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Voices of Indian Freedom Movement



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**VOICES OF INDIAN
FREEDOM MOVEMENT**

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(VOICE OF SANE AND FAITHFUL NATIONALISM)

Congress Speaks 1885—1899

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3. Language is but the medium of expression. Orthodox and true Musalmans have in their time learned the Greek, the Latin, any other languages. There is, therefore, nothing against learning any language. In fact, many Musalmans of India, indeed, most of them learn and speak languages other than the language of their religion. The objection, therefore, against learning the English language, which is moreover the language of our rulers, is so absurd on the face of it, that it need not be further adverted to.

4. The object of the Congress has already been stated. The success of the Congress, as has also been stated, instead of weakening Government, will only contribute towards the greater permanence of British rule in India. The Musalmans, therefore, need not be frightened by phantoms created by their own imagination.

5. It is the duty of all good boys, who have by the liberal policy of their fathers been enabled to receive a liberal education, to repay the kindness of their fathers, by assisting their fathers in the management of their affairs with the aid of such education and by contributing to the maintenance and welfare of the family by all honest means in their power. Similarly, it is the duty of those subjects who have received a liberal education with the aid of Government, to repay the kindness of Government by assisting Government in the proper discharge of its high functions by informing Government of the shoals and rocks lying ahead in its path and thus enabling Government to steer clear of such shoals and rocks, and not to lie by quietly with a false sense of gratitude and leaving Government to run against such shoals and rocks and thus unintentionally, of course, but nevertheless contribute to its grounding ashore. True gratitude lies in true good wishes and true good assistance, and not in false modesty and indolence.

6. If the Congress does not, as is alleged, adequately represent all the races, surely the fault lies, not on the shoulders of the Congress leaders who invite all the races, but

on the shoulders of those races themselves who turn a deaf ear to such invitation, and prefer not to respond to it. It is the duty of such races, in response to such invitation, to attend the Congress and not blame the Congress when, in fact, they ought to blame themselves.

7. All public bodies, assembled in public meetings, desirous of giving every publicity to their proceedings and even keeping a public record of its transactions, ought to be judged by their sayings and doings. It is not right or proper to attribute to such bodies improper motives, unless such motives can be fairly and reasonably inferred from their sayings or doings or both. In fact, no person, having any sense of self-respect, ought to attribute improper motives, unless he is prepared to prove the same, and it is to be hoped, for the honor of the Musalmans, to cease from making reckless charges which they are not prepared to substantiate.

8. As to the aims and objects of the Congress not being practical, it is a well-known fact that public attention has been drawn to the demands of the Congress, and not only the classes but even the masses have already been awakened to a sense of their political grievances and disabilities. Government has also been pleased to take into its favourable consideration the demands of the Congress, and has partially conceded the expansion of the Legislative Councils and introduced the element of election therein. Indeed, if the Congress movement is continued with the same ability, prudence and sagacity that have characterised it in the past, and especially if those who have hitherto contented themselves with simply throwing out objections begin in right earnest to take part in the movement, the movement is certain to bear fruit in the very near future and to end in practical results.

9. As to the Congress not being important enough to deal with the subjects it takes up, it will not be denied that the Congress contains in its ranks some of the most educated, most wealthy and most influential men of the day, some of whom have occupied—and occupied honorably—public offices of

trust and importance, and most of whom are leaders of their respective centres. In fact, in the Congress camp one comes across legislators, municipal councillors, rich zamindars, extensive merchants, renowned lawyers, eminent doctors, experienced publicists, indeed, representatives of every industry and every profession in the land. In fact, it will be hard—nay impossible—to name any other non-official public body equally important with the Congress.

10. As to the modes of government prevailing in the West not being adapted to India, the position stands as follows. In a primary state of society, whilst a particular small nation, confined to a narrow strip of territory, is governed by a single ruler, who generally belongs to that nation and is residing in that territory, as the nation is not a numerous one and the territory not a large one, the ruler is necessarily in daily and constant touch with his subjects. The affairs of the State are of a very limited nature and do not occupy much time of the ruler. Moreover, there are not special or local circumstances of sufficient importance to be taken into consideration. The affairs of the State are of a simple nature. The offices are not many and do not require special merits for their proper performance. Whenever, therefore, the ruler has to appoint to a post, the ruler himself is qualified to do so. He does not find it necessary to resort to any complicated method for the performance of this part of his duty. Hence the posts are filled without compelling the candidates to undergo the trouble of going through any definite or complicated course of instruction or examination. As the nation, however, increases in numbers, as the territory is enlarged and the needs of society become more numerous and more complicated, the number of the posts to be filled becomes greater, and the qualifications required for the proper performance of the posts grow higher and are of diverse character. The touch of the ruler with each one of the ruled gets less and less, and the ruler cannot possibly keep himself personally abreast of knowledge of the increased and complicated needs of the people. He becomes, in fact, less qualified to properly fill up all the posts, and he is compelled to delegate this part of his duty to others. In cou-

rise of time, he discovers that it is not a very satisfactory thing to nominate to posts by means of deputies and that some definite method of selection must be substituted. The considerations which formerly guided him, when he alone had personally to nominate, are of such a vague character when placed in the hands of his deputies, that he finds that it is not only not useful but even mischievous to resort to them as, instead of such considerations being in fact given weight to, they simply open a wide door to undue influence and even bribery, and he finds it necessary to discard them and is compelled to limit himself to selection by a public examination of candidates, after they have gone through a course of instruction laid down for the purpose. Thus it happens that all other qualifications such as of family, standing and position and others come to be dispensed with, and the test of public examinations, that is, of personal merit alone, as tested by such examinations, is substituted. It may be conceded at once that it is not a perfect or infallible test. It is a choice of evils. In order to guard against the evil of dispensing with other considerations, a certain proportion of the posts is filled by examinations and promotion is guided by seniority and merit combined. The circumstances above set forth are not peculiar to any particular country or climate, but are equally applicable to all, and it is not correct to say that the above method is a peculiarly Western method and not applicable or adapted to India. In fact, in China, which is peculiarly an Eastern country, the same method has been of universal application for many centuries past. Moreover, the present rulers of India happen to be foreigners, and in their case, therefore, the considerations, which have led to the method of examination being adopted, apply with even greater force. The above considerations also apply to the method of election and representation, though not with the same force or to the same extent. Hence, election and also nomination in the case of Local Boards, Municipal Corporations, Legislative Councils, and the like. It has been suggested by the Honorable Haji Mohamed Ismail Khan of the North West Provinces, that the Congress should pass a resolution "recognising the absolute necessity of equality of number of Hindu and Mohammedan elected members in Legislative Coun-

cils, District Boards and Municipalities. . ." and "wishing all Hindus and Mohammedans to elect" accordingly. It is a good suggestion, but so long as Musalmans do not join the Congress movement in the same numbers and with the same enthusiasm as the Hindus do, the Congress cannot in fairness be asked to carry out such a suggestion in the manner and to the extent indicated in the suggestion.

11. As to the modes of government prevailing in the West not being adapted to Musalmans, the observations in answer to objection No. 10 also apply to this objection. The Musalmans may be reminded that our Holy Prophet did not name a successor. He left it to the believers to elect one for themselves. The Caliph or the successor was originally freely chosen by the free suffrages of the believers and was responsible to them for his acts. In later times this practice was altered and the Caliphs were made hereditary; but this was done by the confidence and the consent of the believers. But even to this day, the sanction of the believers in the shape of Biat, is deemed necessary. "The Government of Islam," says Mr. Ahmed Riza, "is therefore in the hands of an elective monarch limited in the exercise of his powers by prescriptive religious traditions. According to Musalman Law if the Caliph departs from these traditions, the body of the learned (Ulema) is armed with the right of remonstrating, and is even able to depose him. Amongst these traditions, there is one which makes it obligatory on the Caliph not to do, or even to resolve on, any act without first seeking the advice of the chiefs of the tribes and the doctors of the law—a principle very characteristic of Representative Government. According to Musalman Law, the Caliph is bound to be just, to respect the liberties of people, to love his subjects, to consider their needs and listen to their grievances."... "It is clear that Islam knew how to determine and regulate the rights, and duties of the sovereign, even before England essayed the task." Islamism has no caste. "Let all your subjects," said Frederick the Great, "have the right to address you directly both in speech and writing." "The Musalmans," says Mr. Ahmed Riza, "are free from clerical domination, and know nothing of rank or social

grade." Said Ali, the fourth Caliph, "Superiority in knowledge is the highest title of honor." "The spirit of self-sacrifice and devotion" of the Musalmans was remarkable. Musalman cities were "full of savants and men of letters." "Roman Law and Greek Science continued their evolution among the Arabs." "The best of Holy Wars," said our Holy Prophet, "is the righteous word spoken to a monarch who is acting tyrannically." "Islam knows no master; the Commander of Faithful is only the chosen servant of the people." "Obedience to a Chief is limited; it is founded on the presumption that the Chief commands in the name of the law and in the interests of him who obeys." "Obey me said Abu Bakr (the first Caliph), so long as I go on in good practices. If I deceive myself, warn me. If you do not, you will be responsible." "The Government of Islam is a collective authority in which every free citizen, in possession of his mental faculties, is bound by a common destiny, and shares its responsibilities." "Islamism is not occupied with supra-mundane interests alone. It does not say, 'Leave to Caesar the things that are Caesar's.'" It teaches its adepts that they have a civil duty to fulfil here below, and especially the duty of controlling the conduct of Caesar." Election and Representation as also Universal Brotherhood are characteristics of Islam and ought not to be objected to by Muslims. All Muslims are equal, and if they want any employment, they must like the rest pass public examinations. If they want any position of rank, they must endeavour to be fit for such position and resort to election, like the rest. Of course, if they can gain such position by nomination, they must thank their good fortune, but if they cannot, they have no right to grumble. They may contend, however, that so far as examinations are concerned, they are at a disadvantage, as compared with the Hindus. If that is so, it is no doubt a misfortune. But surely they must rely on merciful Providence and put their own shoulders to the wheel and by the grace of God they are bound to succeed in their efforts; nay even more, if they have more difficulties to overcome than the Hindus, so much the more creditable will be their success to them, and so much the more will they be qualified, not only for the initial posts, but for higher promo-

tion. In fact, even in India, we find that when Musalmans do really take to liberal education, they generally equal, if not even surpass, the other races, and that Musalmans are good not only in matters requiring muscle and valour, but also mental powers and intellectual vigour, and the Musalman community of India can produce distinguished and deeply learned scholars such as Mr. Justice Badruddin, Mr. Justice Ameer Ali and Mr. Justice Mahmood, and here it may be remarked in passing that if Musalmans in India have a few more leaders of educational advancement, of the calibre and energy, and persistence and devotion, of the type of Sir Syed Ahmed Khan, who has by his life-long services done a great deal for Musalmans in this matter, and whose name will be remembered with gratitude and admiration for a long time to come, Musalman education is bound to prosper. The Musalmans may further contend that in elections they will be swamped. All that may be said here is that they are mistaken in thinking so. They have simply to try, and they will find that they will have no reason to complain. Assuming, however, that they are unsuccessful, notwithstanding their honest endeavours and notwithstanding their fitfulness, why, then Government will, for its own safety, be compelled to come to their help. Objections 12, 13, 14 and 16 have already been answered.

15. It does not follow that, because the Hindus form the majority of the Congress, that the Resolutions of the Congress will be the Resolutions of the Hindus. It is a standing rule of the Congress, solemnly passed and recorded, that if any proposal is disapproved of by the bulk of either the Hindus or the Musalmans, the same shall not be carried. Again, the Congress is not a meeting of shareholders in a Joint-Stock Company or any other body formed for the gain of profit or for private interests, and a numerical majority does not and cannot influence its decisions—decisions by the bye, which cannot affect anybody as they are simply expressions of opinion, and as such must necessarily depend on their intrinsic sense and reasonableness to carry any weight with Government for whose benefit they are passed. Again, so long as the Congress leaders happen to be men of education and enlightenment, men of

approved conduct and wide experience, men, in fact, who have a reputation to lose, the Congress will never be allowed to run its course for the benefit of sectional, private or party purposes. Again, if the Muslims attend Congress meetings, surely the Congress shall be bound to hear and to give careful consideration to Musalman views, and arguments founded on facts and reason are bound to prevail. Assuming, however, that the Congress is reduced to a rabble meeting, which is not probable, why, then it will lose its position and nobody will pay any attention to its resolutions.

The Musalmans, however, instead of raising puerile and imaginary objections from a distance, should attend Congress meetings and see for themselves what is going on in such meetings. Indeed, they will find that even when one member puts forward cogent reasons in opposition to the proposal, such proposal is eventually dropped.

17. If the complaint in regard to the conduct referred to in the objection be correct, it may be mentioned that such conduct is not peculiar to any particular race.

It is in the nature of things that persons of low origin, born and brought up in the atmosphere of low morals, should, on finding themselves suddenly clothed with the authority of the Sircar, get their heads turned and be led into playing the tyrant. The less the education they have received, and the smaller the emoluments their posts carry, the greater their superciliousness, the more marked their contempt for others. Clinging to superior authority and lording it over the people who have anything to do officially with them, are the distinguishing traits of these pests of society. Persons of high birth and culture, who have seen better days and better society, may sometime be naturally inclined to give to these supercilious tyrants a sound thrashing so as to make them remember it to the end of their days and prevent them from reverting to their evil ways. But persons of high birth and culture naturally recoil from doing anything which may savour of vulgarity, and hence their silent sufferings. Government has been ever

ready and willing to check highhandedness and insulting conduct on the part of their native subordinate officials.

Europeans, both official and non-official, lovers of manliness and justice as they are, strongly disapprove their hauteur. But no Government, however watchful, and however anxious it may be, can possibly completely eradicate the evil, the true remedies for the removal of which are as follows. The standard of education required of candidates for subordinate official posts should be gradually raised higher and higher so as to compel the candidates to have better education, better culture, in order to make them forget the evil surroundings of their previous life and to take to a better appreciation of the moral law of nature. At the same time education should be disseminated all over the land, and the standard of education of the masses, should be gradually and steadily raised, so that the masses, armed with the weapon of education, may not have meekly to submit to petty tyrannies, but may know how to protect themselves against them and to bring the offenders to a proper sense of their puniness and the impropriety of their conduct by means of union and the agitation of their grievances, and in legally provable cases by bringing the culprits to their well-deserved punishment.

