred to me that the fairest course would be for me to begin by putting my own shoulders to the wheel. And accordingly it was, only at the beginning of last week, that I determined to prepare myself for the address which I am now about to deliver. The subject of that address, however, is not altogether new to me. It attracted my attention many months ago, when I was writing a letter to my friend Mr. B.M. Malabari in reference to his notes on "Infant Marriage and Enforced Widowhood." When I was writing that letter, Sir Auckland Colvin's communication to Mr. Malabari had just been published in the newspapers. And the view had been expressed in it, that we ought to turn our attention to social reform, in preference to the endeavours we were making to teach our English rulers what their duties were in the government of the country. In my letter to Mr. Malabari, I ventured briefly but emphatically to express my dissent from this view of Sir A. Colvin. And in support of my opinion, I quoted a passage from Mr. Herbert Spencer's essay on Manners and Fashions. My letter has been published in the newspapers, and I need not now go into details regarding its contents. Since then attention has been again drawn to the point, by the letter recently written on the subject of Hindu social reform by one whose authority is deservedly esteemed and highly respected by us all in Bombay. But as the subject is one of undoubtedly great and vital importance, it is desirable to consider it on grounds of reason, and independently of the authority even of Mr. Herbert Spencer or Mr. Wordsworth.

And first, when we are asked to give precedence to social over political reform, it is necessary to consider whether there is

such a sharp line of demarcation between social and political matters as must be drawn in order to give effect to this demand. I confess I think such a line cannot be logically drawn. The division is one which in many respects is one of convenience only. And even those matters which are mainly and to a great extent social have most important political aspects, and *vice-versa*. Take education. It is an agency of vital importance alike for political and social purposes. Or again, take the removal of the prohibition against a voyage to England. The social importance of this is obvious. But the political value of it also is equally manifest, especially now when we have just welcomed the Indian Delegates back to their own country. Take again the question in reference to which this controversy has been raised. The question of infant marriage is a social one. But the modes suggested for remedying the evil raise great political issues, touching the province of legislation, and the true functions and limits of State activity. Therefore it is clear, that these political and social questions are so intertwined one with the other, that a hard and fast line cannot in practice be drawn between them. And consequently, even if the preference suggested could be justified in theory, it would not be feasible to enforce it in practice.

But now, assuming that it is practicable to work on the basis of such a preference being given to social over political reform, let us inquire on what ground of reason such a preference can be laid down. I have endeavoured to follow the whole controversy as it has been going on for some time past. And I have come across only two reasons in favour of the preference thus suggested. First, it is said, that slavery at home is incompatible with political liberty. Now, when understood in its true sense, I have no quarrel with this principle. I am prepared to concede, and indeed I hold the doctrine myself very strongly, that the true spirit of political liberty must be only skin-deep, if so much, in the man who can actively maintain or even passively tolerate slavery within his own household. But I apprehend, that for the application of this principle, you must have a conscious tyranny on the one side and a slavery that is felt to be slavery on the other. With-

out this consciousness on both sides, I hold that the principle would be incorrect. Now, how does the matter stand in the case before us? Have we in truth got to deal with a case of conscious tyranny and felt slavery? I say, certainly not. I say, that so far as we have tyranny and slavery in the case, we have only a case of the tyranny of the past, the present being bound in slavery to it. It is not, as it is often represented, a case of male tyrants and female slaves to any notable extent. We are all—men and women, widows and widowers, children and adults—slaves, if that is the proper expression, to ancient custom. Remember this further. As regards all those burning questions, which just now trouble us in connexion with social reform; as regards enforced widowhood, infant marriage, voyages to England, and so forth; the persons who are supposed to be our slaves are really in many respects our masters. You talk of the duty which lies upon us of breaking the shackles off their feet, but they will have none of this breaking off of the shackles. To a great extent they do not feel the shackles, and they decline to let us break them. They protest against that interference with and desecration of their ancient and venerable traditions, which, from their point of view, is involved in this course of enfranchisement. Therefore I hold, that the phrase "household slavery", as used in this controversy, is an entire misnomer. It is these so-called slaves within our households, who form our great difficulty. And under these circumstances, I venture to say, that the sort of "household slavery" that is truth prevails among us, is by no means incompatible with political liberty. The position, in fact, is this. Here we have what may, for convenience, be treated as two spheres for our reforming activities. There is slavery in the one sphere, and there is slavery in the other, and we are endeavouring to shake off the slavery in the one sphere as well as in the other. I can see no reasonable objection to this course. That course is a perfectly legitimate one, and as Mr. Herbert Spencer has pointed out, it is also shown to be the natural one by scientific observation.

Let us now go on to the next reason alleged in favour of the precedence claimed for social over political reform. It is said

that a nation socially low cannot be politically great, that history shows no instance of such a condition. Now if this means that political and social progress go on together, that the spirit of progress working in the political sphere always manifests itself in greater or less vigour in the social sphere, I at once admit it. The passage from Mr. Spencer's essay, which I quoted in my letter to Mr. Malabari, and which merely sums up the result of a full discussion marked by, all Mr. Spencer's acumen and comprehensive grasp, shows that very clearly. But this is a very different thing indeed from the proposition involved in the present argument. It is not enough, as thus understood, to justify the preference demanded. For that purpose, it is necessary to prove that in a social condition that is at any given period unsatisfactory, political greatness is unattainable, and political progress not to be achieved. To *this* proposition, I confess I cannot see that history affords any support. And I hold, indeed, that the lessons to be deduced from history run exactly counter to this. Look at that brilliant episode in the history of India which is connected with the names of Sivaji, and the subsequent Maratha rulers—an episode on which our memories still love to dwell. I have been recently reading several of the Bakhars or chronicles of those times which have been published. And judging from them, I cannot find that the social condition of that period was very much superior to the social condition that is now prevailing. We had then infant marriage and enforced widowhood ; we had imperfect female education ; we had also the practice of Sati, though that never was a very wide-spread practice. Confining our attention to the subjects involved in the practical controversy now going on, and to subjects kindred to it, it is plain, I think, that the palm of superiority cannot be awarded to the period covered by the achievements of the great Maratha power. Yet there can be no doubt, that politically those achievements were very brilliant, and that they implied great political progress, at least within the limits of their principal home. If we go back to a still earlier period, we have evidence in the writings of that famous Chinese traveller, Hiouen-Tsang, who came to this country in the seventh century A.D., of a prosperous political condition, while the facts of the social condition do not indi-

cate any very great superiority over what prevails now. The caste system was then in force. And we have it expressly and distinctly stated by Hiouen-Tsang that in those days widow marriage was not practised. There you have one mark of "household slavery" certainly, yet the political condition of the provinces in Northern India ruled by Harshavardhana, or of our own part of the country, then governed by the great Pulakesi, was by no means a bad one. But it may be said that our materials for a correct picture of those times are not satisfactory, and that it will not be quite safe to draw such inferences from our imperfect materials. I do not wish to impugn this view. I must admit certainly that the materials are not quite satisfactory. And therefore I will ask you for a little while to join with me in considering the lessons to be derived from the history of a country, whose history we can ascertain from much more satisfactory materials—a history, too, which we are sometimes charged with knowing better than we know the history of our own country. Let us look at the history of the country which we believe, and are happy in believing, to be at the very top of the political ladder to-day; let us look at the history of England in the seventeenth century A.D., the materials for which are easily accessible, and have been digested for us by such classic historians as Hallam, for instance, and Lord Macaulay. The political history of England in the seventeenth century is pretty familiar to us. The beginning of the century synchronises with the close of the reign of Queen Elizabeth, in whose time, after a pretty long period of enjoyment by the Crown of almost uncontrolled power, the rights and privileges of the people had begun to be asserted. I pass over the reign of James I and come to that of Charles I. Here you have the achievements of that brilliant galaxy of political workers, containing Hampden, the Five Members, the great men of the Long Parliament. You have then the battles of the first English Revolution, as it has sometimes been called, winding up with the proceedings of the tribunal over which Bradshaw presided, and the final catastrophe of the execution of King Charles I. A republican might object to the phrase catastrophe, but as there was a destruction of the life of one of God's creatures, it is, I hope, allowable to speak of the event

as a catastrophe. Well, we pass on then to the protectorate of Cromwell, a tangible embodiment of the assertion of popular power against the Crown. Then we come after the Restoration to the well-known Habeas Corpus Act. And after the short and inglorious reign of James II, we come to the great Revolution of 1688. Then we have the Declaration of Rights and Bill of Rights, till finally we reach the Act of Settlement at the very close of the seventeenth century. It would not be easy, I should say, to find out in history many parallels to the course of political progress indicated by the events I have now alluded to—a course which not merely improved the condition of England at the time, but has been followed up by greater or less progress of a similarly salutary character since, and is being still so followed up in our own day. Listen to the words of the judicial Hallam in regard to the political position achieved by England at the close of the seventeenth century. “The Act of Settlement,” he says “is the seal of our constitutional laws, the complement of the Revolution itself, and the Bill of Rights the last great statute which restrains the power of the Crown, and manifests in any conspicuous degree, a jealousy of Parliament in behalf of its own and the subjects’ privileges. The battle had been fought and gained. The voice of petition, complaint, or remonstrance, is seldom to be traced in the Journals. The Crown in return desists altogether not merely from the threatening or objugatory tone of the Stuarts, but from that dissatisfaction sometimes apparent in the language of William; and the vessel seems riding in smooth water, moved by other impulses and liable perhaps to other dangers than those of the ocean wave and tempest.” So much for the political condition. And now let us see what was the social condition of England, at the time when her people were achieving these glorious political successes. The materials are collected ready to our hands in an elaborate chapter, the third or fourth, of Lord Macaulay’s *History of England* on the condition of England in 1685. Those who wish to examine the question for themselves must read that chapter in the original. I cannot go now into all the topics there expatiated on. The condition of the working classes, and the agriculturists, the

state of the means of communication, the extraordinary extent to which children were overworked for the benefit, in the result, of the adult population, the looseness and obscenity of general conversation, these are all dwelt on in the interesting pages of Macaulay. I will not say more about them. I will only draw attention particularly to two points. The first relates to the state of female education. Macaulay gives as an instance of the miserable state of female education, and merely as an instance of what was only too common at the time, the ignorance of such a person as Queen Mary, the wife of William III—her ignorance of her own vernacular, the classical languages being, of course, out of the question. The ignorance is shown in a sentence endorsed by Queen Mary herself on a copy of a book, a Bible, I think, presented to her. The English is such as a boy in our sixth standard classes could easily improve. I have copied out the words here, and I will read them to you. "This book," so runs the endorsement, "was given the King and I at our coronation." That is one point. Another, also noted by Macaulay, is that husbands "of decent station," as Macaulay is careful to note, were not ashamed, in those days, of cruelly beating their wives. Well, as I said before, I need not go into further details. These are enough to demonstrate, that at the politically glorious epoch we are now surveying, the social condition of England in regard to the relations of the sexes, was by no means of a highly creditable character. Look again at the England of to-day. Politically, she continues to be as great, and as prosperous, and as energetic in advancement, as ever. How is she socially? I have noted down here a point or two in regard to this, which is worthy of consideration. But I wish to say a word of warning before I refer to these points themselves. On this as well as on the last point, I refer only to existing social evils. This is necessary for the argument. But I must not be understood as supposing for one instant, that these evils afford a satisfactory picture of the social condition of England, taken as a whole, whether in the seventeenth century or at the present day. I have not the privilege of a personal knowledge of the social condition of England even at the present day. But from all I have read and seen here; from all I have heard