Fundamental Principles of Islam

All who believe in one God and acknowledge the Holy Prophet are true believers. The fundamental principles of Islam are few and simple. Islam knows no castes and ought not to have divisions and sub-divisions. Yet we find Islam divided into sects, into innumerable divisions. This is certainly against the spirit of Islam. All true believers are equal. By Musalman Law they can all eat with each other, nay more, they can eat with the followers of Great Prophets on whom Revelation has descended. All Musalmans can intermarry, nay more, Musalman males can marry females from the followers of the Great Prophets. Yet the different sects of Indian Musalmans will not intermarry, even amongst themselves. It is the duty of all true believers to educate themselves, their wives and their sons and

their daughters so as to enable them to know God aright. Yet ignorance is the prevailing rule amongst Indian Musalmans. Musalman females are free. Marriage is a contract in which the husband and the wife are parties. Females have independent property.

Yet amongst Indian Musalmans there are frequent cases of maltreatment of wives. The Musjids are places of worship as also places for giving education, and places of meeting for discussion of social and political matters. Yet discussion and consideration and expression of opinions is an exceptional thing amongst Indian Musalmans. Freedom of speech and liberty of action consistent with a few fundamental and world-recognised principles are the birthright of Musalmans. Yet Indian Musalmans are content to sit idle. To point out to the rulers their own grievances and to ask redress for them is the privilege of Musalmans. Yet Indian Musalmans prefer to remain silent. To be active and to be energetic, to be enterprising and to be fearless, has been the characteristic of the faithful. Yet Indian Musalmans prefer to remain indolent and apathetic. Are not Indian Musalmans, then, to blame themselves? If the Indian Musalmans once shake off their lethargy and rid themselves of their apathy, if they unite together and love each other, as members of the same fold, as brothers of a Universal Brotherhood, mix with each other and intermarry, educate themselves, and their wives and children, and meet together and exchange opinion and voice their grievances, and generally endeavour to raise themselves and actively cooperate in the raising of their brethren, they have under merciful Providence as bright a future before them as they had a glorious past. The Indian Musalmans are a brave and generous race, and it is natural that they should smart under the misfortunes that have overtaken them and resent the treatment that has been and is extended to them. But certainly apathy and lethargy are not the means calculated to reinstate them in anything like their former greatness. Relying, therefore, upon merciful Providence and True Religion, and placing confidence in Almighty God, the Creator of the Universe and the Dispenser of all things, they must rise equal to their present trials, and it is to

be fervently hoped that the Benign Ruler may have mercy upon them and raise them again to prosperity and good fortune.

Mohammedan Education

One of the obvious means by which Indian Musalmans can raise themselves is education. It is stated that there are five crores of Musalmans in India. It is further stated that the average annual income per head of population in India is rupees twenty-seven. If so, the average annual income of Indian Muslims ought to be rupees one hundred and thirty-five crores. The *zakat* or tax on this income at the rate of two-and-a-half per cent, comes to nearly rupees three crores. Making all possible allowances for those who may be exempted from payment of *zakat*, and for that purpose reducing it to one-tenth, we can have the splendid annual sum of rupees thirty lakhs, that is, at the rate of one anna per annum per head of Muslims in India, which is certainly not a very heavy average annual payment. If all the Indian Muslims join together and voluntarily contribute as above suggested, they will thereby be fulfilling one of the main commandments of Islam, and thus performing an act of duty. With this magnificent sum, schools for primary, secondary and higher education can be established and maintained, and in such schools education as also food and clothing to students may be given, and there will thus every year be maintained, lodged and educated thousands and thousands of Indian Musalman youth. Government will have under the grant-in-aid rules, to contribute to this sum, and thus the total sum will be materially increased. If this system is established and continued, in the course of a few years, education will have permeated all ranks of Indian Musalmans, and the condition of the whole body will have become so much improved as to be a matter for admiration. What is wanted is voluntary performance on the part of all Indian Musalmans of a strictly religious duty and on the part of the leaders cooperation and good management, and it is to be devoutly wished that Musalmans in every part of India, instead of scouting the idea, will allow good sense for once to

overcome apathy and lethargy and give to this suggestion a sympathetic consideration.

Mohammedan Moral Code

It may be observed here in passing that it is sometimes contended in disparagement of the Indian Musalmans that "Islam is unfit to be a moral code for a nation to live in"; that "the faith of the Islam is incompatible with good Government and with the happiness of a people." Both the above accusations are absolutely false. In fact, the tenets of Islam are inherently capable of good Government and good and happy subjects. The very first and most fundamental doctrine of Islam that there is no God but God, that is but one God, is not only the true doctrine, but also binds the true believer to be a respectable man, and, if Musalmans have become degenerated, it is not on account, but in spite, of Islam. Another fundamental doctrine is that of prayers. Prayers bring the human being in personal contact with his Creator. Another fundamental doctrine is that of observing fast, which teaches men by personal experience to think of the miseries of their fellow-human beings. Another fundamental doctrine is that of charity, and which has been admitted all over the earth and in all times to be an excellent virtue. Another fundamental doctrine is that of Haj, which, apart from its religious benefit, has all the benefits of travel. There is nothing, therefore, in Islam to cause degeneracy; on the other hand, there is everything in Islam to make Musalmans loyal subjects and good citizens.

England and India Compared and Contrasted

If you will look at the map of India, you will find that India has the appearance of a one-legged horse. India has from time to time been a prey to foreign invasions from without and to internecine wars within. Famine periodically visits the land, and so does plague. English rule has, however, stopped foreign invasion, and the Pax Britannica has put an end to internecine wars. Western arts and Western methods

are employed to prevent—at all events to check—famine and plague, to keep them within gradually diminishing limits, and, under steadily increasing control, it is to be hoped that these monster evils will, in the near future, be completely laid at rest. The resources of the country are being gradually developed, and its trade is increasing. Public expenditure, however, under British Rule, is increasing by leaps and bounds far beyond the national income that is at present realised, or that can reasonably be expected to be realised in the near future. The average income per year per head of population is, in England, £ 33 (thirty-three pounds sterling); in France, £ 23 (twenty-three pounds sterling) in Russia, over £ 9 (nine pounds sterling); in Turkey in Europe, £ 4 (four pounds sterling); whilst in India, it is only Rs. 27 (twenty-seven rupees) or, at 1s. 4d per rupee, £ 1-14-6 (one pound sterling, fourteen shillings and six pence). Thus the average income per year per head of population of India is about one-nineteenth of the average income per year per head of population in England, or, in other words, so far as the annual income is concerned, England as nineteen times better off than India, or India is nineteen times worse off than England.

Again, the population of India is mostly agricultural. The ratio of town population to country population in India is one to twelve, that is, the agricultural population of India is twelve-thirteenth of the total population of the country. In England, the ratio of town population to country population is two to one, that is, the agricultural population in England is only one-third of the total population of the country. Thus town population, as compared to country population, is, in England, 24 to 12, whilst in India, it is 1-12; or, in other words, so far as the ratio of proportion of town population to country population is concerned, England is 24 ((twenty-four) times better off than India. Again the population of British India is, in round numbers, 22 (twenty-two) crores, whilst the total imperial taxation, in round numbers, is Rs. 95 (rupees ninety-five) crores, or, in round numbers, Rs. 4-8 (rupees four and annas eight) per head of population; and as the average annual income per head is Rs. 27 (rupees twenty-seven), the

percentage of taxation to annual income is 4 1/2 to 27, that is sixteen-and-a-half per cent. The population of the United Kingdom is, in round numbers, about four crores, whilst the total Imperial taxation is a little more than that of India and comes to about Rs. 25 (rupees twenty-five) per head; and, as the average annual income per head is £ 33, the percentage of taxation to income comes to about six per cent. Thus, so far as the percentage of taxation on income is concerned, India is two-and-a-half times worse off than England. Moreover, it is a well-known fact, the same percentage of tax to income, when levied on persons having good incomes, may be easily borne by them and may not be at all felt by them; when levied on persons having poor or small incomes—may be heavily felt—may even become wholly unbearable. In fact, this incidence is now well admitted in the case of income-tax, and it is for this reason that, in levying that tax, incomes under a certain amount are wholly exempted, and on incomes above that amount and up to a certain amount, there is a sliding scale put into operation. Thus the ratio of 16.5 per cent of taxation on income, in the case of India, though nominally only two-and-a-half times higher than the ratio in the case of England, is in incidence, considerable more heavy, and India is, therefore, in reality considerably worse off than that ratio indicates.

Again, in the year 1849-50, the population of British India was about fifteen crores, whilst the expenditure was about twenty-seven crores. In the year 1894-95, the population was about twenty-two crores, whilst the expenditure was about ninety-five crores. The increase in population, therefore, was about fifty per cent, whilst the increase in taxation was about three hundred and fifty per cent, that is, the growth of expenditure was about seven times the growth of population. During the same period, the charges of collection rose from 6.06 to 9.75, that is more than fifty per cent; the expenditure on Civil administration rose from 6 to 14.83, that is, more than 240 per cent, and the expenditure on Army rose from 11.39 to 24.31, that is, more than 213 per cent. Again, the

estimated debt of British India for the year 1895, is £ 127 (one hundred and twenty-seven million pounds), whilst of Britain is £ 660 (six hundred and sixty million pounds). Thus the Indian debt is about one-fifth of the British debt, whilst the capacity of India for repayment of debt, as judged by the average annual income per head of population, is only one nineteenth. Again, the debt of Great Britain in the year 1875 was £ 780 (seven hundred and eighty million pounds); of India £ 130 (one hundred and thirty million pounds). Thus, from the year 1875 to the year 1895, the British debt is reduced by £ 120 (one hundred and twenty million pounds) whilst that of India, only by £ 3 (three million pounds). Again the rate of interest on public loan in England, in the year 1875 was three and one-fourth per cent; in India, 4 (four per cent) and there is still a corresponding difference in favour of England and against India. Again, Great Britain annually pays, by way of interest, 12s. 9d (Twelve shillings and nine pence) per head; and, as the average annual income per head is £ 33 in England, the proportion of interest to income is nearly two per cent.

India annually pays, by way of interest, annas three and pies nine per head; and, as the average annual income per head is Rs. 27 in India, the proportion of interest to income is nearly one per cent. Thus a British subject, who, so far as his average income is concerned, is nineteen times better off than a British Indian subject, has to pay, by way of interest on national debt, only two per cent out of his average income, whilst an Indian subject, who, so far as his average income is concerned, is nineteen times worse off than a British subject, has to pay one per cent that is, in this respect also, is nine times worse off than British subject. Again, the Imperial expenditure of the United Kingdom has risen from 81 (eighty-one million pounds) in the year 1881 to 94 (ninety-four millions) in the year 1895. This addition is caused, for the most part, by an increase of the naval and military from 25 (twenty five) to 38 (thirty eight millions), an exceptional and temporary measure. The charges of the national debt have decreased from 28 (twenty-eight) to 25 (twenty-five millions), and the debt itself from 770 (seven hundred and seventy) to

660 (six hundred and sixty) millions. The Imperial expenditure of India has risen from 71 (seventy-one) crores in the year 1881 to 94.5 (ninety-four-and-a half crores) in the year 1894. The charges on the national debt have, contrary to what has happened in England, instead of decreasing, risen from 485 (four crores and eighty-five lacs of rupees) in the year 1881, to 512 (five crores and twelve lacs) in the year 1894, and the debt itself has increased from the year 1884 to the year 1894 as follows, that is, permanent debt in India from 93 (ninety three crores) and odd to Rs. 104 (one hundred and four crores) and odd, and permanent debt in England from 69,271,088 (sixty-nine millions and odd) to Rs. 114,005,826 (one hundred and fourteen millions and odd). Again, the total land, according to the survey of India, is 539,848,840 (five hundred and thirty-nine and odd). Of this land actually cropped is 196,600,688 (one hundred and ninety-six millions and odd), current fallows, thirty millions and odd; available for cultivation, 99 and odd; not available for cultivation, 113 (one hundred and thirteen millions) and odd. Forests, 62 (sixty-two millions). The average incident of Government Revenue per cultivated acre is Rs. 1-3-2 $\frac{2}{5}$ (one rupee three annas) and two and two-fifths pies). The population of British India is 22 (twenty-two) crores. The average acreage under foodcrops is 18.60 (eighteen crores and odd). The average of food-crops per acre (both irrigated and unirrigated is 0.31 ton or 694 (six hundred and ninety-four pounds). The total of food-crops is 576 (five crores seventy-six) lacs tons. The average consumption of food grains per head of the population per annum is 585 lbs. (five hundred and eighty five pounds) or per day 1.60 lbs. (one pound and six-tenths pounds). The total consumption is 5.77 (five crores and seventy-seven lacs) tons. It is clear, from the above facts and figures, that India is a very poor country; that it is an agricultural country with . . . but few manufactures; that Indians are a poor nation, living from hand to mouth—indeed, some of them actually starving and many of them having barely one meal a day; that taxation is very heavy; that charges for collection and the cost of administration, both civil and military, have increased far beyond the capacity of meeting them; that, notwithstanding the heavy

taxation, the national debt—specially the gold debt and the charges to meet such debt—are steadily increasing.

British Opinions on the Poverty of India

That the Indians are a poor people, that they are over-taxed, that the Civil and Military expenditure of India is excessive, that the drain from India is of a ruinous character, that both justice and self-interest demand of our rulers that native labour should be more and more substituted for foreign labour and that all unproductive expenditure should be stopped, the following extracts from the speeches and writings of English statesmen themselves make abundantly clear.

Mr. Bright in the House of Commons, 14th June, 1858 :

“The cultivators of the soil, the great body of the population of India, are in a condition of great impoverishment, of great dejection, and of great suffering.”

Lord Lawrence, in 1864 :

“The mass of the people enjoy only a scanty subsistence.”

Lord Lawrence, before the Select Committee of the House of Commons, in 1873 :

“The mass of the people of India are so miserably poor that they have barely the means of subsistence.”

Major Baring, Finance Minister of India, in his Budget Speech, 1882, after stating that the average income per annum per head of population in India is Rs. 27, says :

“It is sufficiently accurate to justify the conclusion that the tax-paying community is exceedingly poor.”

Mr. Gladstone, in the House of Commons, 10th May, 1870, said that India was “too much burdened.”

Mr. Bright, in his speech at the Manchester Town Hall, 11th December, 1877 :

"I say that a Government....which has levied taxes till it can levy no more...and which has borrowed...more than all that it can levy..."

Mr. Gladstone, in the House of Commons, 30th June, 1893 :

"The expenditure of India and especially the Military expenditure is alarming."