from those of our friends who have had the inestimable privilege of seeing with their own eyes England and English social life ; especially from what I have heard from our distinguished friends who have only just returned ; and among them, too, especially my excellent friend Mr. Ramaswami Mudliar of Madras who has publicly spoken on this subject ; from all this, I have formed a conclusion, which I have no hesitation in plainly avowing, that in my judgment the social condition of England is, in many important respects, immensely superior to that of any of the section of our Indian community. I hope this open avowal will prevent any misunderstanding of my meaning in what I have said on this subject, and also in what I am going to say. Of the detailed points, then, that I have noted, I pass over one which I had intended to refer to, but which, on second thoughts, I consider to be so liable to misapprehension that it had better be omitted. And I will refer first to the question of women's rights. That was a question on which, as we all know, the late John Stuart Mill felt, thought, and wrote, very strongly. But what has been the result of it ? His very eloquent treatise on the subjection of women has not yet had any appreciable result, as regards the practical enforcement of its doctrines, while Mr. Mill himself was, in his lifetime, ridiculed for his out-of-the-way views. Great is truth and it prevails, says the Latin proverb, and our own Sanskrit maxim is to the same effect—Truth alone is victorious, not untruth. But for the present the truth enunciated by Mill is not in the ascendant. Again, it was only the other day, in this very Hall, that we were informed how the relations of the working classes and the aristocratic party in England were constituted, and how the former felt a genuine and fervent sympathy with the wants and wishes of the Indian population, because they felt that in their own country and by their own people, they were treated in much the same way as we are here. Does that indicate a satisfactory social condition ? Or again, let me refer to the telegram received only this afternoon, about a grand Socialist meeting of 20,000 people in Hyde Park. One of the Socialist orators there declared, that there would be bloodshed, unless social reform—by which I

understand him to mean a reform in the relations of the different classes of society,—was granted. Can we say, that that is altogether as it should be? There is one more point that I would wish to refer to here, especially because it affords an even closer parallel to our condition than those to which I have now alluded. Marriage with a deceased wife's sister is at present prohibited in English. The movement for the removal of this prohibition is not one of yesterday. It is an old one, and has gone on for many years. On the last occasion that it was solemnly discussed, the reform was obstructed, and successfully obstructed, by those who correspond in English society to our priesthood. There you have the case of a social reform, which comes as near as possible to the social reforms required among us—reforms, that is to say, of social regulations intertwined closely with religious, or what are regarded as religious, ordinances. How, then, does the whole matter stand? In this England of ours, this England, where political reform is advancing by leaps and bounds, where political affairs attract such attention as is shown by the commotion of the General Election just closed—in this England, there are still social evils, huge and serious social evils, awaiting remedy. To them attention is not directed with anything like the force and energy bestowed on political affairs—even until bloodshed is threatened. Where, then, is the lesson of history which we are asked to deduce and act upon? Once more I say, that my remarks must not be understood as implying for a moment, that I am comparing our social condition with that of England. I am doing nothing of the sort. I am only pointing the lesson taught by the contemporary history of England—that political progress can be achieved, and is being achieved before our eyes, where social evils still remain unremedied, and where they receive but a comparatively small fraction of the attention and reforming energy of the people.

And now having dealt with the only two arguments that I have come across in support of the theory that social reform must precede political reform, I must pass on to the next branch of my observations. But before I do so, I wish to say one word. A good deal more might be said on this question

of the true lesson taught by history. But having said what I have said, I think it is unnecessary to further labour the point, as the view I have taken is that which is implied in the practical advice given by Mr. Wordsworth, whose authority—especially on questions like this one, concerning the philosophy of history—may safely be pronounced to be unequalled in Bombay.

Well, then, having dealt with and shown what I conceive to be the fallacy of the arguments urged in support of the affirmative of the question which forms the subject of this evening's discourse, I will now proceed to state the arguments which appear to me to support the negative answer to that question. And first, it seems to me to be plainly a maxim of prudence and common sense, that reform ought to go, as I may say, along the line of least resistance. Secure first the reforms which you can secure with the least difficulty, and then turn your energies in the direction of those reforms where more difficulty has to be encountered. You will thus obtain all that vigour which the spirit of reform must derive from success, and thus carry out the whole work of progress with greater promptitude than if you go to work the other way. This is the principle we actually act upon within the sphere of political activity itself. How, then, can we be justly twitted for applying the same principle as between the two spheres of political and social activity? Now if this principle is correct, it leads manifestly to the conclusion that more energy ought just now to be devoted to political than to social reform. Remember, I am not asking that our reforming energies should be confined to the political sphere. Far from it. I entirely repudiate that principle. And I don't think you could carry it out if you would. As pointed out in the quotation from Mr. Spencer's essay given in my letter to Mr. Malabari—I must ask to be excused for referring to that letter so frequently—as there pointed out, the spirit which impels to political reform must needs burst forth in other directions also, more or less frequently, with greater or less force. I have not the remotest idea of laying an embargo on its outgoings in those directions.

But this I do say, that political reform is entitled to a greater share of our energies than social, under the circumstances we have got to deal with. Every one of us cannot devote himself to every one of the numerous reforms which are wanted. Extraordinary natural gifts may enable one person, like, for instance, my friend Mr. Ranade, to devote himself successfully to many modes of activity at one and the same time. But this is not possible to us all. Therefore in dividing our energies, if we have to divide them, between political and social reform, I hold that the greater portion of our energy legitimately can, and therefore ought to be devoted to the former. And now mark how the result I allege follows from the application of the line-of-least resistance principle. What are the forces opposed to us, if I may use that compendious expression? On the one side, we have a government by a progressive nation, which is the benign mother of free nations—a nation which, by its constituted authorities, has solemnly and repeatedly declared, and in some measure practically shown the sincerity of its declarations, that it is ready to admit us to full political rights, when we show that we deserve them and shall use them well. On the other side, we have an ancient nation, subject to strong prejudices; not in anything like full sympathy with the new conditions now existing in the country; attached, perhaps “not wisely but too well,” to its own religious notions with which the proposed social reforms are closely, intimately, and at numberless points inter-twined; loving all its own genuine hoary traditions—and some of its very modern ones also which it supposes to be hoary—yet often failing to understand the true meaning and significance of both classes of traditions. As between these two groups of what I have called, only for convenience of phrase, opposing forces, can there be any reasonable doubt how the line of least resistance runs? If we compare the Government and the Hindu population to two forts facing the army of reform, can there be any doubt that the wisest course for that army is to turn its energies first towards the fort represented by the Government, where we have numerous and powerful friends among the garrison, and which is held against us only in order to test first whether we shall be able to properly use any larger powers that may be conceded

to us there ? As to the other fort, the case is as far as possible from being one of *veni vidi vici*. The soldiers of the old garrison are not in the least ready to "give up," and in some respects we have yet got even to forge, and to learn to wield, the weapons by which we have to fight them.

Again, in politics, argument goes a great way ; in social reform, it goes for very little, seeing that feeling and tradition are involved in it to a very large extent indeed. In politics, even such a thinker as Sir Fitzjames Stephen is content to resort to reason. He says, that if the people of India want free institutions, without wire pulling from English Radicals, let them by all means have such institutions. Sir Fitzjames Stephen's objection is only to the concession of such institutions, when they are not asked for in India, only to prove a pet theory of English politicians. In presence of such champions of the existing order of things, logic is an instrument of power. But where feeling and tradition are the authorities appealed to, logic is almost impotent. You must then make up your minds —still to use logic, of course, but only as a subordinate agency —and you must rely more on a long, patient, toilsome, process of diverting the feelings, or to express it differently, making the soil unfit for the growth of these misplaced sentiments and misunderstood traditions, in the same way as, according to a great scientific teacher, science does not attack the weed of superstition directly, but renders the mental soil unfit for its cultivation. You cannot say, you ought not to say here, "cut this down, why cumbereth it the ground." You must improve here, you must infuse new vitality and new vigour into the old growth. In one word, to go back once again to our old political phraseology, we have here got, like Disraeli, to educate our party, which always must be, and in this case must particularly be, a lengthy and laborious operation.

Once more. In political matters we can all unite at once. Hindus, Musulmans, Parsis, the people of Eastern India, Southern India, Western India Northern India,—all can unite, and not only can do so in theory, they have actually done so

in fact, as demonstrated at the National Congress held last Christmas. What is the secret of this? The answer is obvious. The evils, or supposed evils, are common; the remedies, not being in any way mixed up with any very powerful traditions, are also the same; and all intelligent Indian opinion is necessarily unanimous. In regard to social matters, the conditions are all altered. The evils, for one thing, are not identical. The surrounding conditions are excessively various. The force of traditions and old memories is not equal all round. And the remedies, therefore, that suggest themselves to different minds are almost of necessity different. It is plain, then, that the advantages to secure which we can all unite ought to be tried for first, so that we may obtain the benefit of the fraternal feeling which must be generated by such co-operation. If political reform is thus secured by the concerned action of all the educated classes in India, that must, and inevitably will, tell favourably on the advancement of social reform. Reading Mr. Cotton's book on *New India* the other day, I came across a passage germane to this topic, which I have copied out here and shall read to you. "Bereft of political independence," says he, "their ideas of collective action cannot have that impress of sound logic and morality which collective action alone can impart to them. A considerable degree of unity in thought and action has lately been established in political matters, and it may be hoped, therefore, that there will shortly be a similar manifestation in regard to moral and social questions." What Mr. Cotton says here is not only perfectly true, but I venture to think it is somewhat understated. In regard to moral and social questions, in the same way as with regard to political ones, there is a great deal more unity already established than he supposes. The difference there, too—as regards the goal to be reached—is but slight. The real difference is—and that I admit is at present very wide—as to the roads for reaching the goal. Some believe in legislation, some in State aid, and some are inclined to trust to the development from within of the energy of the community. Such and other important differences exist in the modes suggested for effecting reforms. But about the substantive reforms themselves, there is but little—I don't deny that there

is a little—difference of views. But the general unity is not thereby marred. And the want of unity in details here referred to is due to various circumstances like those already indicated, and must gradually cease to exist.