Lord Salisbury :

"India must be bled."

Lord Salisbury, Secretary of State for India, Minute, 29th April, 1875 :

"...where (in India) so much of the revenue is exported without a direct equivalent."

Mr. Bright, in the House of Commons, 24th June, 1858 :

"We must in future have India governed, not for a handful of Englishmen,..."

Sir George Wingate, in "A few words on our Financial Relations with India," 1858 :

"They (taxes not spent in India) constitute....an absolute loss and extinction of the whole amount withdrawn from the taxed country."

Mr. Fawcett, in the House of Commons, 5th May, 1868 :

"Lord Metcalfe had well said that the bane of our system was that the advantages were reaped by one class and the work was done by another."

The Duke of Argyll, in the House of Lords, 11th March 1869 :

"I must say that we have not fulfilled our duty or the promises and engagements which we have made."

Sir George Wingate in "A few words on our Financial Relations with India," 1859 :

"Such is the nature of the tribute we have so long exacted from India...From this explanation some faint conception may be formed of the cruel, crushing effect of the tribute upon India." "The Indian tribute, whether weighed in the scales of justice, or viewed in the light of our own interest, will be found to be at variance with humanity, with common sense..."

Lord Hartington, Secretary of State for India, in the House of Commons, 23rd August, 1883 :

"The Government of India cannot afford to spend more than they do on the administration of the country, and if the country is to be better governed, that can only be done by the employment of the best and most intelligent of the natives in the service."

Lord Randolph Churchill, Secretary of State for India, in a letter to the Treasury, 1886 :

"The position of India in relation to taxation and the sources of public revenue is very peculiar...from the character of the Government, which is in the hands of foreigners, who hold all the principal administrative offices and form so large a part of the Army. The impatience of the new taxation, which will have to be borne wholly as a consequence of the foreign rule imposed on the country, and virtually to meet additions to charges arising outside of the country, would constitute a political danger, the real magnitude of which, it is to be feared, is not at all appreciated by persons who have no knowledge of or concern in the Government of India, but which those responsible for that Government have long regarded as of the most serious order."

Again, in the words of another Englishman, money is leaving the country without commercial "equivalent" to the tune of £ 25,000,000 (twenty-five millions pounds) yearly, or if you take the present fall of the rupee into consideration, then to

the tune of forty millions pounds yearly. In short, it is as clear as possible that the ability of the country to bear any fresh taxation is exhausted, and any further burden on the taxpayers would simply break their back, a dangerous consequence to be avoided at all hazard. Yet it is stated that Indians should remain silent, forsooth because it will be an act of disloyalty to discuss. ay, even to discuss in a loyal and constitutional manner with the best of motives, honourable in themselves and calculated to ensure the safety of the country and the maintenance of the British rule in India, moderate measures of reform. It is true that English rule in India has done much for India, but much more yet remains to be done, and it is a matter of extreme surprise as well as deep regret that the sort of supercilious objection above referred to comes from people who, to say the least of it, ought to know better.

With the above facts and figures, and it is certainly not an overdrawn picture glaring in their faces, all true lovers of their country, and all its inhabitants, and all its rulers possessing the most ordinary common sense, if they have even a spark of humanity left in them, ought to bestir themselves, and leaving aside all differences arising from differences of race or creed and forgetting even just resentment, if there is any, join with their fellow-countrymen in the movement--sober and temperate as it is--expressly organised for the amelioration of the country, of their countrymen, themselves included. The objectionists should remember that even the most honest and the best regulated administration has constant need of proper criticism even at the best of times. For all Governments are, in their nature, monopolists, and as such have constantly to be watched and warned. In India, moreover, on account of its foreign character, it is excessively bureaucratic, more than other Governments in the world are, and, hence the greater necessity for constant watchful criticism on the part of the people. The Government of India, moreover, consisting as it does of capable and well-meaning gentlemen, is from the nature of its position and constitution, between two conflicting interests, the interests of England and the interests of India, and it is the scared duty of all loyal Indian subjects to strengthen

the hands of the Government of India in its laudable efforts to obtain financial justice for India by moral support of the united Indian nations; and judged from this point of view, keeping aloof from the Congress movement is not only undesirable but may even merit censure.

Musulmans and English Education

If the short sketch above given of the financial result of the British administration in India for one century only be correct, we are necessarily forced to ask. "If these be the results in the green leaf, what will they be in the dry wood?" And yet Indian Musalmans still hold aloof, alike from Western education and from those political movements among our countrymen to which western education has given rise and, when appealed to, they talk of difficulties in their way and ask for special encouragement and special facilities and special privileges.

"Special encouragement to any class," said the Education Commission, is in itself an evil, and it will be a sore reproach to the Musalmans if the pride they have shown in other matters does not stir them up to a course of honourable activity; to a determination that whatever their backwardness in the past, they will not suffer themselves to be outstripped in the future; to a conviction that self-help and self-sacrifice are at once nobler principles of conduct and surer paths to worldly success than sectarian reserve or the hope of exceptional indulgence."

Indeed, it will be a happy day for India when the disproportion between the Mohammedans who ought to be at school, and those who are actually at school, is reduced to the lowest possible minimum, and the Indian Musalmans, as a body, make it a point to educate their children and actively cooperate in all the public movements in the country generally and especially, "our good Congress, the germ of future federated Parliament....with hearts honest, true and selfish"....and participate in our great bloodless battle for justice and freedom and specially make a beginning now when "all minor sources of

anxiety are over-shadowed by the cloud now impending over our beloved land in which we too plainly discern the gloomy spectre of famine frowning down upon...a teeming, frugal and ceaselessly industrious population” and join in asking a redress at the hands of Government and in expressing disapproval of the mistaken system, whereby the entire resources of 220 millions of people are placed at the disposal of able and well-meaning men who are nevertheless foreigners, who cannot in the nature of things sufficiently and adequately appreciate the wants, the necessities, the real condition of the people over whom they rule, and are naturally, though unconsciously drifting to the conclusion that India is to be ruled for the glory of Great Britain and not for the good of her own people. That this system is a mistaken one and that a strong financial check is necessary is now admitted by eminent Englishmen themselves.

Lord Welby and Sir Auckland on Indian Financial Check

Lord Welby, President of the Royal Commission now sitting, says :

“Sir David Barbour made a criticism, which I think all officers connected with Financial departments must allow as a criticism of general application, namely, that sufficiently attention is not given by the departments in India to the financial question. They hardly appreciate the gravity of it, and do not forecast what the financial effect on the measures on which they are bent may be. That, of course, is a defect common to all Governments. The heads of different departments very seldom take a general view of the effect of their administration. They are anxious to carry out measures which they think are important.”

Sir David Barbour says:

“I certainly think something is very desirable, that which would ensure greater attention being paid to financial consideration in connection with the Government of India....I think it would be better for India, better all around, if more attention were given to the financial question, and if we went more slowly in periods of great apparent financial prosperity.”

Sir Auckland Colvin agrees with Sir David Barbour in the opinion ..Lord Welby further says :

“The point of Sir David Barbour’s criticism, I think, might be put thus : that in a country like India, where deficits are more dangerous than they would be here, where new taxation is more difficult than it would be here, the Government, as a whole, does not give sufficient attention to what may be the financial results of measures which it adopts.”

Whereupon Sir Auckland Colvin remarks :

“I agree entirely to that, that in a country where the tax-payers is an alien, and is not able to make his voice directly heard, the need of giving close attention to economy in administration is greater than it would otherwise be.”

From these remarks, coming as they do from such high authorities, this Congress will be perfectly justified in coming to the conclusion that “the discussion upon the Budget, both in India and in Parliament, needs to be converted from a force into a reality,” and that all thinking and reasonable men will be justified in expecting all the races inhabiting British India to join the Congress and cooperate with it in the cause of their country and of themselves. Indeed, I have a presentiment, that in the very near future my co-religionists will not only join the Congress movement, but take an active part in moulding it and will deem it the highest prize of their civic life to be permitted to preside at its sittings.

Famine and Poverty

I now come to the most absorbing topic of the hour. After a lapse of twenty years, famine has again overtaken a greater part of the country. The insufficiency of rainfall in Behar, in the North-West Provinces, in the Punjab, in parts of Central India, in many districts of Bombay and Madras and in Mysore, has already led to distress among those classes who habitually live from hand to mouth. The cultivators, whose impoverished condition is well known, are the greatest sufferers. Next come

the class of small artisans and weavers, and then the day-labourers who barely eke out an anna per day as wages. The prices of food-grains in every one of the afflicted tracts went up high in some cases 50 and 100 per cent. This occurrence was most unusual. It has seldom happened that at the very beginning of the season of scarcity, prices of wheat, rice, bajra, and the jowar have gone up so high as has been the case at present. That such a condition of affairs should have created a panic and led even to looting and rioting as in Sholapur, in Nagpur, and elsewhere is not unintelligible. The people seem to have been frightened at the insufficiency of food-grain. They naturally thought that if a limited stock of grain, at the very commencement of the scarcity, should raise prices so high, what might happen when the season advances and the stocks are exhausted? No doubt, the first impulse was to curse the *Bania* grain-dealer and lay on his head all their woes. But as the panic subsided, and as it became known that Government would spare no efforts to relieve the distressed, while the long arm of charity may be expected to loyally assist the efforts of the State, prices went down a little. This may be taken as the situation at present. The weekly official reports show that upwards of two lakhs of persons in various parts of the country are already employed on relief work, and that as week after week advances, the number will swell till at last it may reach a maximum in April and May, the number of which it is impossible to forecast at present. Every presidential and provincial Government has been straining its nerve to do its level best to cope with the distress which really bespeaks well of the humanity of our Government. British civilisation could not tolerate famine. And the head of the State has already declared from his place in the Council Chamber that his Government will endeavour to save life at all cost and all hazard. Let us all devoutly hope that it may be so able to achieve its noble intention without indulging in hope or prospect not founded on the realities or circumstances prevailing in the country. To entertain sanguine prospects which may not only be not realised but which may end in heavy mortality, otherwise preventible, would be grievous. For when we recall to mind the disastrous mortality which took place in 1877-78, when, according to official accounts, over 50 lakhs of human beings

perished, we cannot but contemplate with the gravest apprehension what may befall unhappy India at this dismal juncture, should the efforts and energy of the State, with all the ample resources and most perfect organisation at its command, be found to be not so satisfactory as the people have been led to expect. I do not mean to say that these efforts and energies will be wanting. But it is not unlikely that, here and there, owing to more sanguine estimates of food and fodder and other optimistic views, the same care and attention may not be paid. You may have on paper the most perfect Famine Code; but, unless those entrusted with its work, from the highest to the lowest, do not fall short in carrying out its provisions by a variety of causes, it is not unlikely that mortality, otherwise preventible, may ensue. It is, therefore, the duty of every citizen and public body to heartily second the efforts of our benign rulers in saving life. The Press, too, is doing an invaluable service in placing before the public from day to day all intelligence regarding the famished in various parts of the country. It is discharging a noble duty worthy of its sacred functions, and we cannot but express our gratitude to it for its enterprise, which enables it to give such wide publicity to all intelligence in connexion with the famine. Its argus eyes can detect neglect, indifference or mismanagement anywhere, and enable the authorities concerned to set matters right at once. The primary and essential function is to see that relief is given in time, that is not allowed to be too late when it may become impossible to save lives.

Government and Famine

That the Government, as the Hon'ble Mr. Woodburn observed the other day, is in a better position today to cope, and cope effectively, with famine, than it was 20 years ago, is no doubt perfectly true. We have had two crores of irrigation works and seven crores of protective railways constructed since 1880 out of the Famine Fund. Facilities of communication have been vastly increased ; many a tract of the country has been brought within the radius of our railways, both trunk and branch. All these are assuring elements in connection with the present famine which were wanting in 1877-78. But, while admitting these facts,

we should not forget that despite branch or feeder railways, despite increased communications, despite other facilities of transit, if there be no sufficient food-stock in the country to move from the locality, where it may be a surplusage to one where it may be most wanted, then these appliances and resources are unhappily of no avail.

The Stock of Grain in India

Thus the most pressing question of the hour is not irrigation or railways, but the stock of food in the country. For your own province, I was rejoiced to see the other day from the note issued by your public-spirited and energetic Lieutenant-Governor, that, though there was an insufficiency of rice, the surplus of the Burma crops, plus importations from Singapur and Saigon, might be able to supply it. The Upper Provinces, under the able administratorship of the equally energetic Sir Antony Macdonnell, are a wheat-consuming country. Though wheat has been less exported from those provinces last year for purposes of exports, it is not impossible that there may yet be a deficiency, and if that is so, wheat may be imported from Persia, and Russia, and even America, though at a dear rate. Thus, the wants of that populous, but very poor, province might be fairly supplied. It is needless for me to inform you that the N.W. Provinces and Oudh have a population numbering 4.75 crores. But it is so poor on the whole that according to the weekly reports the largest number of persons gratuitously relieved are to be found in that province, and it also has the largest number of persons employed on relief works. But as regards the food-supply of the Central Provinces, Bombay and Madras, I have not yet noticed full and detailed official estimates being placed before the public. and if that is so, I hope it will soon be done, for you will agree that an approximate knowledge of the stock vastly helps private enterprise and private charity between them to import grain and pour it into those localities where it is most needed.

Statistics of the Food-stock

But this question of the stock of grain shows clearly that India lives from hand to mouth. A leading weekly journal in Bombay, the *Champion*, gave statistics a few weeks ago, based on the figures of the outturn of food per acre as given by the Famine Commissioners, showing that with a population of 22 crores in British India, the total quantity of food required, at the rate of 1.5 lbs. per day per head, was 5.80 crores of tons, while the actual outturn of food-crops could not be estimated at more than 5.76 crore tons, taking 18.60 crore acres as the whole area cultivated for these, and computing the outturn at .31 ton or 694 lbs. per acre. These statistics would lead us to infer that the outturn of food just sufficed for the population. But there is an average export of 25 lakhs of tons beyond the sea. If, then, exports were taken into account, the quantity actually retained for home consumption would be *pro tanto* diminished that is to say, while the food required was 5.80 crore tons, the quantity available was only 5.51. This would signify a deficiency of 29 lakhs of tons which would mean insufficiency of grain for a crore of the population. If these statistics are wholly or even approximately correct and we have no reason for thinking they are not as they are founded on official figures, you may imagine, how perilous is the situation. The late Sir James Caird observed that India had no food-stock surplus to last even for ten days. Since he made that statement, which has never been contradicted, population has vastly increased, while the area annually cultivated for food-crops is barely enough. A further comparison shows that the area sown for non-food crops is relatively larger, as may be seen from the following table :

	<i>In crores of acres</i>		<i>Percentage of</i>
	<i>1880-81</i>	<i>1894-95</i>	<i>increase</i>
Total food-crops	16.62	18.62	12
Total non-food-crops	2.15	3.90	81

Thus, while the acreage of food-crops has only increased 12 per cent in fifteen years, the acreage of non-food crops has

increased 81 per cent, or almost doubled. Though it is a matter of satisfaction to know that the area for merchantable crops has increased almost double, that the area for food-crops should not show the same growth is a matter not only for regret but for deep reflection by every one interested in the better welfare of the country, so far as the annual food-supplies are concerned.