One of our Anglo-Vernacular newspapers recently asked, how the progress of political reform was expected to tell on the advance of social reform. I say, we have just indicated one mode in which this operation will take place. In political matters, we are learning—and learning more easily than we should do in any other department of activity—the lesson, that we must act in concert, that to this end we must give and take, and sink smaller differences for the one common purpose. This, and lessons like this, when we are thoroughly imbued with them, will form the best possible equipment for the work of social reform that lies before us. We must act together, we must disarm opposition, we must conciliate those opposed to us. Such are the modes of action which we are learning in the course of our political activity. These we shall have to apply in the performance of our duty in the social sphere. Let us remember further, that with political independence, to a certain extent, goes a great capacity for social advancement. This is not a mere empty speculation. It is a theory in support of which historical testimony can be adduced. Sir H. Maine has pointed out in regard to the Hindu Law as administered by our Indian courts, that it has now assumed a stiffness, rigidity, and inflexibility, which formed no feature of the system before British rule. In the days of the Peshva *regime* again—a *regime* which many among us are apt to look upon as very anti-liberal and narrow—there was a liberalising process going on, which if I may be permitted to use that figure, must make one's mouth water in these days. The story of Parashuram Bhau Patvardhan is a familiar one. That brave soldier-statesman had almost made up his mind to get a favourite daughter, who had become a widow in youth, remarried. He had to abandon that intention, it is true, but still the very fact that such an idea should have entered his mind, and should have been placed by him before those by whom he was surrounded, and that these latter should have deprecated it in the very mild

manner that they seem to have done—these are facts worthy of being pondered over. Coupling them with such facts as I see in the *Bakhars*, regarding the behaviour of the Peshvas with Jivba Dada, the entertainment of Musulmans and Hindus at dinner together on occasion of the marriage of Savi Madhavrav Peshva, the marriage of the Peshva Balaji Bajirao with a daughter of a Desastha family, I confess I am inclined strongly to draw the inference, which I have held for a long time, that if Peshva rule had continued a little longer, several of the social reforms which are now giving us and the British Government so much trouble would have been secured with immensely greater ease.

And now I come to the last of the points I wish to address myself to this evening. I do so the more readily now, because I am afraid I have trespassed already too long on your attention. The remark of Sir A. Colvin which I alluded to at the beginning of this address, assumed that as a matter of fact we were devoting an extravagant proportion of our time and energy to the subject of political reform, and neglecting almost entirely—so it appears to me to have assumed—the subject of social reform. I cannot admit this to be the fact at all. I can well understand, how such an incorrect impression should arise among those whose acquaintance with what is going on in Indian Society is from the outside, and derived from newspapers and other similar sources. In the case of political reform, it is of the very essence of the thing that a great deal should be done through the agency of newspapers. Nobody, I am sure, will suspect me of undervaluing the utility of the press in all works of reform. But I must own, that I do not think social questions are much the worse for not being talked about so much through the newspapers as political questions. For see how different the two cases are in regard to this point. In regard to politics, the efforts made so far have, as a general but not by any means as a universal rule, addressed themselves to those who come within the circle of the influence of the press. For one thing, the officers of Government have to be kept informed in regard to what is thought, felt, or desired by the people. One of the best means of effecting this is afforded

by newspapers. Again, superior officers of the British Government have often to be informed of the doings of their subordinates, and informed in such a way as to enforce attention. The newspaper press is a most potent instrument for use in such cases. But in the case of social evils, the party to be educated is to a great extent beyond the ambit of the newspaper's influence. It does not often get into the way of the newspaper, and it is too thick-skinned to be touched to the quick on that side. The mode of operation, accordingly, must here be necessarily different, although, of course, even here the newspaper is of use as an indirect means of education by way of "filtration", and also as a means of communication with those sections of the old party that come nearest to the new ; and further as a means of communication between the various sections or members of the new party itself. However, although reforming activity in the social sphere is thus usually less noisy than in the other sphere, it is not, therefore, any the less real. But before I go into details here, I am free to admit at once that the success we have achieved is excessively slight. But if I admit this, I wish to ask, whether any one is prepared to say that the success we have achieved in the political sphere is so very large after all, even with more favourable conditions ? Admitting that we are miles and miles away from the goal in social reform, I hold that we are as yet equally far in political. We have made and are making preparations in both, and in both we have made a similar amount of progress. Let us glance at the facts. Female education is one of our principal items, as it is one of our principal means, of social reform. We have made some progress there. I am myself a great believer in the efficacy of female education, especially in connexion with general social reform of all descriptions. And, therefore, I need scarcely say that what we have done is small enough in all conscience. But we have done something. Our Parsi friends, with my venerable friend now in the chair as one of their great leaders, have made progress which puts us to shame. But though we are lagging behind, we too are doing something, as I need scarcely tell the members of the Students' Literary and Scientific Society. The girls at the Society's Schools have been for some time increasing in numbers. And recently we have

added an Anglo-Vernacular Department to our schools, which, beginning with 12 girls in the first year, and containing 22 in the second, now opens its third year with as many as 60 girls. Again I say this is small enough, as no one can feel more strongly than I do. But it is, I will venture to say, perceptible progress. Then there is also the other great section of the Indian community—the Mahomedan. That section has generally been regarded as averse to improvement—especially of the modern sort. But the important movement started by my excellent friend Mr. Badruddin Tyabji and his colleagues, has by its great success shown that the Mahomedan community, too, is socially moving forward. However, to return to other points connected with the social state of the Hindu community. The question of widow marriage has certainly advanced a great deal beyond the stage at which it was, say twenty years ago. The bonds of caste are getting looser, our friends are going to England with less difficulty, and more frequently, than before. A friend there asks about the position of the infant marriage question. Well, even here we are not so bad as we were within the narrow span even of my own experience. The age of marriage is slowly rising. I admit again it is rising very slowly indeed, and the point it has now reached is low enough. Still there is no retrogression certainly, and there is some progress, however slight. And all these facts being such as I have pointed out, I venture to repeat, that we cannot fairly be censured for giving too exclusive attention to political at the expense of social reform.

And now, after all this discussion, I venture to reiterate the opinion which I stated many months ago, that it is not possible to sever political from social reform altogether; that the two must go hand in hand, although the march may not in the case of both be with absolutely equal celerity. I say we must and ought to devote the greater portion of our energy to political reform, but so as still to keep alive a warm sympathy for social reform. To one like myself, who believes to a great extent in the philosophy of Mr. Herbert Spencer, this conclusion is not only a correct one, but almost the only one possible. But even to those who may not accept that philo-

sophy, but who will look beneath the surface of things, to them, too, this conclusion must commend itself. Let us then all devote the bulk of our energies to political reform. Let us keep alive our sympathies with social reform and those who undertake them, and let us all help them to the extent of our powers. At all events, for God's sake, let us not set ourselves in antagonism to social reform. In this way only shall we best discharge the whole of the duty which lies upon us, the duty of reform in social as well as political matters. For I must repeat, that in my judgment they are both duties and must both be fairly attended to and discharged according to our circumstances and opportunities.

THE REIGN OF LAW IN BOMBAY PRESIDENCY*

“We shall command the King” Said Lord Finch : “Why”, said those glorious old Puritans, “the law shall command your King.”

At a public meeting of the Inhabitants of Bombay held in 1873 to protest against the passing of the Bombay Salt Bill of that year, Mr. W.G. Pedder, who was then Municipal Commissioner of Bombay, made a telling speech in which he boasted of the Reign of Law under which British subjects in India had the happiness to live. For a long time, many of us were undoubtedly of the same opinion as Mr. Pedder. And the circumstance of our living under the Reign of Law, and its disciplinary influence in weaning us from the traditionary hold of personal absolutism, was generally allowed considerable weight in any discussion on the comparative merits of Native and British Rule in India. But we must confess—and we hope we may do so without exposing ourselves to the charge of being a mere *laudator temporis acti*—we must confess, that in these latter days, the signs are numerous and most noteworthy, of a change coming upon the spirit of our administration in this respect. We are afraid, that the old reverence for the Reign of Law is being gradually given the go-by: and that the

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doctrines of personal Government are coming down in a deluge upon us. In theory, indeed, there is probably no one among our administrators who will publicly admit this new departure in Indian policy—unless perhaps it be the Hon'ble Mr. L.R. Ashburner, who, whatever his faults, has always been conspicuous for possessing the courage of his opinions. But "our new heraldry" is words not deeds,—or to put it accurately, words far more than deeds. And in the very act of infringing on the Reign of Law, our Rulers will probably profess the most unbounded reverence for it.

We propose, on the present occasion, to inquire, how far, in recent years the dominion of Law has been trenched upon by executive aggrandizement in this country. It would take us further afield than we can go at present if we endeavoured, for the purpose intended, to take a survey, however cursory, of every Department of Indian Administration. If, for instance, we discussed the fact, that at this present moment, we are living directly under a Government, which contains no member regularly trained in judicial and legal investigations, and this although such a member was available, and generally expected to get the place in Council recently vacated; or if we discussed the fact that under the New Warrant of Precedence. Her Majesty's Judges, as a body, have a distinctly lower rank than they had under the previous warrant; we could, we think, produce a very respectable aggregate of testimony from other quarters, corroborating the inference which is derivable from the specific instances now referred to. The various particular matters may be—as some of them, in our own opinion, are—in themselves of but slight consequence. But a considerable number of such particulars all looking one way furnish, in our view, a subject for very grave consideration. However, as remarked already, that branch of the topic is not our concern in the present article. We propose here to confine ourselves to one Department,—and the one above all others, in which a loyal obedience to the Reign of Law, ought, if it exists, to be plainly visible,—we mean the Department of Legislation. We shall examine the legislation of the past few years,—so far as it affects our Presidency—and we hope to be able to show,

that in recent years, there has been a most perceptible increase of a certain species of legislation, which is not only incompatible with a real Reign of Law but makes the Reign of Law in truth a sham and delusion.

Let us consider first one very prominent characteristic of our legislation during the past ten or twelve years—viz. that nearly every act of any importance passed during this period contains a provision authorizing the Executive Government to make rules, which, when made and duly promulgated, are declared to have the force of law. Now we do not intend for one instant to deny that *within certain limits*, it is not only proper but necessary, to vest the Executive Government with such authority. But this is only within certain limits, and those limits seem to us to be plain enough on general principles. It is manifest, of course, that a law does not enforce itself; that an administrative machinery must be ready to work a law when it comes into operation. Now everything strictly relating to the working of this administrative machinery would seem fairly to fall within the ambit of what we may call the Executive Jurisdiction. And the group of operations so strictly relative to that machinery is a very proper subject for rules to be made by the Executive Government. Beyond the lines thus sketched, however, rules made by the Executive Government appear to us to have no fair field for their operations. It is not, we think, needful to attempt to state the distinction in more accurate and precise language. The principle on which it rests appears to us to be manifestly sound; while there can be but very few cases, we apprehend, where a difficulty might be encountered in practically deciding whether a particular topic falls properly within or without limits stated. In all such cases, if and when they arise, the inclination, we should say, of a Government which boasts of its allegiance to the Law, ought to be towards narrowing the bounds of the Executive Jurisdiction.