Land Revenue in Cash Instead of in Kind

To us, again, it is a further matter of regret that the substitution of the system of paying the land revenue in cash for that in kind, is having its pernicious effect on our ryot. Whatever may be the merits of the cash system, it is to be feared, it is not exactly suited to the cultivators of this country. The kind system previously in vogue was automatic in its incidence, and so far was most conducive to the happiness of the ryot. Whatever the condition of the crops, he had enough food-grain to last him for domestic consumption. If the crop was 16 annas, he paid in proportion to the State in kind. If it was 8 annas, the proportion to be paid to the State would diminish. Thus, the State dues fluctuated according to the condition of the crops, while the factor of food for annual domestic consumption remained constant. This system, in a great measure, tended to alleviate distress at the very outset of the scarcity. The cash system is wanting in this element and so far is defective.

The Agrarian Problem

This leads me to rivet your attention on the great danger looming in the near future in connection with our agrarian problem. It is, I admit, a gigantic problem and has been staring our rulers in the face for many a year past. Now and again palliatives have been applied by means of legislation. But palliative measures, you will admit, are after all no permanent solution of the problem. A broad, comprehensive, and practical solution is imperative, and it will require the highest experience and statesmanship to devise a remedy which may cure the disease, which is growing year by year and deepening in its intensity. I entreat you all to reflect on this grave situation, for, to my

mind, the greatest danger to our country, in the near future, is what may arise from agrarian agitation. There is nothing like the rebellion of the belly. Government has been for years most unwisely spending millions against the so-called external danger. The expenditure is said to be an insurance against invasions, and yet we have a terrible invasion arising from hunger within the country itself, while there is no serious effort yet made to build an insurance against such internal danger. This must be, to all of us, a matter of the deepest regret. Let it be our endeavour, to the best of our power and ability, to assist the Government in its arduous task by suggesting suitable remedies. Two years ago, Sir Antony Macdonnell, as the Home Secretary of the Government of India, informed the public from his place in the Supreme Legislative Council, that Government had on the anvil such a broad and comprehensive solution of the agrarian difficulty. Let us hope that, as soon as the hands of the Government are free from famine, it may devote all its ability and energy on this important topic. Let it be the good fortune of our present Viceroy, the liberal and sympathetic Earl of Elgin, to inaugurate such a practical agricultural reform as may restore agricultural prosperity to India and extricate her ryots from their present impoverished and distressed situation and earn for his lordship a deep and lasting gratitude.

Growing Civil and Military Expenditure

The next subject of importance is that of the growing expenditure of the Administration, both in its Civil and Military branch.

The famine has conclusively demonstrated, beyond all other facts and all other statistics, the existence of the poverty of India, to which our patriotic Grand Old Man, Mr. Dadabhai Naoroji, has been persistently drawing the serious attention of our rulers. That one main source of that poverty is the annual drain of millions of the national wealth, is now admitted everywhere. None can deny the fact, however plausibly it may be explained away. When we come to analyse the cause of that drain, we are confronted with the enormous expenditure incur-

red in England on Civil and Military Pensions, India Office Establishments, and, what are generally called, Home Charges. More or less, they are undoubtedly the outcome of the costly foreign agency in the administration—a subject on which the Congress has continued to express its emphatic opinion from time to time during the twelve years of its existence. I do not propose to enter here into the details of this grave economic phenomenon. But to us it is a matter of some satisfaction to know that, in respect to the costliness of the administration, there is now sitting a Royal Commission to investigate the whole subject, a Commission which is the direct fruit of the agitation by this Congress, and by none more than Mr. Dadabhai Naoroji and Sir William Wedderburn. None can deny that, but for their strenuous exertions in Parliament to have this Commission appointed. India today would have been still without any inquiry. The last one was in 1874. But the Fawcett Committee, as it was called, concluded its sittings without a report.

Royal Commission and Apportionment of Home Charges

This Commission, however, has had now thirty sittings and has already recorded the evidence of expert officials, both in active employ and in retirement. Among the latter are two distinguished ex-Finance Ministers, Sir David Barbour and Sir Auckland Colvin, and Captain Hext. It is a gratification to see from their evidence that they have made out a strong case for greater control over the expenditure of the Government of India, specially Military and Naval; the two ex-Finance Ministers are of opinion that, with a pro-Military Viceroy, the chances of his dominating his whole Council and incurring any amount of Military expenditure of an irresponsible character, in league with the Military element in the Executive Council, are many, which can be hardly said to be conducive to the interests of the already overburdened taxpayers. These retired officials have also given their opinion that the limits of taxation have been already strained, and pointed out the danger of further taxation. Sir David Barbour, again, has admitted that Parliamentary control over all expenditure, as wisely suggested by Sir William Wedderburn, is expedient. He will not, however, give his

unqualified concurrence to the scheme which requires modification. So far, it may be observed, that the evidence is satisfactory and in the very direction the Congress has for years been pointing out. Again, it must be said that the evidence of Sir Edwin Collen has completely established the contention of the Congress regarding the appalling growth of Military expenditure, even after making all allowances for necessary and unavoidable increases. Mr. Stephen Jacob, too, whose evidence was exhaustive, has made out a case as to the unfair character of expenditure which the Home Office foists on India. You are aware that the Congress, as well as the Government of India, are at one on the question of the appointment of Home Charges. And Mr. Jacob's evidence is therefore eminently satisfactory in this respect. Let us, Gentlemen, do all in our power to further strengthen the hands of our Indian Government by once more placing on record our opinion regarding the financial injustice from which India has been suffering for many years past. If the Royal Commission does nothing else but recommends a fair apportionment of the charges to be borne by India and England respectively, it will have rendered the greatest service to this country and justified its appointment.

Lastly, it is a pleasure to notice that, thanks to the persistent efforts of the representatives on behalf of India—Sir W. Wedderburn and Messrs. Dadabhai Naoroji and Caine—the Commission has at last allowed reporters to attend its sittings. Publicity adds to the value of public enquiry. The Congress owes a deep debt of gratitude to these gentlemen for their disinterested exertions throughout in this matter. Let me add here that my indefatigable friend, Mr. D.E. Wacha, has been elected by the Bombay Presidency Association to proceed to England and to give his evidence before the Royal Commission, and I have no doubt whatever that, zealous and hard-working as he has been throughout his life in the cause of our country and a master as he is of the facts and figures regarding Indian finance, his evidence will be of very great use to us and assist the Commission in coming to the right conclusion.

Dividing the Council on the Indian Budget

I will now proceed to another important topic on which not only the Congress has expressed its own views but every Provincial Conference in the country has done the same. I mean the reform, which is absolutely necessary and expedient, in connection with the discussion of Imperial and Provincial Budgets. Though we all appreciate the privilege conferred on the expanded Legislative Councils to discuss the Budget, there is no power to move amendments and vote on it. So far all life is taken out of these Budget debates. And for all practical purposes, the discussion is purely academic. Though this is the fourth year of the expanded councils, the most pungent criticism on the Budget in the Imperial Council makes no difference whatever and has no practical effect. Though the representatives of the public give voice to public opinion in the Council Chamber, their utterances go unheeded. This is not a satisfactory state of matters.

If Budgets are to be popular, and if the people and the Press are to influence these for good, it is essential that the Budgets should be voted upon. Otherwise, Budget discussions will remain the forces that they are, and it is to be earnestly hoped that our rulers will see their way to instituting an early reform in this matter. The fear that the Government may be over-ridden is groundless. There is not a Council in the Empire in which the official element does not preponderate, and it is absurd to expect that Government could at all be swamped. It is a curious anomaly that, though in Local Self-Government the representatives of the people can discuss their Civil finances, and divide on them, they cannot do so on the larger subject of the finances of the Province and the whole Empire. I repeat, therefore, the hope I have already expressed that the Government will at an early date, see the reasonableness, aye, the justice of our demand and grant us the same as conducive to the greater welfare and contentment of the people.

Tribute to the Dead

Since our last sitting, at Poona, the cruel hand of death has

deprived us of several of our most energetic workers, friends and sympathisers. Foremost among them stands the name of the late Mr. Mano Mohan Ghose, an enthusiastic and steady worker from the early years of this movement. His great abilities and rare legal acumen, his special study of Indian questions, especially the urgent need of the separation of judicial from executive functions, his untiring zeal and moderation, his great powers and readiness in debate and widespread influence combined to make him best fitted to espouse his country's cause. His sudden and untimely removal from our midst leaves a blank which it will be hard to fill, but his services to the Congress will keep his memory always green in the annals of this movement. In the death of Rao Bahadur H.H. Dhruva of Gujarat, a scholar of European reputation, who represented H.H. the Gaekwar at the Norway and Sweden Oriental Congress, our movement loses another worker, whose zeal and enthusiasm for the Congress knew no bounds; he went from village to village pleading the Congress cause, and spared neither time nor money in its advocacy. He was a District Judge on our side of the country, but as soon as he was freed from the trammels of office, the first thing he did was to attend Karachi Provincial Conference in the scorching heat of May last, and died within a fortnight of his return from that place. Western India, especially Gujarat, will long mourn his loss. By the death of Mr. C. Narayan Swami Naidu of Nagpore, the Congress has lost another staunch supporter, to whose enthusiasm the entire success which attended the Nagpore Congress was due.

Diamond Jubilee of Queen Victoria

You are all aware that the reign of Her Most Gracious Majesty the Queen Empress of India has recently exceeded in duration that of any of Her Most Excellent Majesty's predecessors, and that this auspicious event is to be celebrated in or about June next. Whatever may be the differences between the different races inhabiting this vast country on political or other grounds, the whole of India is unanimous in the opinion that Her Majesty has throughout her reign been ever anxious for the welfare of all her Indian subjects and has ever treated them with the same kindness and with the same solicitude with which she

has treated all her other subjects. To Her Majesty, all her subjects are equal without any distinction of caste, creed, race or colour. She is the ever affectionate mother of all her subjects, and all her subjects, whether near her or far away from her, are to her, her children.

Whatever might be the political views of Her Majesty's ministers for the time being, whoever might be in authority under Her Majesty in India, Her Majesty has throughout thrown the great weight of her high authority in favour of equal treatment of all her subjects alike. You are all aware of the great Proclamation from Her Majesty to the people of the country, and which Proclamation is rightly regarded by the people of this country as their great Charter and cherished accordingly. You are all aware that Her Majesty issued the said Proclamation unasked, and thus did an act of a signal, illustrious, very rare and unrivalled magnanimity, an act fraught with seeds of deep and abiding value. That she, the august Sovereign of an Empire, over which the sun never sets; that she, the constitutional ruler of a country that leads the advanced guard in the march of liberty and of civilisation, should deign to look over and care for us, who have fallen back among stragglers in the rear, is in itself a proof of her high generosity. It is not for us, and in this place, to pass in review the important incidents of her long, glorious and illustrious reign. Suffice it to say that the Victorian era will be ever remembered throughout the British Empire with deep feelings of pride and pleasure, and in the rest of the world with those of wonder and admiration.

Let, therefore, this Congress of delegates from all parts of India humbly offer its dutiful and loyal congratulations to Her Gracious Majesty the Queen, Empress on her memorable beneficent and glorious reign, exceeding in length of time the reign of any of her predecessors, and heartily wish her many more and happy years of rule over the great British Empire. Let us all fervently pray that benign and merciful Providence may shower over her its choicest blessings, and guide her in future, as it has guided her in the past, in the path of duty and of righteousness and that she may be enabled to complete her glorious work in

India by bestowing on her grateful Indian subjects the same rights and privileges as are enjoyed by her British subjects, by removing all disabilities which still cling to us, notwithstanding Her Royal Mandate to the contrary. By conferring on us the boon we ask for, in fulfilment of her own gracious Proclamation, Her Majesty will not only command the prayers of her Indian subjects, but also secure the sympathies of the whole civilised world. Her sagacious clemency will ever live in the hearts of her Indian subjects, and will indeed, assure the prosperity, as well, as the continued and devoted loyalty of India. The English nation is well known for its manliness, and manliness is associated with love of justice, generosity and intellect. It is the force of character, as also the force of circumstances, that have given Englishmen their present power. In fact, they are masterful men, and we trust they will, therefore, join with us in our prayers to our and their Sovereign on this auspicious occasion, and thus assist in inaugurating a truly liberal measures of reform, and thereby earn credit and achieve a reputation of which all manly hearts ought to be proud.

It now remains for me to say that in the discussion of the several important matters that will be placed before you for your consideration, you will show the same moderation, both of language and thought, as you have hitherto displayed. May merciful Providence guide us all, both you and myself, in the discharge of our duties on this important occasion, and may our deliberations contribute to the benefit of all concerned.

A PLEA FOR RULE OF LAW*

Gentlemen, I thank you heartily for electing me to preside over this great national assembly. We meet at the close of a year that will be memorable in the history of the British Empire. We have witnessed and we have taken part in the celebration of the Diamond Jubilee of the reign of our Empress. We rejoice with our fellow subjects of this vast Empire in the prosperity of that reign. We exult in our acquisition of political rights during this period. We bless Her Majesty for her message in 1858 of peace and freedom when the occasion invested it with a peculiar significance. While Englishmen in India inflamed by race animosity and the recollections of the Sepoy Mutiny, which ignorance still calls the Indian Mutiny, were calling for terrible reprisals, the unasked, forgetting and forgiving, issued her gracious proclamation. It was a stern reproof to those who then clamoured for indiscriminate vengeance; it continues to-day a standing rebuke to those of her European subject who would deny us the rights of equal citizenship. She is to us the living embodiment of what is good in British Supremacy, and we may feel assured that her anxiety in our behalf which she manifested in 1858, her kindly regard shown on every subsequent occasion, both in times of joy and of affliction, will continue unabated for the rest of her life. Throughout our land her name is venerated, in almost every language the story of her life has been written and sung, and in years to come her name will rightly find a place in the memory of our descendants along with those great persons whose virtues have placed them in the ranks of *avatars* born into this world for the benefit of this, our holy land.