Now these being, as we conceive, the general principles applicable to the branch of the question immediately before us, let us for a moment examine how far they have been

observed in the legislation for our Presidency during the past twelve years. Before entering upon such examination, however, it is desirable to state at the outset, that when we complain of the power to make rules given by the Legislature to the Executive Government, we do not by any means rest our complaint upon the ground, that such power has been always, or even often, abused. On the contrary, though there are sundry cases (to be mentioned in the sequel) where there is good reason to object, more or less strongly, to the mode in which that power has been exercised, still we believe *upon the whole*, that it has been used with very fair discretion. This, however, does not get rid of our objection, which is an objection of principle. We say, that the Reign of Law ceases, when any body other than a duly constituted Legislature has power to make rules having the force of law beyond the limits already sketched by us. And the circumstance, that in point of fact such powers has not been often abused, is a circumstance in this point of view entirely irrelevant. It may be due to the fact that we have had a succession of beneficent despots ; it may be that the Governments has been deterred from an abuse of the power by fear of public opinion ; it may be that the Government has not been reduced to such straits as to suggest an abuse of the power in question ; it may be but it is useless to multiply these hypotheses. Many more could be suggested, which are by no means unlikely to exist where the Reign of Law does not obtain even in theory. The truth is, that the political equilibrium, so to say, is unstable, where the Reign of law does not prevail. And that unstable equilibrium does not become a stable equilibrium merely because it happens to remain undisturbed for any given period.

With this preliminary caveat, let us now proceed to particulars. We shall begin with an Act, which furnishes in one respect probably one of the most extraordinary cases of the class we are now considering, though in other respects it is not nearly so objectionable as some others which we shall hereafter specify. We allude to the Act which stands foremost among the Acts of the Supreme Council for the year 1870. It

is an Act relating to Quarantine regulations and may be described with perfect accuracy as surrendering *all* legislative power concerning the matter to which it relates into the hands of the Executive Government. There is literally no provision in the Act save the provisions authorizing the Executive Government to make what Quarantine rules they please. This is undoubtedly an extreme case. But still is it unfair to say that it brings back and sanctions the system of personal Government in disguise? If we might adopt an expression which Lord Beaconsfield has rendered almost ridiculous, we should be inclined to call this a "scientific" form of personal Government. Surely the Act might have prescribed at least some few provisions directly. As a matter of fact, it happens, that no rules have been framed under the Act in question; and this is, therefore, not a case of misuse by the Executive of powers given it by the Legislature. It is however, almost a *reductio ad absurdum* of the legislative system under which we live.

We shall take now a somewhat different case. Under Bombay Act 6 of 1869 Section 9. Government are empowered by Rules to regulate the fees for certificates under the Act. As a matter of fact the fees prescribed by the Rules made by Government are, we believe, perfectly reasonable. But according to the principles enunciated above, the amount of fees ought to have been provided for by the Act itself. It may be, in one sense, a matter of detail, but as it lays a direct obligation on the subject, it appears to us to fall properly within the direct jurisdiction of the Legislature itself. We beg to add, too, that we fail to see any reason of convenience, even if such reason is of any weight in a case like the present, in favour of the provision as framed. We confess further, that we think provisions like this afford encouragement to hasty legislation. A Bill is pushed through the Council in a hurry, without considering the subject it refers to in all its bearings. And such a provision as the one now under consideration is introduced to remedy by anticipation any defects that may remain in the Act as passed.

We have now considered two instances in which the true principles applicable to this matter have been violated by our

Legislative authorities. Many more instances of this class might easily be adduced—in truth, we shall not be far wrong, if we say, that not a single year has passed since say 1867, in which there have not been enacted several regulations containing such a surrender by the Legislature of its own proper and peculiar functions. And we must say, that the extreme frequency of such provisions in our Statute Book renders us particularly anxious about our boasted Reign of Law. That anxiety, however, is, we need not say, very greatly aggravated, when we observe numerous instances of this class of provisions under which the Executive Government has made rules to which serious exception may be taken, not merely on principle, but also as practical measures. And first in order of time within the period which we have marked out for ourselves, comes Act 18 of 1870. About that Act, it may be remarked *in limine*, that it is on all fours with the Quarantine Act on the point to which we have already referred at some length. The whole of Act 18 does nothing more than give power to the Governor-General-in-Council to exempt any goods “at his own sweet will,” if we may be pardoned the expression, from the operation of the Act of the Legislature. How has this power been used? The facts are recent, and doubtless still in the vivid recollection of our readers; for “the increasingly irritating controversy,” on which Lord Lytton so devoutly wishes to put an extinguisher refuses to be blotted out of existence, even at the august bidding of the representative in this country of Her Imperial Majesty the Empress of India. We allude, as our readers have no doubt already guessed, to the recent partial remission of the Duties on Manchester goods. The whole question, when viewed in the light of this Act No. 18 of 1870, and of the principle we are now discussing, appears to us worthy of serious study by all who have the interests of British rule in India at heart. For see how it stands. In the first place, we have an Act of the Legislature laying on a duty on certain classes of goods. Next we have an Act empowering the Governor-General in Council—that is to say, the Executive Government, be it remembered—to repeal the previous Act—for that is what it comes to—in whole or in part as he pleases. Next we have the expression “Governor-General-in-Council”

construed by virtue of an Act of the Imperial Legislature to mean the Governor-General, not merely *without* but, if necessary *against*, his Council. And thus we have come down to borrow a figure from De Quincey, from the secure heights of the Reign of Law, down the shelving beech of executive rules, into the deep sea of Personal Government ! The moral is plain. Adhere strictly to the correct principle, do not permit yourselves to be tempted away by what you consider to be the exigencies of the fleeting moment. Once you cut off the moorings of principle, you know not where you may get benighted and tempest-tossed.

Look at the same matter new from a slightly different point of view. Suppose this objectionable provision had not existed. What would have been the result ? For effectuating his purpose, the Viceroy would have been constrained to introduce a suitable Bill into his Legislative Council. There Mr. Rivers Thomson, Mr. Whitley Stocks, and Sir Alexander Arbuthnot would, we may be sure, have opposed the Bill. According to the published minute of Sir Alexander Arbuthnot, we may also fairly assume, that with one possible exception, all the other members of the Legislative Council would have voted against the supposed Lytton-*cum*-Strachey Bill. The exception would have been Sir Ashley Eden, who would probably have declared that His Excellency the Viceroy having pronounced the Bill to be one required for the good of the Empire, he considered it his duty to vote in favour of it. But excepting Sir Ashley Eden, whose ideas of legislative loyalty belong, if we may say so, rather to the days of Queen Elizabeth than to the glorious freedom of Queen Victoria's regime, and excepting Sir John Strachey and Lord Lytton, who would have been the direct parents of the supposed Bill, all the other members of the Legislative Council would, we may be sure, have voted against the repeal of the duties. And, as a consequence, the "increasingly irritating controversy" would have had to be extinguished by other operations—by operation directed to the Manchester rather than the Indian side of that controversy. Furthermore, an expression of public opinion on the subject might have had an opportunity of coming to the ears of our rulers *before* the

remission became an accomplished fact. Not that we think such an expression of opinion would have been of much, or indeed any, consequence under the circumstances of this case. Still there would have been a chance afforded to the people doing what they always ought to be able to do, if they choose under the Reign of Law—making themselves heard before the irrevocable step was taken. This chance also was foreclosed by the course which Lord Lytton found himself able to adopt under the working of the Act in question. Mr. Stokes, indeed, whose known legal acquirements, and present exalted position, combine to give him a strong title to be heard with respect on a question like this,—Mr. Stokes has expressed an opinion, that even as the case stands, the Viceroy's action is in contravention of the spirit of the Act, being as he most felicitously puts it "what in legal language is called a fraud on the power." But as Mr. Stokes himself points out, there is no Court of Enquiry which can relieve against this "fraud;" and unluckily too, there is no mode of bringing the point even indirectly for adjudication before the constituted tribunals of the land. The result, therefore, is that the Viceroy's ukase gives what is practically the law to us all, although the ukase is declared by high authority to be itself contrary to law, and to the opinions of many of the highest officers of Government all over the country, and is unquestionably contrary to the wishes—the strongly and distinctly expressed wishes—of the people whom it affects. And all this, be it noted, simply because the Legislature was pleased by Act 18 of 1870 to perpetrate that breach of true principle to which we have drawn attention.

Although not strictly germane to that branch of the inquiry which we are now pursuing, we may, perhaps, conveniently call attention here to sections 11 and 20 of the recent Sea Customs Act No. 18 of 1878. We allude to that Act here, because the Sections in question, enable the Executive Government, *by notification*, to give the go-by entirely to those "glorious principles of Free Trade," which Lord Lytton considers to be entirely incompatible with the maintenance of a purely Revenue Duty. Under the sections referred to, Government may by notification, destroy the "freedom" of the Indian seaboard, and

may prohibit the freedom of trade in any particular descriptions of goods as its own uncontrolled discretion. We should be glad to learn, whether there are any principles of Free Trade which justify such restrictions while they condemn a duty imposed for purely Revenue purposes ; or whether in the particular sphere of inquiry to which this matter belongs, objections made on grounds of Political Economy are merely "*doctrinaire*" objections.

But to return to our immediate topic. The Bombay Municipal Act 3 of 1872 furnishes another instance of the objectionable exercise by the Executive Government of its quasi-legislative powers. Section 6 of that Act provides that the election of members of the Municipal Corporation shall take place under such rules as the Government may from time to time make for the purpose of regulating such elections. Now what do these rules enact ? One rule lays it down that although a particular ward may be entitled to return more than one member to the corporation, each individual elector in the Ward shall only vote for one member. It may be that on principle this ought to be so ; It may likewise be that this is in effect a withholding from the electors of the full benefits of the franchise given them by the Legislature. We do not wish to discuss that question here, further than to say, that Mr. J.S. Mill's qualified adhesion to such a rule is a logical consequence of his principle of "The representation of minorities"—a principle, not universally accepted, and at all events not accepted by the Bombay Legislature. Apart, therefore, from Mr. Mill's view, the rule in question curtails the franchise given by the Act. And in any case, this much appears to be plain, that the question was eminently one to be disposed of by the Legislature itself, and not merely by an officer of the Executive Government, holding opinions, perchance, of doubtful consistency with the provisions enacted by the Legislature.

Take again the rule requiring the personal presence of the elector at the Polling Booth. We can well divine the considerations which weighed with the framers of that rule. Mr. Mill adduces some very powerful reasons in support of such a

regulation,—and some of those reasons are, perhaps, even more weighty in this country than in England. But the case of Native Female electors here is quite a unique one, and it is very doubtful whether the Legislature itself would have carried Mr. Mill's principles to the length they are carried in the rule in question. There is a good deal to be said on both sides of the matter. And as it is not a point of detail, but one of fundamental moment,—in fact the consequence is one of total disfranchisement in sundry cases,—it is plainly a matter within the peculiar province of the Legislature itself. If the Legislature is worth keeping up at all, if we are not to be governed by what used to be called Proclamations in Queen Elizabeth's time, then it is obvious, that the Bombay Municipal Act has not dealt with the questions we have now referred to in the proper way.