*Presidential address delivered by C., Sankaran Nair at the Amraoti Congress held on 27-29 December, 1897.

Charge of Sedition Against Educated Indians

Forty years of peace and progress seemed to have amply justified the wise and generous statesmanship of the great Empress, when suddenly this year, we have been startled with the cry of sedition directed not against any specific individual, nor even against a number of persons but against a whole class, the product of the liberal policy inaugurated nearly, half-a-century ago. The charge of sedition, faintly heard years ago, against the Congress, a charge the absurdity of which has been often exposed, has now been revived against the educated Indians by a section of the Anglo-Indian Press. We are tauntingly asked to study our past history for proof of our degraded condition from which the English Government has raised us, and to contrast it with the blessings we now enjoy. We do not need the invitation. We are acquainted with our immediate past; we feel grateful for the present. But our opponents forget we are more concerned with the progress of our country in the future than with the benefits we have already derived under British Rule.

British Rule in India

We are well aware of the disordered state of this country when it passed, with its insecurity of person and property, under British Rule, of the enormous difficulties our rulers had to overcome in introducing orderly administration without any help from the then existing agencies. We recognise that the association of the people in the government of the country, except to a very limited extent, was then impossible. We also know that British rule cleared the way to progress and furnished us with the one element, English education, which was necessary to rouse us from the torpor of ages and brings about the religious, social, and political regeneration which the country stands so much in need of. We are also aware that with the decline of British supremacy, we shall have anarchy, war and rapine. The Mohammedans will try to recover their lost supremacy. The Hindu races and chiefs will fight amongst themselves. The lower castes who have come under the vivifying influence of Western civilisation are scarcely likely to yield without a struggle to the domi-

nion of the higher castes. And we have Russia and France waiting for their opportunities. The ignorant masses may possibly not recognise the gravity of the danger attendant on my decline of England's power in the East.

But it is ridiculous to suggest that those who have received the benefit of English education are so shortsighted enough as not to see and weigh that danger. While, however, full of gratitude for what Great Britain has done to India—for its Government which secures us from foreign aggression and ensures security of person and property—it should not be forgotten for a moment that the real link that binds us indissolubly to England is the hope, the well founded hope and belief, that with England's help we shall, and, under her guidance alone, we can attain national unity and national freedom. The educational policy of the Government, a policy which combines beneficence with statesmanship, justified such hopes in us. Those hopes were confirmed by various pledges. Those pledges were followed by the creation of institutions by which we were admitted to a share in our ordinary Government which must surely, though slowly, lead to the full fruition of our aspirations.

Indian Aspirations Under England's Training

Just look for a moment at the training we are receiving. From our earliest school-days the great English writers have been our classics, Englishmen have been our professors in Colleges. English history is taught us in our schools. The books we generally read are English books, which describe in detail all the forms of English life, give us all the English types of character. Week after week, English newspapers, journals and magazines pour into India for Indian readers. We, in fact, now live the life of the English. Even the English we write shows not only their turns of thought but also their forms of feeling and thinking. It is impossible under this training not to be penetrated with English ideas, not to acquire English conceptions of duty, of rights, of brotherhood. The study and practice of the law now pursued with such avidity by our people, by familiarising them with reverence for authority and with sentiments of

resistance to what is not sanctioned by law, have also materially contributed to the growth of mental independence.

Self-Government for India

Imbued with these ideas and principles, we naturally desire to acquire the full rights and to share the responsibilities of British citizenship. We have learnt that in the acquisition of those rights and in the recognition of the principles on which they are based, lie the remedy for the evils afflicting our country, evils similar to those from which England herself once suffered. We know that in U.K. race differences between Norman and Saxon, at one period more virulent than those which at any time existed between Hindu and Mohammedan, religious intolerance which has scarcely been surpassed in India, class divisions equalling any in our own country, a degradation, political and social, of the masses which may be equalled here but could never have been exceeded—all these have disappeared in the common struggle for freedom, and in the combined effort to retain it when acquired, in which each required the help of its antagonist and each was obliged to concede to others the right claimed for itself and which, therefore, resulted in the recognition and solemn affirmation of principles of Government, which obliterated all distinctions of race or religion, caste or class. Those principles affirmed the equality of all before law and Government, the right of Self-Government by the people themselves through their representatives, and complete freedom of speech and discussion as the very breath of national life.

It is the hope that one day we may be admitted as equal shares in this great inheritance, that we shall have all the civil rights associated with the English Government, that we shall be admitted as freely as Englishmen themselves to worship in this temple of freedom—it is this hope that keeps India and will keep her always attached to the British. This hope is sustained by pledges solemnly made; and the sentiment of loyalty to the British connection created by repeated declarations that we shall be gradually allowed the full rights of English citizenship is already in full force. Such a pledge was made in 1833 when

Parliament solemnly declared that race or religion or colour shall not be a disqualification for holding any appointment. This declaration of policy in a time of peace has been solemnly affirmed after the Mutiny. Already, the pledge has been in part redeemed. We have been admitted, as it were, into the outer precincts of the temple of freedom. The Press has been enfranchised. Partially elected members sit in our local and legislative councils. We can enter the Civil Service through the open door of competition. These blessings are no doubt now coupled with conditions which unfortunately detract from their value.

But these great and healthy principles have nurtured and consolidated a sentiment of affection. All that England has to do is to persist resolutely in the line of policy she has initiated and thereby deepen that feeling of loyalty which makes us proud of our connection with England. I myself feel that there is very little reason to fear that England will reverse the past. To deny us the freedom of the Press, to deny us representative institutions, she will have to ignore those very principles for which the noblest names in her history have toiled and bled. She cannot close all her educational institutions in the country. She cannot persuade us not to read the fiery denunciations of every liberal form of Government, of the petty acts of tyranny committed anywhere on the face of the earth, which appear in her papers imported into India week after week. It is impossible to keep out of India eloquent orations on patriotism by men like Mr. Chamberlain—a Cabinet Minister holding up to admiration the memory of patriots like Wallace, whose head was stuck up on the traitor's gate of the City of London, of Bruce guilty of foul murder in a Church, of Emmet and other Irish leaders executed or hung for treason by the English Government. It is impossible to argue a man into slavery in the English language. Thus, the only condition requisite for the fruition of our political aspirations is the continuance of the British Rule. The fond hope that India may one day take her place in the confederacy of the free English-speaking nations of the world can be realised only under England's guidance with England's help. Years must elapse, it is true, before our expectations can be realised, before

we get representative institutions on the models of those of the English-speaking communities. Slavery we had under our old rulers, Hindu and Mohammedan; we may again get it under any despotic European or Asiatic Government. But we know that real freedom is possible only under the Government of the English Nation, nurtured in liberty, hating every form of tyranny, and willing to extend the blessings of representative Government to those capable of using it wisely in the interests of freedom and progress.

Western Influence on Indian Social and Religious Progress

Great as is the necessity of British Rule for the political emancipation of our country, even greater is the necessity for social and religious reform. In the present circumstances of India, inhabited as it is by followers of various religions, various sects, classes, very often with antagonistic interest, any Government which is not strictly secular and absolutely impartial must be disastrous to the best interests of the country. The customs, institutions, beliefs, practices of one community are denounced by others as unreasonable and destructive of true faith. Some of our reformers, hopeless of any internal reform, are building up a new social system and accordingly have adopted an attitude so antagonistic to the popular religion that they are regarded as seceders from Hinduism. Others, again, have formed themselves into sects each claiming to be orthodox and denying to others the merit of adherence to the true Hindu religion. We have also preachers in our midst who, while deprecating any revolt or open defiance, urge the purification of the Hindu faith. The gulf between Hinduism and other religions has been considered impossible. But attempts are being made with some success to re-admit converts into Hinduism. Steps are being taken in some places to mitigate the rancour of religious hostility between Hindus and Mohammedans. Some of the lower castes resent the galling yoke of caste so bitterly that they seek refuge in Mohammedanism or Christianity. The original four castes had multiplied into a number that must appear to every man unreasonable and absurd. There seems to be a general desire to break down the barriers between these numerous castes.

Knowledge is accessible to all. The Vedas and other holy books are now common property; equality in knowledge must eventually lead to the practical removal, if not the entire destruction, of the great barriers that now divide the various classes. Again, you are aware of the attempts that are being made to restore our women to the position which competent authorities maintain they occupied in ancient India. We want in brief to eliminate, if necessary, from our system all that stands in the way of progress. We desire to absorb and assimilate into our own what appears good to us in Western civilisation. This is impossible under a Government which would uphold a particular social system or a particular form of religion to the exclusion of others as some of the ancient Governments of India did. To break down the isolation of the Hindu religion, to remove the barriers which now prevent free social intercourse and unity of action, to extend the blessings of education to the lower classes, to improve the position of women to one of equality to men, we require the continuance of a strictly secular Government in thorough sympathy with liberal thought and progress.

Indian Witnesses before the Welby Commission

Gentlemen, I do not propose to refer to the various subjects that we been continually pressing on the attention of our Government and of the public. This year, Mr. Dadabhai Naoroji and our four Indian witnesses have stated our grievances before the Welby Commission with a fulness and clearness which leave nothing to be desired. They have stood the test of cross examination by those who have constituted themselves the advocates of Indian Government, and their evidence will remain on records as a protest against some of the shortcomings of British administration. Our thanks are due to them.

Famine and Poverty of India

I shall accordingly content myself with referring to certain notable events of this year. Naturally, the terrible famine that has devastated our country first claims our attention. We render our hearty thanks for the magnificent aid received by us from

the people of Great Britain and other countries. We recognise the great sympathy and ability with which the famine administration was carried on in India. But we cannot shut our eyes to the fact that the same energy, if directed to discover and remove the causes of famine, would be of far greater benefit to the country. At the root of these famines is the great poverty of India. The Madras Board of Revenue recently estimated on the returns furnished by local officials with reference to ryotwary tracts, that, in a season described as generally favourable for agricultural operations, there was no grain in the Presidency for five out of a population of 28 millions. If this is true, the miserable state of the people with regard to food-supply in seasons less favourable may be easily conceived. For ourselves, it is unnecessary to rely upon Government estimates and returns. The poverty of the country reveals itself to us in every direction, in every shape and form. It shows itself in the poor condition of the labouring population and of the great majority of ryots who are underfed, and who are without, not only the comforts but even the absolute necessities of life and who lead a life of penury and toil unredeemed by any hope of provision against the frequent vicissitudes of the seasons, sickness or old age when they must be dependent on relatives or strangers. The once well-to-do ryots are becoming reduced to the position of poor tenants, their poverty preventing them from carrying on any cultivation that requires capital. Parents find it difficult to give their children the education which their profession or station in life demands or, indeed, any education necessary wherewith to earn their livelihood; the extreme poverty of the class, to which the majority of students belong, could easily be ascertained. Even a partial failure of crops in one year leads to terrible scarcity or famine. Famine at certain intervals of time is becoming a normal condition of things in India. In 1877, and again this year, the loss of life has been terrible. Each succeeding famine finds the staying power of the masses, particularly in the ryotwary districts, reduced. Is this state of things to continue for ever? Are we not entitled, are not those who so generously come to our help entitled to ask the responsible Government, whether any steps have been taken to prevent a recurrence of the famine. In a fertile country, with every variety of clime capable of producing every

variety of produce, with a population, thrifty and hardworking, if the produce is not sufficient for the population, it must be due to some defect in the system of administration which does not protect the fruits of industry but scares away capital from the land. If the produce of the country is sufficient for the population and yet as a fact the foodstock remaining in the country does not suffice for consumption, the state of things must be due to some enormous drain on the resources of the country. The feeling is gaining ground, that the Government is morally responsible for the extreme poverty of the masses, for the scarcity that prevails almost every year in some part of the country or other, for the famine that so frequently desolates the land and claims more victims and creates more distress than under any civilised Government anywhere else in the world. The flippancy that would dismiss the entire problem from consideration with the remark that all this is due to over-population and is irremediable is as dangerous as is the deep-rooted belief that distress is a visitation of Providence for the sins of our rulers. One great Viceroy has had the question under consideration, and to him the remedy is so far as the increase in wealth from the land is concerned was clear. It is Permanent Settlement of Government Revenue from the land. The settlement officer will not then increase the revenue and deprive the cultivator of the increased produce due to his labour, or his capital, in that case there will be a large increase in the agricultural produce in India. There will always be large reserve of food-stocks in the country available in times of scarcity. The fixity of taxation will create a class of landholders interested in the maintenance of law and order. The policy of Government was once settled in favour of permanency, but in recent years under pressure mainly of military expenditure, the policy has been changed and the revenue enormously raised. Our Government ought to concede the Permanent Settlement immediately to all parts of India and in those parts of India where from local circumstances a permanent limitation of land revenue is not feasible, it would be a step in the right direction if any increased demand for revenue by Executive action is permitted only with the permission of the Legislative Council. This would not be an adequate remedy, but it is a measure that will help to produce great and satisfactory results.

Foreign Policy and Indian Finance

The next remedy that obviously suggests itself has reference to expenditure. Government agencies are notoriously extravagant, at least in the opinion of those who have to find the money, and the foreign policy of the Indian Government imposes a burden on the taxpayer which is already becoming too heavy to bear. The checks that exist are not sufficiently effective. The Budgets at present are only offered for criticism. They ought to be submitted to the Legislative Councils, for approval and the members ought to have the power of moving resolutions in connection with them. As the officials always form the majority, Government could never be embarrassed by an adverse vote, whereas in its differences of opinion with the Home Government, a Resolution of the Legislative Council could naturally be a great support to it. The biggest item of expenditure is the military expenditure. Our true policy is a peaceful policy. We have little if anything to expect from conquests. With such capacity for internal development as our country possesses, with such crying need to carry out the reforms absolutely necessary for our well-being, we want a period of prolonged peace. We have no complaint against our neighbours, either on our north-west or our north-east frontier. If ever our country is involved in war, it will be due to the policy of aggrandisement of the English Government at London or Calcutta. An army is maintained at our cost far in excess of what is required for us. The military element is supreme in the Viceroy's Council. For interests other than Indian, countries are invaded, all the horrors of war let loose at the expense of the Indian taxpayers. As England directs our foreign policy and as wars are undertaken to maintain English Rule, the English Treasury ought to pay the entire cost, claiming contribution from India to the extent of India's interest in the struggle. This would secure a thorough discussion of any foreign policy in the English Parliament. It would also enable Indian Members in the Viceroy's Council to protest against any unfair distribution of the war expenditure when the Budget has to be passed.

Equality of Indians Before Law and Government

It is also to be borne in mind that a large portion of this unnecessary expenditure is due to the recognition, not perhaps openly in words, but in acts and policy by Government of the idea that the English are a foreign and superior race holding India by the sword and that the Indians are, as a rule, not worthy of trust and confidence. To us this idea is hateful and, therefore, we insist upon equality before law and Government. We maintain that no distinction ought to be made between classes or races, that the Queen's Proclamation should be adhered to, and, therefore, we protest against the principle underlying the Arms Act whereby no native of India may possess or carry arms without special license while Europeans and Eurasians may bear arms unquestioned. We appeal to our Government to authorise a system of volunteering for Indians and not confine it practically to Europeans and Eurasians, thereby creating and fostering class prejudices. For the same reason we demand that the military service in its higher grades should not be restricted to Europeans alone but should be practically opened to the natives of this country, and that Colleges be established for training them for the military career. On the same ground we press for admission into the Public Service on an equal footing with Europeans. Apart from economic necessity, the stability and permanence of British connection require that not only no positive disqualification should exist but that the rules intended to make the declarations of 1833 and the Queen's promise of 1858 a dead letter must be removed. For the Civil Service, the Police, the Forest Service, the Salt Service, and even the Educational Service rules are framed apparently on the assumption that a European is by mere reason of his nationality fit and Indian for the same reason is unfit for the higher appointment in those Services.

The Aim of the Congress

The concession of these demands means an enormous increase in India's defensive strength against any foe; it means a reduction in taxation which at the rate it is now growing must

involve the ruin of the country. These distinctions, on the other hand, cast a slur on our loyalty, accentuate race prejudices in a most invidious form and relegate Indians to the position of an inferior race and silently ensure the emasculation of our manhood. The disastrous consequences of this race question are already apparent. Englishmen and other European Colonists in South Africa and Australia refuse to treat us on terms of equality and justify their refusal on account of our degraded position in our own country. On the other hand, as section, I hope a very small section, of our fellow-subjects regards a foreign power of its own religion following a course of policy abhorrent to the conscience of the English public, with feelings which, though unconsciously, took their origin in the refusal of Englishmen to treat them as fellow-citizens in reality and not merely in name. To this feeling of race superiority is also due the frequent contemptuous treatment of respectable people by soldiers, a treatment which renders them a terror to peaceful inhabitants and which, according to the confessions apparently believed by Government, has led to the Poona tragedy. The racial feeling, I refer to, is confirmed by the belief generally entertained in India, that it is almost impossible to secure the conviction of a European accused of any heinous offence. If that feeling is justified by the action of our authorities, then the position is deplorable. If the impression is unwarranted, then its origin must be due to the idea of inequality before law generally entertained. On this race question, no concession is possible. No compromise can be accepted so far as it lies in us. We must insist on perfect equality. Inequality means race inferiority, national abasement. Acquisition, therefore, of all civil rights conferred on Englishmen, removal of all disabilities on Indians as such—these must be our aim.

Poona Plague Operations

I shall now briefly refer to the Poona plague operations and their unfortunate development. This country was passing through a terrible ordeal. Poverty which may be said to be the normal condition of our masses deepened into famine. In the Bombay Presidency, it was followed by plague, a terrible disease

for which no remedy has yet been discovered. The measures which the Government had to take for its suppression in Poona, which was badly affected, were said to have interfered with the domestic habits of the Hindus and Muslims; soldiers who were employed to enforce these Government measures were, rightly or wrongly, generally believed to have insulted women and defiled places of worship. The result was prostration of the people. A feeling of helplessness came over them. In western countries, the result would have been lawlessness. In Poona, many contented themselves with abandoning their homes. Some resigned themselves to sullen apathy and despair. There were a few who protested against Government measures, pointing out their unnecessary harshness. Amongst those who protested was Mr. Natu, a leading Poona Sardar. His formal written complaints recently published in England disclose, if any reliance can be placed on them, a state of affairs which certainly demanded attention. Let me give you a brief summary of his complaints.

The inspection of houses by soldiers seems to have been carried out without notice by forcing open, very often unnecessarily when there were other means of entrance, the locks of the shops and the houses when the owners were absent, and absolutely no attempt was made to protect the properties or the houses. No notice was taken of complaints concerning them. A Hindu lady was assaulted by a soldier, and Mr. Natu reported the matter to the authorities producing the witnesses. No notice was vouchsafed. The soldiers were refractory, and any complaint against them was regarded as obstruction. When a man fell ill, many neighbouring families were taken to the segregation camp and left there without any covering to protect their body or any furniture, their property at home including horses, cows and sheep being left unprotected. A man was unnecessarily taken to the hospital and sent back as not being affected by plague to find his furniture destroyed and his poor wife and relatives forcibly removed and detained in the segregation camp. Temples were defiled by soldiers and his own temple was entered by them on account, Natu believes, of his impertinence in making a complaint. An old man who succeeded in satisfying the search party that he was not suffering from plague was detained in jail

some hours for having obstructed the search party, the obstruction apparently consisting in the delay caused by him. Insult was the reward for the services of volunteers, and their suggestions were treated with contumely. You all know how sensitive our Muslim fellow-subjects are about the privacy of their women. And when Mr. Natu suggested that the services of Muslim volunteers should be availed of to search the Muslim quarter, he was told that his conduct was improper and his services voluntarily rendered were dispensed with. Mr. Natu brought all this to the notice of the officials, pointed out that the operations were carried on against the spirit of the rules and complained that there was a great amount of unrest. The Indian newspapers gave prominence to these and similar complaints. They compared the English Government to other Governments very much to the disadvantage of the former. The Mahratta complained :

“Plague is more murciful to us than its human prototypes now reigning in the city.”

The tyranny of the Plague Committee and its chosen instruments is yet too brutal to allow respectable people to breathe at ease. And it was added that, “Every one of these grievances may be proved to the hilt if His Excellency is pleased to enquire into the details.”

These representations were certainly entitled to attentive consideration however much the authorities might have disagreed with them. Their objects were honest, their methods were proper. Their language was not respectful, it was perhaps violent, but men dominated by feelings of distress are often carried beyond what strict prudence would dictate. The violence seems to have been proportionate to the contempt with which the complaints were treated. But to the Indian mind the idea of creating a feeling of disaffection with a view to overthrow the English Government is simply ludicrous. Language which to a lawyer savoured perhaps of sedition was only intended by its violence to attract attention, and such language was only caused by the bitter feeling, that milder representations by a race not so

law-abiding as the Indians would have received immediate and careful attention. However, while these plague operations were being carried out, the President of the Plague Committee, to the horror and alarm of the native community, was murdered on what happened to be the Jubilee celebration day. To the Indian mind it was clear that this was nothing more than an unfortunate coincidence.

English Ignorance of the Native Feeling

But its effect was very different in certain quarters. An Englishman in India is in a strange world; with his energy, practical will and ideas of freedom, he fails to understand and perhaps despises a nation given up to metaphysical dreams which does not regard material prosperity as the great object of life. In other parts of the world under European sway, in Africa and America an alliance with a European is eagerly sought, while in India where also he is master, he is regarded by the castes as impure whose touch is pollution. With such differences in thought and feeling, no wonder that ordinary Englishmen ignore that people entirely and do not try to understand them. Hence their limited comprehension. Not knowing the native mind they exaggerate the importance of trifles which only ruffle the surface of native feeling, and attribute to certain events a significance which however justifiable in England do not even deserve a passing notice in India. The difficulties of English administration based on this misunderstanding are increased by misrepresentations. Labouring under this incapacity to discover the mental condition of the Indian masses, the Anglo-Indian papers are not generally safeguarders. In times of excitement, in particular, some of them prove positively mischievous.

Safeguarding Popular Rights and Liberties : Deportation of Natu Brothers

Thus, it is not a matter for surprise that a section of the Anglo-Indian Press discovered a deep design in the Poona murder. They found a pretext for the murder in the plague measures taken by Government. That the Native Press denounced

such measures confirmed their suspicion. That the murder took place on the day of a great word-wide rejoicing proved to their satisfaction a deep-laid conspiracy which could have been planned only by educated cunning. Almost every incident that took place in Poona was pressed into the service to support this theory of conspiracy, and an attack was commenced on the Vernacular Press and the educated Indians, perhaps unexampled in its virulence since the Mutiny; a gagging act was loudly demanded, the policy of imparting education to the Indians was questioned, the Press, in England was worked, and the Europeans were thrown into a panic. The attack on the educated Indians and the Vernacular Press was brutal and cowardly. It was suggested as a matter for regret that the native mind had forgotten the lessons of the last Mutiny, that a fresh Mutiny would clear the air, particularly as the Mahrattas were not in the show of 1857. It was insisted that the Native Press was seditious and was responsible for the murder, and a section of the Anglo-Indian Press demanded the punishment by name, of Mr. Tilak, the man who had strongly attacked and denounced the measures of Government.

The unreasoning panic into which the Anglo-Indian community was driven by this malignant attack, and its unfortunate success in inflaming the English public, forced, according to the English papers, the hands of the Secretary of State, and Lord Sandhurst had to take measures which, it is believed, he would never have sanctioned if he had remained a free agent. Ostensibly to discover the murderer, but acting on the theory that the murders were the result of a conspiracy for which the Vernacular Press was responsible, the Government arrested the Natu brothers under the provisions of an old law intended for lawless times to secure the peace of the country. Mr. Tilak and the Editors of two Vernacular papers were persecuted; and a Punitive Force was imposed on the Poona Municipality. The arrest of the Natu brothers was and must remain a great blunder. It recalls the worst days of irresponsible despotism. Liberty of person and property is a farce if you are liable to be arrested, imprisoned, and your property sequestered at the will and plea-

sure of Government without being brought to trial. We shall before we part, I have no doubt, express our emphatic protest against this proceeding.

Imprisonment of Mr. Tilak

The Editor of one of the papers was tried by a Judge without a Jury, and was convicted and sentenced to a term of imprisonment which can be explained only by the panic which seized the entire European community. Mr. Tilak was tried by a Judge and Jury. A European,—he need not even be a subject of the Empress,—may claim to be tried by a Jury of whom at least one-half shall be Europeans. This is practically an efficient protection not only against the Executive but against popular excitement. In the case of an Indian, the entire Anglo-Indian community may be most unreasonably and passionately prejudiced against him; he may be an object of violent antipathy to the other races; yet he cannot claim fair trial at the hands of his countrymen. He must submit to be quietly convicted after, it may be, the farce of a trial; for a trial seldom restrains men who are passionately excited, and the Trial by Jury, an institution intended for the protection of the prisoner in such circumstances proves a delusion and a snare by depriving the prisoner of the right of appeal.

Mr. Tilak, there can be scarcely any doubt, would have claimed a Trial by a Jury of whom one-half were Indians, if to the Indian the law allowed the same protection that it affords to the Europeans. If there is any offence in India which ought to be tried by a Native Jury, it is the offence of sedition. It was possible that a Native Jury, we knew the language and who were in a more favourable position to form a correct judgment of the probably and intended effect of the articles on native mind would not have convicted; it was certain that a European Jury in that state of public excitement would convict. By exercising its right of challenge, the prosecution was able to secure a Jury of six Europeans—the number necessary to secure a conviction—and three Indians, and the verdict was naturally 6 to 3. In a far stronger case tried by an experienced Chief Justice, who had

been trained in English Courts, and retained the instincts of an Englishman, the Judge refused to accept the verdict of 7 to 2, when there was only one native on the Jury. In prison these men after conviction have been treated as ordinary criminals. You are perhaps aware that, in England, a man convicted of sedition is not treated as an ordinary criminal, sedition being regarded as a political offence, but in India apparently one is subject to the ordinary hardships of prison life.

This Poona incident enforces the necessity of ceaseless vigilance in keeping the English public correctly informed of whatever passes in India and of thus counteracting the mischievous effects of the dissemination of incorrect news. It emphasises the necessity of extending the system of Trial by Jury to India on the same conditions as it is granted to Europeans. It also shows that the Executive Government can deprive us of our liberty of person and property at its own will and pleasure. It has brought into disagreeable prominence the unsatisfactory nature of the law of sedition. The Government of India have announced their intention to alter such law in the light of recent events. We trust the Government will bear in mind that in the circumstances of this country, anything which checks freedom of public discussion is most deplorable. Such check may become a temporary, if dangerous, bar to quiet and steady progress. The stream of our national progress will nevertheless move on. Its progress at present under sympathetic guidance is smooth. Its unwise obstruction may compel underground passages or its overflow. It is a sad commentary on a century of British Rule that a Vernacular paper has had to close its office with these words :

“It is no more now-a-days safe to conduct newspapers; hence we, who have other means of livelihood to support us, make our exit, and do not feel any more necessity of attending the Deputy Commissioner’s Bungalow to offer explanations for certain writings.”

Responsibility of Government

Though the Press prosecutions are over, the Government has not answered the question that will be asked by posterity, and

that is being asked by India now. Was there any foundation for the complaints made by these various men, some of them honourably distinguished? Why have they been let to commit those acts which have now been declared to be offences? If they are not justified, if they cannot prove their allegations, they cannot be condemned too strongly; they will then have proved a curse to our country for the mischief they have committed. If, on the other hand, it was a righteous indignation for the sufferings of their countrymen that led them to jail, it will be difficult to blame those who extend their sympathy to them

Violent Criticism of Government Measures

We deprecate most strongly any intemperate language in criticising Government measures. We are bound to assume that any objectionable measure must have been due either to ignorance or to error of judgment. We have also to remember that after all our salvation lies in bringing home to the majority of the people of England our real wishes and feelings and that the persons whose actions are criticised are their own kith and kin, that the system of Government we attack was framed by men for whom they feel just respect and esteem. Any violence therefore will do us infinite harm, it may possibly prevent us from securing a hearing. A false, incorrect, or even doubtful allegation will discredit us in the eyes of Englishmen, and the cause of reform may be thereby put back for generations.