Under the same Act, the Corporation has power to make by-laws concerning certain specified matters. We certainly prefer that such a power should be vested in a body like the Municipal Corporation rather than in the Executive Government. But we refer to that provision here, rather to draw attention to the by-laws which were actually proposed for adoption by the Corporation, as they seem to us to furnish an instructive lesson on the point we are now discussing. We have reason to believe, that the by-laws were framed by one who, under the circumstances, might have had to frame rules under other legislative enactments, and the principles therefore, which guided the framing of those by-laws are principles, which may be fairly expected to influence the framing of similar rules under other statutes,—the rather that the officer in question, though one of the ablest in his branch of his service, was by no means remarkable for holding opinion different from those of his brethren. Well. The proposed by-laws did go some extraordinary lengths. One division of them laid down in effect that no one should build a house of less than certain stated dimensions, or with rooms of less than a certain statutory length and breadth, or with chunam prepared otherwise than in a certain manner which was prescribed, or with wood seasoned in any other mode than the mode laid down in the

by-laws. The Corporation had the good sense to reject most of the objectionable by-laws. But the point we are now making is that they were proposed by an officer of the class already alluded to. And the moral we draw from this is, that there is a very real danger of the quasi-legislative power referred to being carried to almost absurd consequences even by exceptionally able and not very illiberal-minded officers of Government.

Take another instance of our main thesis. Under section 10 of Act 8 of 1875, the Governor-General-in-Council is empowered by rule, among other things, "to prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of salt-petre." Now this is plainly a serious interference with private rights of property. We venture to say, that such interference is a very strong measure to be taken even by a properly constituted legislative assembly, which holds its deliberations in public, has to go through certain well-understood forms before finally passing a measure and generally by its rules of proceedings is accessible to representation adverse to any project of law *before* such project becomes a *fait accompli*. This, we say, is serious enough. But how much more serious is it, that the power to interfere in such an important matter should be given to an executive body, which deliberates in secret, which has no set forms of proceedings whatever, which makes orders frequently before anybody has even heard of its contemplated movements,—leave alone making any representations against it,—and without anybody trained in judicial investigations having considered in all their bearings the matters to which the orders relate? Similar provisions are to be found in the recent Opium Act No. 1 of 1878. And they are sufficient to indicate that the principle now prevailing in our legislation is not identical with that which Sir Henry Maine approved of long ago. "We do not meddle with Private Rights," he said in a Minute recorded by him when in India, and published, as an Appendix to his famous work on Village Communities. So far from that being correct now, the Legislature, in addition to its own meddlings," authorises executive "meddlings," if we may say so with "Private Rights."

Section 269 of Act : X. of 1877 (the new Code of Civil Procedure) is, perhaps, one of the most noteworthy instances of the class of enactments we are now considering. After providing generally for the mode in which live-stock and other attached property is to be maintained, and kept in due custody, the last clause of that section says : "The Local Government may from time to time make rules for the maintenance and custody while under attachment, of live-stock and other moveable property, and the officer attaching property under the section shall, notwithstanding the provisions of the former part of this section, act in accordance with such rules" and c. We have not ventured to state in our own words the substance of this provision. It seems to us so utterly inconsistent with all sound principle,—and we may also add, so little called for by any mischiefs shown to exist, that we suspect our readers would have doubted our accuracy, if we had placed before them anything but the *ipsissima verba* of the Legislature. How our sapient law-makers justified to their own minds a provision, by which they allow an inferior jurisdiction to set aside their own deliberate behests in what Mr. Justice West aptly denominates their "legislative and all-controlling capacity," it is impossible for us to comprehend. We can only say, that if such clauses as the one now before us, are going to become more frequent in our Statute Book than they fortunately are at present, we may as well bid adieu to the Reign of Law in India from this instant.

We shall not weary our readers with an examination of other instances of this class of violations of the Reign of Law. We think we have said enough to justify us in laying down the following conclusions :

- (i) That the power to make rules given to the Executive Government by several of our legislative Acts during the past ten years is given in cases, in which on sound principles of legislation it ought not to be given.
- (ii) That in sundry cases such power has in practice been exercised in objectionable way ; on some occasions,

indeed, in a way not improbably inconsistent with the intentions of the Legislature itself.

- (iii) That in a few Acts, the power to make rules is carried so far as to render legislation a mere farce inasmuch as the Acts literally provide for nothing more than the making of such rules, thereby affording some justification for a remark which has been sometimes made,—that the difference between the Reign of Law under the British Government and the reign of personal discretion under the former Governments is, in principle, nothing, while the only difference that exist is the intercalation, so to say, of an Act of the Legislature.
- (iv) That in one Act, a principle has been introduced, which is fraught with the possibility of even more mischievous consequences, and which, if generally adopted, may render legislation not merely a “farce” but—it is scarcely too much to say—even “a delusion and a snare.”

Before closing this branch of our investigation, there are two points which, we think, are worth notice. First, it may be said, that if everything is to be provided for by legislation directly by the Legislature itself, it will make the work of administration much more cumbrous, and that, therefore, such provisions as those we object to are required by the necessities of the case. We think this objection has been already sufficiently answered by the distinction we have taken between the respective provinces of direct legislation and executive rule in this matter. Where the rights of the subject are under consideration, we do not think any inquiry, however elaborate, can be regarded as cumbrous, while as regards mere ministerial enforcement—the mere administrative details incidental to a statutory enactment,—we have fully admitted the propriety of provisions concerning that topic both partially and on general principles. Take, for instance, section 59 of the Land Acquisition Act 10 of 1870. The power to make rules there given, is given in words which exactly satisfy the principle we have

enunciated—"rules consistent with the Act, for the guidance of officers in all matters connected with its enforcement and c." To rules made substantially in pursuance of these words no rational objection can be taken. In the Minute of Sir Henry Maine already referred to he enumerates sundry "expedients," by which the tendency of legislation "to hamper discretion may be minimised." Sir Henry holds that this "hampering of discretion" is an "inevitable evil." And therefore it is possible that we have misunderstood what he says. But as his words stand, we do not think he assigns to these Executive Rules a larger sphere of operation than we are contending for, when he enumerates as one of the "expedients" referred to "the extension of the wholesale practice of conferring by our Acts on Local Governments or other authorities the power of making rules consistent with the Act." If Sir Henry does claim for these rules a wider sphere, we can only respectfully differ from him, and point to what we have said above in our justification.

A second point to note is this. It may be urged, and urged, we admit, with some force, that Government ought to be trusted by the Legislature and by the people to exercise their power properly. This point* was emphasized—and if we are not

*We cannot resist the temptation to set out here *in extenso* a passage cited in the very able and elaborate argument of the late Mr. Anstey in the great Wahabee case. It is from the remarks of Mr. Howell on a case which he reports among his "State Trials." "It seems generally to happen," says Mr. Howell, "that persons who either possess or lay claim to power of any kind, are strongly disposed to be of the opinion that they may be safely entrusted with such power. In our own history, to omit the various instances of claims on the part of the crown to exorbitant power, and confine ourselves to a few judicial cases, it is not unreasonable to believe that the privy councillors of old thought they might be safely entrusted with the vast power which they so mischievously and oppressively assumed in the Ancient Court of Requests; that the Council in James I's time thought they might be safely entrusted with the power of summon before them members of the House of Commons, to command them to burn the notes, arguments, and collections which they had made on preparing themselves for a conference with the Lords upon a most momentous constitutional question, and afterwards to imprison and otherwise to punish them, for no other cause

mistaken, with wearisome reiteration—in the debates on the notorious Bombay Salt Act. The results of that trust are now pretty familiar over the whole length and breadth of this Presidency,—if not of the whole country. But waiving that, we have several other answers to this argument. In the first place, we say, that as soon as you come to speak of confidence in Government on points of the nature of those we are concerned with, the Reign of Law ceases. Such confidence may,—in itself be proper or improper—may be deserved or not deserved. Those matters are here quite irrelevant. When you ask for confidence, you surrender the position, that we live under a Reign of Law. Secondly, we say the logic of facts is against this argument. For the instances we have specified show conclusively, that confidence in Government in the sense which is necessary to make the argument relevant here, may be thoroughly misplaced. For, be it remembered, the question here is not about honesty and good faith. Good faith is perfectly compatible with the most stupendous errors in the

but that they had been assigned by the House of Commons to be agents in such conference ; that Lord Bacon thought he might safely be entrusted with power by arbitrary injunctions to protect debtors from payment of their just debts ; that Archbishop Laud and his co-adjutors thought they might safely be entrusted with the arbitrary power which they so cruelly exercised in the Courts of Star Chamber and High Commission ; that Chief Justice Kelyng and other judges thought they might be safely entrusted with the arbitrary power of fining and imprisoning jurors ; that Jafferries, Crew, Cartright, Herbert and Jenner thought they might be safely entrusted with the power, which, as commissioners of ecclesiastical affairs, they employed for the purpose of subverting the Protestant religion ; and that Lord Chief Justice Scroggs thought he might be safely entrusted with the power of prohibiting and suppressing such publications as might give him offence." This whole passage may be set off against Sir Henry Maine's view as it may be perhaps interpreted. And it may here be pointed out, that the jealousy which Imperial Parliament feels in such matters, is clear from this, that the original Judicature Acts in England could not receive the sanction of Parliament because they contained sections giving large powers to the Judges in regulating the proceedings of the Courts, sections which, it is obvious, are far less objectionable than those contained in our Indian enactments.

appreciation of other people's rights and privileges. And therefore, the confidence required is confidence in the capacity of Government to collect and correctly judge the material on which individual rights are based. We have no hesitation in saying, that Government does not command our confidence in the sense now stated. In the very famous case, known as the Kabilpur case, our eminent Chief Justice, Sir Michael Westropp, said with the concurrence of his able colleague, Mr. Justice Maxwell Melvill : "In conclusion we must hope that the facts of this case were not fully known to those members of the Revenue Department on whose advice the assessment on this village of Kabilpur has been nearly quadrupled. Such an absence of knowledge, however, would indicate a system of investigation so imperfect, perfunctory, and one-sided, as, if not liable to judicial supervision, must endanger the rights of property. *Of that system, we regret to say that this case would be so isolated instance.....* A recurrence of similar cases would go far to shake the belief of Her Majesty's subjects in this country in the permanence of any landed property whatever." The italics are ours. In the case in which these observations were made, Government had acted, as we believe, they always do, on the advice of their highest local executive officers, and quadrupled the land-tax of certain property, which was shown to have been held for two centuries at a fixed rent, by evidence which a very strong Court pronounced to be of "almost marvellous clearness." If injustice may occur in such a case and if such a case of injustice does not stand alone, who shall say that Government is entitled to the unquestioning confidence it seeks ?

Another objection may be taken to the view we have expressed. It may be urged that many of the matters which we have argued, fall beyond the true scope of executive rules, are matters which often call for speedy action, and that the elaborate and formal proceedings of a debating assembly do not afford a proper machinery for their due determination. We confess, that after the experience we have had of the mode in which the first Vernacular Press Act was passed in 1877, when we remember that a grave breach of all the old

tradition of British Rule in India was then perpetrated without any notice to the public, and perpetrated, too, with a smoothness and unanimity of opinion which could excite no surprise only in the case of a formal and insignificant matter. and with a rapidity of execution which might be envied by the great unconstitutional ruler of the world ; when, we repeat, we remember all this, we confess, we can scarcely attach any weight to the objection now under consideration. That objection assumes a state of facts, which, in our opinion, is, certainly desirable, but as certainly does not at present exist. In theory, too, we own, we have always a lurking suspicion of this species of objections. They are of a piece with that principle of Government, which treats the people as obstacles to all work, and pins its faith on an uncontrolled autocrat or autocrats. Of course, this faith is rarely, if ever, distinctly avowed. But we think it will be found, that such basis of reason as is alleged for objections of this kind—not merely in India—consists, in ultimate analysis, of a vague feeling, if nothing more, of that plenary trust in Government, which is synonymous with distrust of the people.