India's Loyalty to the British Throne

Let me say at once that in the remarks I make I deem it superfluous to proclaim our loyalty to the British Throne or Constitution, or to add that we have not the slightest sympathy with any speech or writing which would regard a severance of our connection as a desirable consummation. We naturally take a pride in the lives of the great men who have lived for India, and we would draw the attention of our rulers to that part of our ancient history which we think they might usefully study. But we are also aware that the present has its roots in the past, and the past is responsible for our lowly condition. We also claim

equality at the hands of Englishmen would deplore and resist any attempt to revive the days when any caste or class as such was privileged before the law, when a Brahmin, for instance, could claim immunity from punishment ! We claim equality for all Brahmins and Pariahs alike. It is his same feeling that prompts our criticism of any act on the part of our Rulers which may seem to recognise any inequality. It is by the removal of these inequalities before law between European and Indian, and by the degree of Self-Government conceded to us that we measure our progress towards freedom.

India's Political Future

Gentlemen, I have done. I am afraid I have wearied you with my lengthy remarks, but I hope I have succeeded in placing before you clearly some points relating to our present political condition. We have no need to despair of our political future so long as we depend upon Great Britain, but let us at the same time be alive to our duties and responsibilities. India expects great things from us, the whole civilised world is watching the changes coming over us. Shall we be content to leave India as it is, or shall we go on and do all in our power to lift it to a higher level. Years of subjection, nay, we may even say servitude, have sapped the strength of the Indian Nation, dwarfed its growth, and stripped it of all that was grand and noble in it, and if India is ever to occupy a better position than she fills at the present moment and take her proper place in the scale of nations, it must be entirely due to the zealous efforts of her educated and enlightened sons. Let *nil desperandum* be our motto, let not 'insidious smile or angry frown' deter us from following straight path of duty; and with the welfare and progress of our land as our end and aim, let us endeavour under a solemn sense of responsibility, as well as loyalty to our country, and to our Sovereign, to bring about that glorious future which must inevitably crown our efforts.

HOPE WITH SPLENDOUR AND LUSTRE*

Brother-Delegates, Ladies and Gentlemen,—When the heart is full, fewest and simplest words are the best. Let me, therefore, only say I think you most sincerely for the honour you have done me by electing me as your President—one so unworthy of the honour, so conscious of his deficiencies. Permit me to ask for you good wishes that I may not wholly fail to discharge the arduous duties to which your voice has called me, that still not fully recovered from the effects of a recent illness, strength may be given me to be not wholly inadequate to the responsibilities that devolve on me. It is to your indulgence, to your kindness and your sympathy, that I look for that help which I need to enable me to preside over your deliberations in the session now opening before us, and I am sure I do not ask for this in vain.

Mr. Gladstone

Brother-Delegates, as I rise to address you, my thought goes to that dear land with which it has pleased Providence in its kindness to link the destinies of this great and ancient country. Ladies and Gentlemen this I believe is the first meeting of the Congress, since its birth, from which no message of congratulation on his returning birthday will go to the great Englishman—the greatest of his age—whose earthly career came to its end on the Ascension Day of the year now about to close. On every 28th December, as it came back, it was the privilege of the President of the Indian National Congress to ask for your authority—and that authority was given, with glad enthusiasm—to send

* Presidential address delivered by Anand Mohan Bose at the Madras Congress held on 29-31 December, 1898.

a telegram conveying our best wishes to Mr. Gladstone. That privilege will not be mine. That duty henceforth will remain unperformed. That saintly statesman to whom—as to Savonarola of old, the fourth centenary of whose martyrdom too falls on this year—politics was a part of his religion; the Christian warrior who fought the fight of freedom for England, and not for England alone; whom Bulgaria and Greece, whom Armenia and Italy, even distant India, mourns not less than his own country; the friend of the weak and the helpless in whatever tongues their wails might be uttered; the bravest of the brave in every good cause, however hopeless, as Lord Rosebery described him in that oration in the House of Lords which will live, has gone to his rest amid the tears of a united nation. Never was the strife of parties so hushed, the deepest love of the country so drawn, its noblest feelings so stirred, as when that great soul departed this life. “In the use of all his gifts,” said the Archbishop of Canterbury at St. Paul’s, “there was ever the high purpose, ever the determination to the utmost of his knowledge and power to obey the law of God.” It was my privilege to visit in humble reverence the room in Liverpool where Mr. Gladstone first saw the light, there I lived for a few days opposite to that room as the guest of one of the dearest friends I made in England. It was my privilege to stand beside his grave in the Abbey which is the last resting place of the greatest of that land, and to take part with Englishmen of all parties in many demonstrations in his honour. And if it is not my privilege to-day, standing in this place to send any earthly wire to Mr. Gladstone, let us all in this great gathering—the greatest and the highest that educated India knows—with bowed heads, take to heart his great memory, cherish with affection the lessons of his noble life, and send our spirit’s greetings of love and reverence to him in that world which he has now entered, and where perchance Affection’s messages are not wholly lost

The New Viceroy

Ladies and Gentlemen, I should have liked to dwell on some of the lessons of that life—lessons of special import to us, and not to us only but to those also in whose hands God has entrusted the government of this country, and the fate for weal or woe

of its vast population. But from the great Englishman who has passed away, let us turn to another Englishman—the greatest by virtue of his position during his stay amongst us, the august representative of our beloved Sovereign—who tomorrow will land on India's shores I am sure, Brother-Delegates, I give expression to your unanimous feeling when, on your behalf, I tender our cordial welcome to Lord Curzon. There is no higher wish I can express for him than that, when the time comes for him to step down from his exalted office, he may carry with him from the people of this country some portion of that blessing and that love which have followed Mr. Gladstone on quitting the scene of his earthly labours from many nations and many lands, that he may find a place in their hearts by the justice and the righteousness of his rule, and reign there when the external emblems and pomp of power—how temporary after all—will have been laid aside. I know of no higher or more unique responsibility than that which appertains to the office of the Viceroy of India, called upon to bear the burden of guiding the destinies for happiness or misery of nearly three hundred millions of fellow-beings in a distant and an unfamiliar land—a responsibility which might tax the energies and try the powers of the most gifted and the most capable of men, which requires for its fulfilment the highest qualities not only of the head, but also of the heart; the precious gift of sympathy with those who have no vote or voice, the divine gift of the insight of the spirit which can see, can enter into and realise the feelings of an unfamiliar people, no less than the cool-head and the sober informed judgement, the administrative skill and ripe experience. His Lordship's recent utterances fill us with hope. To exhibit British power, inspired by the ideal of Christ, based therefore, may we not say, of the Law of Love and the Golden Rule, to treat the men of the East as if they were of like composition with the men of the West, to be fired with sympathy with all races, creeds and classes of Her Majesty's subjects, is, indeed a basis of statesmanship and a standard success worthy of the high office to which His Lordship has been called. May He who is the Common Father of us, all, and to whom all nations are as one, give to our coming Viceroy strength and guidance and grace to carry out this ideal and fulfill these hopes ! To Lord Curzon will fall the

honour of carrying for the first time the British Administration of a United India into a New Century. May that century open in sunshine and brightness and hope, free from the shadows which linger over the land not only from the calamities of nature, but also from the weakness of man!

An Era of Domestic Reform

The new Viceroy will take charge of affairs at a time not devoid of anxiety. I will not refer here to questions of Frontier Policy. They have been discussed during the year both in England and India. Lord Curzon has been credited with "advanced" views on the Frontier questions. But as the result of that discussion by the light of further experience since the statesman-like policy of Lord Lawrence and the distinguished men who followed him has been reversed, and on a nearer study of the financial and other urgent and pressing needs of the Empire entrusted to his care, all India, irrespective of creed or nationality ventures earnestly to hope that His Lordship will direct his great capacity and his great energy to initiating an era of domestic reform, of educational progress and industrial development, and leave a contented, prosperous and progressive India with its countless millions, as the best bulwark and the strongest defence, yea, as an invulnerable barrier against any foreign foe who may be misguided enough to assail India's peace or threaten India's frontier.

A Vital Problem

But if I will not refer to questions of External Policy, as such and except in their relation to questions of domestic progress, let me refer to an unhappy and, if not checked, even disastrous tendency which has within the last few years manifested itself in regard to questions of Internal Policy and which deserves far more attention than it has yet received. So vitally important to the welfare of India and to the honour and interest of England do I consider this matter to be so essential to the clearing of misapprehensions and to mutual understanding, to the restoration and growth of that feeling of sympathy, love and confidence,

between the rulers and the ruled, which is the basis of good Government, that with your permission, Brother-Delegates, I shall make this my main theme today, and devote the principal part of the time at my disposal to an examination of the facts which show the existence of this tendency and its vigorous growth, of the consequences of its existence, of its remedy, and of some subjects intimately connected with it. In the present crisis I feel, and I am sure you will agree with me, we cannot attempt to do a greater service alike to the Government and to the people, greater service to the cause of good administration, than to draw attention to this important problem.

The Dark Tide of Reaction

Ladies and Gentlemen, it has sometimes been a question in the past, as no doubt it will sometimes be in the future, as to the rate of progress in the concession of the elementary rights of citizenship to the people of this country. But slow and cautious, to many minds even too tardy, as the advance has been, an advance once made has never been retracted, a concession to freedom once granted has never been withdrawn; progress and not retrogression, growing confidence and not unworthy reaction, nearer approach and not wider separation, attempt at fulfilment of pledges solemnly and sacredly given and not their practical cancellation, has been so long the usual order of things in the British administration of this country. This is the foundation on which all the best statesmen of the past, all the noblest Englishmen whose privilege it has been to take part in the Government of the country, and of whose memory England is proud to-day, have built up the splendid fabric of the Indian Empire. Once, indeed, exactly twenty years ago, a reactionary piece of Legislation found its way into the Statute Book. I refer, I need hardly say, to the Vernacular Press Act of Lord Lytton.

But the potent voice of the great English people made itself heard, and it was not allowed long to stay there. It was soon withdrawn, and the speedy reversal of that retrograde legislation served only still more to emphasize and to confirm the permanent policy of steady advance to which I have referred, a policy

so worthy of the honour, of the glorious tradition and the best interests of the country with which Providence has linked our fate. Some of us fought in the dark days of that happily temporary period of reaction; and I vividly remember the perils and the difficulties aimed which we fought. Let me ask you, Brother-Delegates, to take to heart the augury afforded by that reversal and to feel assured that if only we are earnest, if only we do our duty and labour on and faint not, the innate sense of justice of the British people will not long allow the darker tide of the present day to roll on.

I have charged the Government with reaction; with reversing the wise and beneficent policy of the past. I confess it is a heavy indictment to bring. I should be happy indeed—not happier—if I could think or find that I am mistaken in the view I have taken. But, Ladies and Gentlemen, I cannot shut from my view stubborn facts which crowd around me. Let me place before you a few of those facts—they are only a sample—taken from the history of the last two years in proof of this charge, which it is no pleasure, but deep pain to bring.

Reorganisation of the Educational Service

The first perhaps in point of time is what is euphemistically known as the “Reorganisation of the Educational Services in India,” contained in the Resolution of the Government of India in the Home Department, dated the 23rd July 1896, but which came into effect later on. I cannot enter into the details of the matter, but let me briefly present the salient features of the situation. The dates I shall give relate to Bengal. Probably the same dates apply to the other provinces also. There are three stages in the history of this matter showing the course of the backward march. The first was when the higher Educational Service of the country was organised and the Graded System introduced, now a little more than thirty years ago. The gracious promises and the noble words of Her Majesty the Queen on the assumption of the direct Government of India, which will ever live in our hearts and will form the charter of our rights, were then fresh in the people’s minds and had not

been forgotten; and to the highest grades of that Educational Service, natives of India were then admitted on exactly the same footing as their English fellow-subjects. There was no difference either in position or in pay based on race or nationality, but merit had an equal recognition in whomsoever of the Queen's subjects, Indian or English, it was found. This policy of the "Open Door" was not merely on paper and in profession but was invariably carried out, a great many natives of India actually rising to the highest and other grades in the Service, and receiving the same pay as their English brethren in those grades. Then came the second stage. This in Bengal was about twenty years ago. The highest appointments in the Education Department still remained, as of old, freely open to the natives of India, but it was ruled that they were to receive only two-thirds of the pay of their English colleagues doing the same work. And now, in 1896, came the last stage of all. The status of Indian Members in the higher ranks was still further lowered, their pay was still further reduced from two-thirds to virtually one-half of their English colleagues; and sadder still they were now for the first time excluded from certain of the higher appointments in the Department.

In Bengal, for instance, Principalships of five of the leading colleges, besides several other appointments, are henceforth to be reserved for members of what is to be known as the "Indian Service", so called apparently because under the new Scheme there are practically to be no Indians in that Service. There is the word "usually" in the sentence which restricts natives of India to the Provincial Service; but as we know, in spite of every effort and repeated application, no Indian has yet been appointed by the Secretary of State in England. Natives of India, educated in the higher universities of England, possessing the same as or even much higher qualifications than their English colleagues, of the same standing and doing the same work with them, are to get half or less than half of the pay of the latter, are to be excluded from the higher position open to the latter, and may have to serve as their subordinates. I ask you, Brother-Delegates, is a new barrier now to be erected against the people of this country? Is a new policy of reservation and

exclusion based on considerations of race and colour to be now inaugurated in India after sixty years of Her Gracious Majesty's beneficent reign? Is the stream of liberty for the people of India to be a broadening, widening! deepening stream, or is it to be a narrowing, dwindling, vanishing channel, like some sacred rivers of old lost in the sand? Is this the way in which effect is to be given to the gracious promises of our noble Queen, to the solemn pledges of the British Parliament, to the repeated assurances of our Rulers? The worst of it is that so far as we can judge from the Resolution—and it is a lengthy document—this aspect of the question does not appear to have been even considered by the Government of India. To tell you the truth, I would give a great deal to have the opportunity of a face to face discussion with the authors of the Scheme. So indefensible is the measure, and so strong are the facts of the case. May we not hope that Lord Curzon will some day find time to look into the matter for himself, and redress the wrong that has been perpetrated.

Exclusion from Roorkee

My next sample will also relate to matters educational. I purposely select them, for they, at any rate, cannot have any mysterious political reasons to influence their decision.