In proceeding now to another point, it will be convenient if we note first a small one, and kindred in some respects to the one we have discussed, namely, that some Acts contain powers given to the Executive to extend those Acts to places to which *proprio vigore*, so to say, they are not applicable. Sundry Acts of this sort are to be found in our Statute Book. And although there is a certain amount of convenience in this procedure, we question its propriety upon the grounds already stated. Take, for instance, the Vernacular Press Act. It does not, by force of its own provisions, apply to the Madras Presidency. Yet under those very provisions, we may, some fine morning, hear a Ukase thundered forth from the heights of Simla, applying the Act to the territories under the Government of the Duke of Buckingham. We will put a case, in which this may occur. Suppose some Vernacular print in Madras, comparing the Duke of Buckingham with Lord Lytton, should say, that the former dealt very

well with his people during the Famine, while Lord Lytton's policy was very exceptionable. It is not at all unlikely that this may be said. And in saying it, the writer may, also not improbably, season it with some spicy observations. In the present frame of mind of our Imperialist Rulers,—as indicated for instance, by the Government Resolution on the case of the *Rast Goftar* Journal—this is almost certain to be constructed as “seditious”. And the thunderbolt may accordingly be fairly expected to descend on the head of such a “seditious” writer. Lord Lytton, who administered the famous rebuke to the British Indian Association, would almost to a certainty, be anxious to use his statutory powers to “prevent”, not “punish”, in such a case by extending the Gagging Act to Madras. And according to the new interpretation of our constitution. Lord Lytton might well do so without the concurrence of his Council, or even against their united wishes. Whereas, if no such power had been given to the Executive as we are now referring to, if the Act had been made applicable,—indirectly as well as directly,—to Bombay and Bengal only, no such thing, as we have indicated, would be possible. The Legislature, instead of the Executive, would then have to consider the expediency of applying the Act to Madras. A sort of *locus penitentie* also might be thus afforded to Honourable Members, of which possibly Sir Alexander Arbuthnot, or the Maharaja Jatindra Mohan Tagore, might avail himself. At all events, the Legislature would be able to perform what is really its own duty, —instead of that duty being performed by the Executive in a way which might possibly not receive the approval of the Legislature, if the Legislature could interfere with it.

This question, however, is of comparatively slight importance, and we, therefore, proceed, without dwelling further upon it, to the next point—namely the frequency of retrospective legislation. Now it is perfectly true that retrospective legislation is not very frequent here. Still there is, we think, more of it than is quite compatible with the Reign of Law. From 1869 to 1875, there has been on an average at least one Act, containing some retrospective provision. In 1869, th

Local Funds Act retrospectively legalised all collections for Local Funds made prior to the Act. The Coinage Act of 1870 retrospectively indemnified Public Officers in respect of whatever they might have done previous to the passing of the Act. In 1871 the Customs Amendment Act retrospectively authorised the Government to prohibit the importation or exportation of any description of goods. In the Military Lunatics Act of 1872, the Savings Bank Act of 1873, similar provisions though very much less objectionable in themselves, are to be found. In the Hereditary Officers' Act of 1874, we have a section enacting that a Collector may declare the alienation of a Vatan or any part thereof null and void, even though such alienation had taken place before the passing of the Act. And in the Tolls Act of 1875, the Government got a provision inserted, sanctioning *ex post facto* : all wrongful collections of tolls made in previous years. All those provisions appear to us to be so many breaches of the Reign of Law. Some of the provisions were undoubtedly justifiable—all of them doubtless were introduced for a perfectly unexceptionable purpose. Still they all, more or less, indicate, that the Reign of Law is not very generally,—still less universally,—prevalent in India. For it needs scarcely to be pointed out, that wrongful proceedings having occurred—it may be *bona fide*, still wrongfully, and under colour of official authority,—the effect of the Acts is, that the offending officer goes without redress. The principle of retrospective legislation is one to be applied with very great caution ; and if it comes to be put into practice almost regularly every year, there is always a danger of a “sharp” and over-zealous Revenue officer running away with the impression, that he can civilize the people in his charge at Railway speed according to his own crotchets, and that he can always rely on his superiors getting a retrospective Act to whitewash him, so to say, for all such breaches of the Law, as his patriarchal enthusiasm might hurry him into. This, we venture to think, is a most undesirable impression to exist among District Officers, who live habitually in the midst of a population altogether wanting in independence of character, and who at the same time are apt to be run away with by their hobbies, which are not alway to be even “understood by

the people", let alone appreciation. Take, for instance, the case related by the candid Bengal Civilian—the author of "Life in the Mofussil" (Vol. II, pp 198 *at seq*). By a certain contrivance he made the landholders pay the expenses of one of his measures of sanitation. He says of it himself: "My conduct, however, was not legal, and it was only the urgency of the case, which induced me to do this—in fact, to act the enlightened despot for the time being." What he had done was this. He had issued a warrant for the apprehension of one of the landholders who would not pay the expenses of the "saheb's" sanitary measures. The *esprit de corps* of the Civil Service saved the Saheb from punishment, where a Native Officer would probably have received some extremely severe handling. But to add to the effects of this *esprit de corps*, the reserve force of a retrospective Act, if necessary, is surely not desirable.

But let us go now to the next point. *Lex omnibus una*; and where the Reign of law prevails, all ought to be equal in the eye of the law. Is this so amongst us? Let Act 19 of 1870—the well-known Court Fees Act—furnish one answer. Section 12 of that Act provides, that a wrong decision as regards Court fees may be upset in a court of appeal, if such decision is to the detriment of the Revenue; but not if it is in favour of the Revenue and against the subject. In 1871 our High Court endeavoured to explain this provision by saying that it proceeded on the ground that neither of the litigant parties can have any purposes to serve by overvaluing the matter in dispute. But this ground has in practice been found to be utterly untenable. It is probably one of the commonest pleas in written statements in the Bombay Mofussil that the Plaintiff has wrongly undervalued his claim; the object apparently being to embarrass a Plaintiff by making him spend larger sums in Court fees, and thus curtailing his "sinews of war." A truer appreciation of the provision in the Act is indicated by a remark of Sir Michael Westropp made in 1877. "Perhaps," said his Lordship "the less said as to the equity of such an enactment the better." We, too, shall act on His Lordship's advice, and not dwell any further on that enactment!

Section 272 of the Criminal Procedure Code of 1872, allowed Government the privilege of appealing from orders of acquittal in criminal trials, without any limitation of time whatever. The investing of Government with such a privilege is itself an act of very questionable policy. But it is plainly unjust, that a man who has been acquitted after a solemn investigation and trial, should have such an appeal hung *in terrorem* over his head to the end of his natural life. It may, of course, be said that it is only done in the interests of the general community, and that Government have no personal interest to serve by such a provision. This is in a sense true, but we apprehend, that it only tends to cloud the real and whole truth to talk of Government in this connection. The practical meaning of the provision is, that the local officer, the Collector probably, who may not unlikely have his own jealousies and suspicions,—more or less well-founded,—may prefer the appeal. Besides, it is not, we conceive, in the general interests of the community, that, as an old English legal saying happily puts it, while men are mortal, criminal proceedings should be immortal.

Still another instance is forthcoming. By the Bombay District Municipal Act, a Magistrate, though he may be a Municipal Commissioner, is empowered to try offences against the by-laws made by the Municipal Commissioners. Why this breach of what appears to be a principle of common sense? The Commissioners are really the complainants in such cases, and is one of their own number to judge the alleged offender? Suppose the accused pleads that the by-laws against which he is supposed to have offended are *ultra vires* of the Municipal Commissioners. Evidently the self-love of the Commissioner-Magistrate is directly wounded by such a plea. Is he a proper judge in such a case? Similar other cases may be easily put. But it is not necessary. Having regard to the want of forbearance shown by many of Her Most Gracious Majesty the Empress's representatives in the Mofussil; having regard to their want of training in legal business; having regard, too, to the hearty dislike which some of them feel to the Law and Lawyers.

as cramping to a great extent their reforming energies ;* we venture to think that no adequate justification can be found for the breach of true principles involved in the section in question— a breach of the rule of *lex omnibus una*, as well as of the principle, that no man shall be a judge in his own cause.

Still they come,—these instances of the violation of the great principle referred to. In a very famous case in Calcutta, the learned and respected Chief Justice of the High Court there, with his unsophisticated British instincts, spoke as follows : “I desire to add that I personally do not regret that this matter has been thoroughly ventilated and discussed in open Court. It is extremely desirable that the public should fully understand, that, in this country there is the same law for the Government as for the subject ; that there is not one course of practice for the Crown, and another for the prisoner.” Noble words these of Sir Richard Garth ! They embody the principle on which British Rule in India rests only partially at present, but on which it ought to rest entirely and on which it will rest most securely alike against internal discontent, and external aggression. But how is this principle dealt with by our Legislature in what it is pleased to call its wisdom—if we may adopt a favourite phrase of the late Lord Westbury ? Let Act 11 of 1874 Section II, furnish an answer. That section provides, that whenever it appears to the Governor-General-in-Council, that it will promote the ends of justice or tend to the general convenience of parties or witnesses, he “may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court.” So here we have what we must take leave to call the thin end of the wedge,—the interference of the Executive with the administration of justice by our judicial tribunals. The wedge is driven in further by an act of the year following—Act 18 of 1875 which in

*Compare Maine's *Village Communities* Appendix p. 214, and Allardycy's *City of Sunshine* Vol. III, pp. 222 *et seq.*

section 3 provides, that "no court shall be bound to hear cited and c., and c., the report at any case and c. and c. other than a report published under the authority of the Governor-General-in-Council." The objection to this section, is if we may so phrase it, too deep. Firstly, it involves an interference by the Executive Government with the judicial business of the Courts; and, secondly, it enables a person—in the legal sense—who is constantly litigating in our Courts, to dictate in part what law those Courts shall administer. We are free to confess at once, that in actual practice we have not heard of a single instance of the abuse by Government of the power thus vested in it. And we cheerfully add, that we have not the slightest reason for supposing—nor do we for an instant suppose—that any such abuse has ever yet occurred. On the contrary, the appearance in the authorized reports of those remarks of Sir Richard Garth, and Sir Michael Westropp, which we have cited, indicates that the powers have hitherto been very fairly exercised. But as was pointed during the discussions on the Act by our Chief Justice and his colleagues, the Government of India ought to be, like Casar's wife above suspicion. Can it be said that a Government—which by legislation takes to itself such powers as have now been pointed out,—is above suspicion?

Without dwelling further on cases of this class, of which a few other less notable instances might be adduced, we now proceed to the last class of legislative provisions, on which we wish to make any observations in the present article. And that class is undoubtedly the class of the greatest importance and relevancy in this investigation,—we mean the class of provisions excluding the jurisdiction of the constituted legal tribunals from matters, which, on plain ordinary principles, ought to be adjudicated upon by them. It will be found, we think, that in every year from, say, 1869 till now, there is at least one provision in one Act or another by which the powers and limits of the jurisdiction of our Civil Courts have been restricted to a greater or less extent. Some of these provisions are not of much significance. But coupled with those of undoubted importance, they afford a very clear index of the directions in which British Indian administrative policy is tending. On two

several occasions, two of the most eminent of Her Majesty's Judges at Bombay have felt themselves constrained to sound the tocsin,—if we may use such a phrase regarding a judicial expression of opinion,—against this retrograde tendency. In 1870, Mr. Justice West,—whose eminent ability in Court and out of it, is too well-known to need mention here,—Mr. Justice West spoke on this point as follows, with the concurrence of Chief Justice Westropp “The course of legislation on similar subjects in recent time shows greater contraction of the spirit of liberality and of confidence in its judicial institutions, which animated the Government in framing the Elphinstone Code of 1827. The merits or demerits of this policy we do not intend to discuss, but we must note the fact as throwing light on the probable intention of the Legislature in passing Bombay Act 7 of 1863.” That last sentence is worded, if we may so say, with judicial caution. But even there one may almost read between the lines, what is explicitly and powerfully stated in the next quotation we are going to make. That quotation is from a judgment, which about three years ago made much greater noise than the judgment we have already excerpted from. It was the judgment delivered, with the concurrence of one of the ablest Puisne Judges of the High Court of Bombay, by our eminent Chief Justice, Sir Michael Roberts Westropp, who, we rejoice to say, still keeps alive to a certain extent the high tradition of the British Bar and of our own old Supreme Court,—the Court of Perry, of Yardley, and of Sausse. The passage we have to extract from this celebrated judgment is rather a long one, but our readers will readily excuse us, if we give, instead of our individual view, the opinion of such high authority, expressed in his own terse and nervous language which one in the present writer's humble position can only contemplate with admiring despair. Sir Michael Westropp spoke as follows: “The Revenue Department, when acting within the bounds of the liberal discretion which the Law entrusts to it, cannot be interefered with by the Civil Courts. It is only when it passes those bounds, and violates the rights of property, or otherwise transgresses the Law, that the Court can interpose. Those who wish well to the perservation of British power and honour in the East, and whose field of view extends

beyond the frontier of a department, will not desire that this limited and salutary power of interposition should be destroyed or impaired. We have no reason to believe that, as a body, the revenue branch of the Civil Service of this Presidency thinks differently. Moderation and discretion, combined with the ability, are too general amongst its members to lead them to desire a departure in this respect, from the wise and statesman-like principles of Mountstuart Elphinstone embodied in his Code of 1827. India has yet to see the man who better understood what the circumstances of the various provinces of this Presidency and the temper of its people required. It is well-known that it was his intention to extend, in the course of time, to the Deccan and South Maratha Country, the right of resort to the Civil Court which exist in the older provinces." And again His Lordship said :—"It is too much to expect with any confidence that an *ex parte* proceeding in such a case as this can be satisfactory. The Revenue Officers, if unaided by hearing the facts fully debated by the professional advisers of the parties, and left to struggle alone through the immense mass of documents and accounts, may err on either side"—on which last observation, we beg to remark, that the Revenue Officers do not err too frequently "to the detriment of the revenue." The Canara case, to which their Lordship, proceed immediately afterwards to refer, was one of the very small minority of cases, where the sympathy of some of the Collectors,—notably, if not almost entirely, Mr. Shaw Stewart, we believe,—was with the landholders.

So much for the opinions of those who administer the law as to what ought to be the law in this matter. What now is the law? Section 5 of the old Land Acquisition Act 10 of 1870 provides for damage done to any man's land by the entry of Government Officers on it, for the purpose of surveying, digging, boring &c., preparatory to the acquisition of the land "for public purposes." And the section enacts that the Collector shall decide what is to be paid to the landholders for such damage, and that his decision shall be final. Here then we have, by implication, an exclusion of the Civil Court. Upon what principle is that exclusion based? The ordinary

principle bearing upon such cases is plain, and is indicated in the extract above quoted from Chief Justice Westropp's judgment. Rights of property being violated, the jurisdiction of the Civil Courts attaches. And when you entrust the investigation of questions arising out of such violations to the Collector, you take it out of the hands of officers presumably skilled in and accustomed to such work, and make it over to persons, deficient in judicial training, who are probably the prime movers in the operations that result in the damage forming the subject of inquiry, and who, more often than not, probably hold the view, that for a great public good, as they apprehend it, any inconvenience or damage to an individual is mere bagattelle. That this last feeling is a potent one among the non-judicial members of the ruling class in the country, can, we think, be shown on quite unimpeachable testimony. In truth, we may say in the words of the old legal saw, *Habemus optimum testem confidentem reum*. For sundry proofs of the existence of the feeling could be adduced out of that interesting work, *Life in the Mofussil*, by a Bengal Civilian.

Take again Act 15 of 1871. True it is, that that Act is conversant with a quite exceptional class of cases, and that, to a certain extent, that circumstance justifies exceptional legislation. But the ascertainment of the amount of debts or liabilities due by the Broach Thakurs, for whose relief the Act was intended, appears to us to be entirely out of the scope of the exceptional provisions which can be thus justified. Whether the debt should be paid in one or another particular mode may, perhaps, be properly left to the judgment of the Manager provided for by the Act. But whether the debt should be held to be due or not, and if due for what amount,—these matters might very fairly have been left to the ordinary tribunals. It should not be said in excuse that these are petty matters. In the first place, even petty matters are useful indications of a tendency. As a straw shows how the wind blows, even these petty provisions show the direction in which our government is tending. But secondly, they embody the violation of a grand principle,—and every such violation is, as one may say, the thin end of the wedge. Today it is only a small matter. A

few more of such small matters, and greater and more mischievous violation of principle will become easier and more frequent. As Mr. Herbert Spencer has said in an analogous case: "One breach of the law leaves a gap of numberless trespasses. If the first false step has been taken with seeming impunity, it will inevitably be followed by others. School-boy promises of "only this once" are not to be believed. Make a hole through a principle to admit a solitary exception, and on one pretence or other so many other exceptions will by and by be thrust through after it, as to render the principle utterly good-for-nothing.....Almost every wrong doing is excused by the doer on this ground. He thinks his act is at variance with the moral law which he admits to be, and in some sort believes to be the best guide. He thinks, however, that his interest requires him now and then to make exceptions. All men do this:—and see the result?" We venture to think, that the principle of these remarks has a strong bearing on the whole of our present investigation.

We next proceed to the—we had almost said notorious—Pension Act. By that Act, one whole class of cases is, by a single stroke of the pen, raised above the jurisdiction of the Law. And so strong was the momentum towards this upheaval, if we may say so, that the Act has been constructed by a reluctant court to mean that even, as between subject and subject, no question touching that class of cases can be entertained by the Civil Courts. Whatever might be said in favour of exempting Government from a suit in such cases, no reason we think, of any value can be adduced for this particular, extension of the reign of executive discretion. We ought, however, to be thankful for small mercies! And: we must, therefore, admit, that at the sweet will of the Executive, manifested by a certificate granted under Section 4, the Judges of the land may be permitted to do their duty in some questions of the class referred to!

Bombay Act 7 of 1873—the Salt Act—is another notable example of this new-fangled tendency in our legislation. The irony of fate is certainly worthy of remark, which sent

Mr. Pedder to the Town Hall of Bombay, to make a fine rhetorical flourish about the Reign of Law in India, and in the same breath to defend this piece of legislation which sins most heavily against the Reign of Law. It would be a tedious work to go through the specific provisions of this Act, (which was utterly erroneous in conceptions, and has been most mischievous in execution), in order to point out the numerous deviations which it sanctions from the great principle about which Mr. Pedder spoke so grandiloquently. The whole scope of the Act—even where the private rights of individuals are concerned—is to set the Executive above the Law, to make the Governor-in-Council everything, and Her Majesty's judicial tribunals nothing. Liability to confiscation ; liability to suppression ; whether a breach of licence has been committed ; whether a license shall be cancelled—every thing is for the Executive to determine and that too—finally. Even enquiries to be made, —with such comprehensive powers, too, as are given by Section 1',—and all other work of a judicial or quasi judicial nature to be done under the Act, are to be done by—not Her Majesty's constituted Courts, but by a special officer, specially appointed by the Governor-in-Council, or by the Collector of Salt Revenue. But we do not care to go deeper into this precious Act. We only crave leave to point out, that that Act, the whole object of which was, if we mistake not, publicly declared to be only the prevention of smuggling and which, for that object, deviated from the traditional principles of British Legislation in this country, but which in its practical operation has, to all intents and purposes destroyed much of the private trade in Salt, is still allowed to remain on the Statute Book, to the great distress of many thousands of poor people, by a Government which abolishes a purely Revenue Duty on Manchester goods in the name of Free Trade.

Let us examine next the Hereditary Officers' Act of 1874. Any alienation, otherwise than the execution of a decree of Court, of a Vatan, *Whether that Vatan is assigned as remuneration for an officiation or not*, may under section 9 clause I, be declared null by a Collector. We venture to say, that it is to render the Reign of Law a farce and a delusion to regard such

legislation as even compatible with it. An alienation made, perhaps, before the passing of this Act, of a Vatan, which may not be assigned as remuneration for an officiating Vatandar, to be pronounced null by a non-judicial officer ! And as if that was not enough, Section 12 enacts that in execution of such order of the non-judicial officer, that same officer may summarily evict the party in possession !! Talk of the Reign of Law after that !!!

We next come to the Revenue Jurisdiction Act, probably one of the very worst instances of this species of Legislation. It is unnecessary to go into the details of that enactment. It raised such a universal outcry at the time, that its most objectionable parts had to be abandoned. But touching that abandonment, too, this fact is worthy of note, that it was not by the authorities in India that those section were abandoned. It required a distinct direction from the Secretary of State in England to make the authorities on the spot come round to the correct path.

The Dramatic Performances Act of 1876 is another of these Laws which are inconsistent with the Reign of Law. The powers given by that Act to interfere with the liege subjects of Her Majesty are rather wide, and they are all given to the Executive Government, upon the principles apparently which played such a prominent part in the most retrograde and mischievous piece of legislation which we have had in this country in recent days,—we mean the Vernacular Press Act. The principle we allude to is that in some cases it is better to prevent than to punish. The principle, of course, is true enough, but its application in the two recent Acts above-mentioned, appears to us to be entirely contrary to principles of much greater weight and importance.

We need not go any further into the other Acts of this class. There are several, to which we shall only passingly refer. Thus there is the Civil Procedure Code, giving extensive powers to the Collector in certain cases of executions of Decrees. There is the recent Forest Act, the Treasure Trove

Act, and that most notable Act for the better control of publications in the oriental language, of which some of its godfathers are now apparently beginning to feel ashamed. We will not say more upon any of these Acts. But we cannot leave the last one without making a few remarks. The model for that Act was found in an Act of the Imperial Parliament,—the Irish Peace Preservation Act of 1870. A comparison of the two is most instructive upon the point now under consideration. All the exceptional features of the Imperial Statute are preserved in the Indian Act without a hundredth part of those exceptional circumstances existing here, which alone weighed with Parliament in passing a measure admitted on all hands there to be in itself abnormal. But apart from that, while the Imperial Statute leave to the aggrieved party an opportunity of bringing the whole case before the constituted judicial tribunals, the Indian Act carefully and deliberately forecloses every such opportunity. Therefore, upon this which for our present purpose is the most important element in the case the methods of administration adopted for Ireland,—with her Fenians, and her murders of landlords by tenants, and her numerous conflagrations of properties—are much less abnormal, much more in accord with sound principle, than the methods adopted in India—with her quiet and disarmed populations, almost without exception thoroughly loyal,—and admittedly loyal,—to the British Government.

Before closing this review of our legislation during the past ten years, we must make an observation or two upon the Criminal Procedure Code of 1872—an Act which, by its very nature, we should say, ought to be an exemplar of loyal allegiance to the Reign of Law, but which cruelly disappoints all just exceptions of that sort. Section 64 is, perhaps, the provision which sins most in that respect. The rider to that section, added by Act, 11 of 1874, we have already considered in another connection, and we need not, therefore discuss it again here. The section itself provides, that the High Court may transfer criminal proceedings from one Court subordinate to it to another Court,—but its powers in this matter are, in substance, “cribbed, cabined, and confined,”—within such limits as

the Executive Government may in its discretion prescribe. We certainly think, that such a provision strongly indicates that decay of "confidence in its own judicial institutions" on the part of Government, on which Mr. Justice West animadverted in the judgment to which we have already referred. This particular provision has not evoked any expression of discontent, because it has not yet been worked so as to cause any mischief. The principle, however, is a mischievous one all the same. A like provision is to be found in Section 292 of the Code. If it were not objectionable in principle, it would be still ridiculous as an attempt on the part of the Executive to extend its own powers at the expense of the judiciary. By that section, the High Court is permitted to prescribe rules to the subordinate Courts regarding the keeping of books and accounts, the preparation and transmission of calendars and such matters. These rules the High Court may prescribe without the concurrence of the Government. Under the same section, however, the High Court has also power to make and issue general rules for regulating the practice and proceedings of all Subordinate Courts. And this power, according to the section, is to be exercised only "with the concurrence of the Local Government." It seems to us to be as clear as noonday, that this second branch of the powers of the High Court under this section is particularly appropriate when given to the High Court alone, while as to the rules for keeping account and c., the Government might, perhaps, be allowed to have something to say to them. In truth, if we had had to frame such a section as the one we are now considering,—which is, of course, an extremely bold figure of speech, indeed,—we should have made it run thus :—292. The Local Government may, with the concurrence of the High Court, make and issue general rules— for keeping books and c., (as in the original section) and for the preparation and transmission of calendars and c. And the High Court may frame forms (when not prescribed by this Act) for proceedings and c., and may make and issue general rules for regulating practice and proceedings of all Criminal Courts subordinate to it.—This is the way the section ought to run. But it is plain that such a section will not be to the taste of our Imperialist Rulers.

And now, after this review of the legislation for our Presidency during the past ten years, we venture to say, that we have made out our thesis,—namely, that Mr. Pedder's boast about the Reign of Law in India is, at all events as regards this Presidency, not justified by the facts. The tendency during all these years has been towards a curtailment rather than an extension of the Reign of Law. The same high official, who in 1866 exerted himself to transfer to the Civil Courts the jurisdiction till then exercised by the so-called Revenue Courts, fought most strenuously in 1873 for the exclusion of the Civil Courts from several important classes of questions which were peculiarly appropriate topics for the jurisdiction of those Courts. And we take it,—though herein we have the misfortune to differ from the Chief Justice and Mr. Justice Melvill,—we take it, that Sir Barrow Ellis was, in this matter only a type of that class of "sharp revenue officers," who may be said to be having it all their own way at present. This new spirit of Imperialist for which Lord Lytton's Viceroyalty will be famous in our annals, and which Sir David Wedderburn has recently endeavoured to express in England, is not entirely of Indian birth, it derives its inspiration and life from certain high authorities in England and the well-known cases of the Secretary of State and the Viceroy overruling their respective Councils within a short interval of one another on important questions of administration, point, to our mind, to a still further undermining of the Reign of Law in India in the coming years. The result, if our forecast is correct, will injuriously affect not only this country, but England also. For we cannot believe, that the training which Anglo-Indians will receive in this country, can go on for any time, without exercising an influence, albeit, perhaps, a slow and silent influence, on the ideas of Englishmen even in their own Island home.

But it may be said that we are here applying to India ideas which are utterly foreign to the feelings and sentiments of the people; that the Natives of India don't care a button for the Reign of Law; that they are great lovers of the 'Mabap' theory of Government, and that if British Policy in India is veering towards that Mabap theory, it is only casting off the doubtful

virtue of consistency in error. Now we believe that this view of the matter has great attractions for many persons among the ruling class in this country. It will not, however, bear a moment's serious examination. So long ago as 1868, Sir Henry Maine wrote as follows in a minute to which we have already alluded : "I do not admit the proposition, which is sometimes advanced, that the Natives of India dislike the abridgment of official discretion. This assertion seems to me not only unsupported by any evidence, but to be contrary to all the probabilities. It may be allowed that in some cases discretionary government is absolutely necessary, but why should a people, which measures religious zeal and personal rank and respectability by rigid adherence to usage and custom, have a fancy for rapid change in the actions of its Governors, and prefer a regimen of discretion sometimes coming close upon a caprice to a regimen of law ? I do not profess to know the Natives of this country as well as others, but if they are to be judged by their writings, they have no such preference. The educated youth of India certainly affect a dislike of many things which they do not care about, and pretend to many tastes which they do not really share, but the repugnance which they invariably profess for discretionary government has always seemed to me genuinely hearty and sincere." The passage is a long one, but it gives the opinion of high authority, and is well worthy of consideration by "the powers that be." There is, however, another matter of great moment which must be here noted. Is the British government prepared to accept the responsibilities of a Patriarchal system of administration in India ? It will not do to say that you will have rigid system of rules in one Department of administration and a Patriarchal laxity in another Department. You cannot thus take all the wheat and throw away all the tares. For instance, you cannot play the patriarch so far as to take a good slice from the wealth of an individual, and apply it for the improvement, *as you understand it*, of himself, or his village, or his country ; while, on the other hand, you insist on your "pound of flesh so to say, in respect of land assessments, even in days of famine and dullness of trade. The patriarchal system which is desired by some, is a system under which they can, at their own sweet will, apply the

one set of principles or the other—now telling the people “oh, we are simply perpetuating your old customs, come and work without pay at the mending of these roads ;” and then saying to them “what ! sanction your ignorant rules of taxation ? No England is here to civilise India by means of Western ideas.” That is the Patriarchal theory which the more absolute-minded among the ruling classes wish to see recognised. And that is not the theory which any Native of India will accept with satisfaction.

The point now touched upon is one of considerable significance, but here we can only make a very short reference to it. The Patriarchal theory is incompatible with the established institutions of British Rule. The Tax-gatherer, the Policeman, the Judge, the Schoolmaster, are all abroad. The all-absorbing comprehensiveness of British administration reaches into every nook and corner of the land, as neither Moghul nor Maratha rule ever did reach in their palmiest days. The old order has changed, and yielded place to a fundamentally new one. That change, we apprehend, is irrevocable. And while the new order prevails, it is impossible, we think, to make such a Patriarchal system, as we have already described, satisfactory to the people, even if it could have their approbation in the abstract. In our own humble opinion, the Patriarchal system, which the people might approve is a very different one altogether, and that can exist only under a purely native rule or under an alien rule when the points of contact between the Central Government and its representative on the one side, and the village communities and the people on the other, are as limited as they used to be under the former Government.

An objection of a different nature may be urged to our conclusions, and with much greater force, the Reign of law, it may be said, is all very well, when Law is made by a power which the people themselves have constituted. People may well feel themselves bound by a Law, where the Law is enacted by a person or a body whom they consider qualified to judge of their corporate interest, and whom they accordingly elect for looking after the furtherance of such interests. And such people may

well complain, if they are obliged to submit to the orders of any other authority than the one they have thus constituted. But where, it may be argued, the law must in any case be prescribed by a power outside the people, and independent of the people, what can it signify to the people whether it is conveyed to them by the one channel or the other—by a Resolution of Government or by an Act of the Legislature? There is some force in this argument, but less, we think, than might be supposed at the first blush. In our present political condition, the argument does not exactly square with the facts. The Legislative Councils, though mainly and predominantly independent of the people, still to a small extent profess to represent, and to an infinitesimal extent do represent, the people. We are, however, free to observe in passing, that one most unfortunate sign of the times is the studied care which has been taken during the last year or two to banish the little independence that was left, and appoint men to seats on the Council for every other reason on earth save their fitness for the work required. These circumstances do not, however, detract from the excellence of the system inaugurated in 1861. Even now the battle of the people may be fought, and is at times strenuously fought, within the Council Chamber. The rules of the legislature also enable parties to be heard on any project of law, by Counsel if necessary—"at the bar of the House," to borrow a phrase from a far higher sphere. In the Executive Department, this, if not impossible, is next door to it. Nobody, as a rule, is heard against any measure until after it is a *fait accompli*. Probably nobody knows of it till then. Hence there is an important distinction, both in principle and in practice, between the one mode of Government and the other. Therefore, even under a despotism—"tempered," or not, by actual circumstances—the Reign of law, even though imperfect and inchoate, is preferable to personal and patriarchal rule. The former contains with it the germ, however minute, of future improvement. The latter is simply stationary and stolid.

One other objection of a kindred nature may be here noticed. It may be said that the Executive Government consisting of the "cream of the cream" of the official world,—men

of long experience, of views and opinions mellowed by age and wide knowledge of the world, may be expected to constitute a better Government by themselves, than when they have presumably less competent persons to embarrass and cramp their energies. Assuming, but by no means admitting, the correctness of the data on which this argument is based, we still think that the existence of an opposition, though less competent than the ministry, will make the ministry better administrators than they would be without such an opposition. "All the talents" are not always successful—and especially not in India, if all the talents belong to one narrow and powerful class.

Upon the whole, therefore, we contend, first that under present conditions, it is not correct to say that the people esteem personal Government above the Reign of Law. The Reign of Law, which we are living under, is a very imperfect one indeed, while all the indications about the future point rather to its probable curtailment than to its extension. We contend, lastly, that the tendency thus manifested is a retrograde and mischievous one, and not consistent with those principles which have received the high sanction of eminent statesmen—of Mountstuart Elphinstone and others who founded the Empire, and also of still higher authorities. Here we conclude. But we venture to express a hope, that the facts and arguments brought together in this paper may attract the serious attention of all who are interested in the progress of British Rule in India, and more especially of influential English Statesmen like Mr. Bright or Mr. Gladstone, or Lord Derby, or even Sir Stafford Northcote, so that a different direction may yet be given to the course of British Policy in the administration of this great country.