Will it be believed—a distinguished Angle-Indian gentleman before whom I mentioned it in England would not believe it—that the privilege of admission to the Engineering Class at Roorkee, the most important in India and of competition for its appointments, which was freely open to all Statutory Natives of India till the year 1896. is no longer so open. From the year which of all others ought to have been the gladdest of years to us—the year to which we had looked forward with longing hope for fresh privileges and added rights—the year of Her Gracious Majesty's Diamond Jubilee—from that year this privilege has been withdrawn from “Natives of pure Asiatic descent, whose parents or guardians are domicile in Bengal, Madras, and Bombay.” I cannot congratulate the Government on this further carrying out of the policy of exclusion, of the policy of creating new barriers, of the shutting in of the “Open Door.” But it seems there is to be wheel within wheel, exception within exception. It is only the pure natives of India of the provinces named

who are to be shutout. Children or European or Eurasian parents, settled and domiciled in those provinces, may enjoy all the privileges as of old. They will continue to have the appointments from the Roorkee College still open to them, to have the advantage of selecting whichever Engineering College in India they like for their education.

It is no wonder perhaps that I should have heard motives ascribed for a proceeding so extraordinary as this. I will not repeat them, I cannot and do not believe them. But allow me to point out that here before our very eyes, is the creation of a new disqualification founded on considerations of race. If this is not a reversal of the policy of the part which recognised no distinction of race, colour or creed, at any rate at Roorkee, will any of our Anglo-Indian friends kindly tell us what reversal means, and if this is not going backward, then what the definition of that process may be? May we respectfully ask how long is this process to continue? Is a ukase to issue shutting, say, the doors of the Presidency College or the University at Calcutta against the people of the N.W. Provinces or the Punjab, against the students of Madras or of Bombay, on the ground that they have Universities of their own? Or, why confine ourselves to India? I could sooner imagine my sinking to the bowels of the earth than of my own University of Cambridge, or of my own College of Christ's with its bright memories of kindness which I can never forget, shutting its doors or refusing its prizes to the natives of India, even though they be guilty of being of "pure Asiatic descent". The Bombay Presidency Association, the Indian Association of Calcutta, and, I believe other Associations sent Memorials to the Government of India against this exclusion, rendered not more palatable or more justifiable by reason of its invidious character; but to no avail. The Government see no reason, the memorialists are informed only in July last, "at present to re-open the matter." May we be permitted to think that in the words "at present" there is some door yet left for hope.

Imprisonment in British India Without Trial

Let me now come to the matter of the Natus, brothers two prominent citizens of Poona, imprisoned without trial, detained in jail without charge, without even any knowledge on their part as to what they were suspected of having done, in spite of repeated request for such information, denied all access to their legal advisers, deprived of their liberty for an indefinite period, depending on the pleasure of the authorities by virtue of an administrative order. Is it necessary to point out that imprisonment without trial is repugnant to the most elementary principles of British Justice? Into the melancholy history of the shifting accounts which were allowed to leak out as to what these unfortunate people were suspected to have done, it is not necessary for me to enter into any detail. Suffice it to say that we were first told on high authority, that the result of their arrest would be to unravel a plot. Nearly eighteen months have passed. May we ask if that plot has yet been unravelled and what the particular plot was? We have not the slightest sympathy with the Natus if they have done anything wrong. But the plot theory by the stern logic of facts had soon to be given up. We were then told on the same high authority that one or both of the Natus, it is not quite clear which was meant, had been guilty of playing some "tricks." He or they had threatened a mid-wife by writing a letter to her, and had attempted to corrupt or pervert a policeman. The most diligent inquiry has hitherto failed to elicit any information as to who this threatened mid-wife and this incorruptible policeman could be, or anything as to this mysterious letter and its writing. It is necessary to mention the famous Pigott case to show the danger of an ex parte investigation—if indeed there has been any investigation at all in the present case—even when it is conducted with the highest skill and the greatest sense of responsibility? What the next version of this affairs may be we cannot yet say. If indeed no trial could be held, if indeed there be no provision for these "tricks" in our Penal Code, the most drastic in the world, the most easily changeable at the will, and to suit the will of the authorities as we know our cost, is there any reason why there could not at least be a departmental inquiry in the presence of

the victims of this arbitrary order in which they could be told of their offence, confronted with their now anonymous accusers, and asked for their defence? Englishmen point, and justly point, the finger of scorn at Russia for her arrests by administrative order and detentions without trial. I presume these are authorised by the laws of that land. Whole England, irrespective of party or class, yea, the whole civilised world outside France, has denounced in the strongest terms the condemnation of Dreyfus; because, though he knew what the charges were which he had to meet, though he was put on his trial and defended by counsel, though witnesses against him were examined in his presence and cross-examined by that counsel, though he had every opportunity to put forward his defence, yet there was one document shown to his Judges who condemned him, which was not shown to him or his advocate and that on the ground that the divulging of that document was fraught, in the opinion of the responsible Ministers of France, with grave political danger to the country, involving the risk of war with a neighbouring Power. I will not pause, Ladies and Gentlemen, to compare and to present in sad contrast the circumstances of that case which has been so universally denounced by all Englishmen with the circumstances of the case of the Natus.

It may be said, I have heard it said, that after all it is a question affecting two men out of the many millions of India with regard to whom Government may possibly have made a mistake and this need not have any very disturbing effect. Are they, who say this, aware, is the Government aware, of the sense of insecurity, of the breach in that sense of absolute confidence, in the majesty of law and the security of person which is the greatest glory and the noblest bulwark of British Rule, yea, of the unmanning and even terrorising influence over many minds, produced by these proceedings? Whose turn will come next, on whom and at what moment may this sword of Democles fall, is a question which has been asked by many amongst not the least notable of our land. I am glad, however, Ladies and Gentlemen, to inform you that the humble individual who is now addressing you has an unknown Lancashire working-man protector for himself, I may tell you the little story—the

incident may interest you, as it interested and even touched me at the time. At the conclusion of a meeting, I think it was at Oldham, in which I had taken part, several of the audience came up to speak to me; and I happened to mention that should it please the Government so to act, which I trusted it would not, there was nothing to prevent their dealing with me on my return to India as they had dealt with the Natus. I shall not easily forget the scene that followed. One of my hearers, a working-man I believe, with indignation and excitement depicted on his face, told me, "We know you Sir, Should the Government treat you in this way, Lancashire men will know the reason why." I am sorry to say, Ladies and Gentlemen, I forgot to ask his name or to note down his address. But, as I told him, I trust his interference on my behalf will not be needed.

The New Law of Sedition

I shall not dwell on the next sample, I have to present, of the reactionary policy of the last two years—the recent amendments in the Law of Sedition and in the Criminal Procedure Code. These will, no doubt, form the subject of a Specific Resolution to be submitted at the Congress. Let me only observe in passing that to make more Draconian a law which, in every case in which it had been tried of late, had proved only too effective, and to class speakers on public platforms and editors of papers with rogues and vagabonds and notorious bad characters who are liable to be called upon to furnish security for good behaviour, and to be sent in default to jail, is not the part of wisdom or statesmanship, that to add to the Judicial powers of the Executive officers of the Government, instead of curtailing and withdrawing them, is sinning against the light, is proceeding against a principle which had obtained the fullest recognition in the highest quarters, including the two last Secretaries of State for India, Lord Kimberley and Lord Cross. Cases of alleged sedition, so long triable only by a purely Judicial officer with the help of Jury or Assessors, may now, for the first time in the history of British India, be tried by the District Magistrate who is the head of the Police, and Head Executive or administrative officer of the Government in the District, and that too without

such help. Is it any wonder that a measure, whose character I have but briefly indicated above, has met with an amount of opposition, irrespective of race or party, in India and out of India—and perhaps in this connection I may be permitted specially to mention the name of Mr. Maclear, the Conservative Member for Cardiff—which, I believe, is absolutely unique in the history of Indian legislation?

Other Reactionary Measures

Brother-Delegates, I might go on with the story of reaction—it has been a plenteous crop in these two years—but I will not do so, I will not dwell on the story of the imposition of a Punitive Police Force on a whole city, impoverished and plague-stricken, for the guilt of one man; of the series of Press Prosecutions; of the institution of that new thing in India known, I believe, as Press Committees, whose history our friend Mr. Chambers, whom we welcome here today, so eloquently told before many English audiences of the many repressive provisions, euphemistically amendments, introduced in recent legislative enactments, and of many other matters which will readily occur to your minds.

The Calcutta Municipal Bill

But permit me to take up a little of your time by referring to a measure of retrogression which is still on the legislative anvil. I mean the Calcutta Municipal Bill. I do so to illustrate how the tide of reaction of which I have spoken is still flowing, and I do so because though this is a local measure, if it is carried, if the metropolis of India is deprived of the power of Local Self-Government which it has enjoyed so long and with such marked success, a precedent will have been created—and a blow will have been struck at a cause on which rest all hopes of India's future progress—the effect of which will be felt far and wide. The privilege of Municipal Self-Government, of control by the rate-payers over Municipal administration through their elected representative which Calcutta now enjoys and has enjoyed for more than twenty years, was granted under Conservative auspices. Sir

Richard Temple—a name remembered with gratitude in Bengal—who was our ruler then, and who resigned a Governorship to become a Conservative Member of Parliament, was its author, and the present Prime Minister of England was the Secretary of State for India at the time. The great and numerous improvements carried out by the Corporation, and the zeal and devotion of the Commissioners have been acknowledged by the Government time after time in Official Resolutions, and in other ways. If there are any insanitary conditions, there is the amplest power in the hands of the Government under the existing law, and expressly introduced in that behalf, to cause their removal. And yet it is now proposed to make a radical and a revolutionary change in the law, to deprive the Corporation of almost every real power and to vest it in a Chairman, who is an official and a nominee of the Government, and a Committee in which the rate-payers will be represented by a mere third of its members. I venture to hope that the popular and esteemed Ruler of Bengal, who is not responsible for the introduction of the present Bill, will yet see his way at least to largely modify, if not to withdraw, this revolutionary proposal, and not allow his name to be associated with a scheme which makes not for progress, but for retrogression, which will undo the work of the past, fatally arrest the hopeful and promising growth of civil life, destroy the very principle of Local Self-Government, weaken and impair the cause of Municipal Administration, and leave memories of bitterness behind. And may I not in this connection make a very special appeal to our coming Viceroy? He comes out to India as the representative of an Administration whose most glorious and memorable achievement—an achievement which will live in the golden pages of history and shed lustre on that administration—has been the granting of Local Self-Government to the people of Ireland, granting it amid many difficulties and against much opposition, and at the very time when faction fights and armed conflicts were going on in the streets of Belfast. And indeed so convinced were the Government of the need for this liberal measure of Self-Government as a cure for the evils which afflict that country, and for the growth of a healthy public life, that they did not hesitate to make a munificent grant of, I believe, about seven-hundred thousand pounds, or more than a crore of

rupees, per annum to Ireland from the Imperial Treasury, to enable the provisions of this measure to be carried out properly, and without friction or jar amongst conflicting interests and classes of the community, We ask for no funds. We ask for no extension of Calcutta's Municipal rights. But we implore that the rights, circumscribed and safeguarded as they are, which have so long been enjoyed, may not be taken away. Is that too much to ask? Too much even to ask, let at least an inquiry be held, a representative Commission be appointed and the Corporation heard in its defence, before this blow is struck and a dearly cherished right which was granted in 1876 which, after experience of its working and full discussion of its merits, was confirmed in 1888, may not now be suddenly snatched away from a subject and a patient population?

Impolicy of Withdrawing Privileges once Granted

Brother-Delegates, I have been urging the unwisdom of a retrograde policy, of a policy of withdrawing concessions and privileges once granted. The proposition is so obvious that I do not know that any authorities are needed in support of it. Yet I will quote one, and I will select that one, because it will answer a double purpose. Sir Douglas Straight, as well all know, was an eminent Judge of the Allahabad High Court. And, perhaps, he is even better known in England than in India, and is, I believe, the Editor of one of the most influential and powerful organs of Conservative opinion in England. Writing to the *Times*, he said as follows :

“Speaking from thirteen years residence in India, during which, I hope, I kept neither my eyes nor my ears shut, I am firmly convinced of one thing, and it is this—that while innovations and changes there should only be very gradually and cautiously introduced, a concession once made should never be”—it is a strong Conservative you see who is writing—“withdrawn, except for reasons of the most paramount and pressing emergency.”

Ladies and Gentlemen, no comments of mine are needed on this passage. I said I have selected this for a double purpose. I

will explain what I mean. I have already referred to the one instance of retrograde legislation in the past before the present wave of reaction set in, and to the early and unlamented fate that overtook it. The passage which I have quoted was written in connection with the one instance of Administrative proceeding of a retrograde character in the past that I can call to mind in my Province—a proceeding which took like its legislative predecessor, was before long withdrawn. Six years ago, the Lieutenant-Governor of Bengal, with the previous sanction, and it would seem, at the instance of the Government of India, issued a Notification seriously curtailing the very limited concession of Trial by Jury which Bengal had previously enjoyed. As usual, all this was matured in the dark, without giving any opportunity to the people vitally concerned to know anything, or to be heard or make any representation in regard to the matter. And the Government of India, with contemptuous indifference to the opinions and feelings of the people of India, set about to take steps enlarging the area of retrogression for curtailing and withdrawing the privilege of Trial by Jury from some other provinces also. In fact, I believe the Notification in regard to the province of Assam had already been issued before the course of the Government was arrested. But happily the agitation that followed on the promulgation of the order reached the shores of England; and it was on that occasion, strongly condemning this order, that Sir Douglas Straight wrote to the *Times*. I will quote one more passage from that letter. Referring to the Jury Notification, he observes: “It would be absurd to suppose that the Lieutenant-Governor of Bengal cannot make a plausible case in support of his new departure, but the question to my mind is not so much whether the operation of the Jury system has exhibited some defects, as whether the mischief likely to result from its continuance promised to be so grave as to make it his imperative duty to intervene.”

It only remains for me, Ladies and Gentlemen, to state the happy conclusion. At the instance of the Secretary of State, a Commission was appointed to inquire into the matter; and as the result of that enquiry, the “plausible case” set up by the Government of Bengal and which had met with the approval of

the Government of India—alas! how easily can plausible cases be set up, specially when they are one-sided productions—was completely brushed aside and Indian opinion completely vindicated. And in consequence of the Report of that Commission, the Jury Notification was withdrawn by the Government, which had issued it and the Jury system which had been threatened with extinction has now instead been further extended in the Province. I need hardly add that the Notification for Assam too followed suit. May I not say, happy omen once again in our present trials.

Cost of the Frontier War

Brother-Delegates,—I have said I will not discuss the question of Frontier Policy. But there is one aspect of that question, one sequel to it which has a most important bearing not only on questions of domestic reform, but on this matter of retrograde policy which we are considering. Who, might I ask, pays the cost of that policy, begun more than twenty years ago, ordered out from England and by a British Cabinet against the remonstrances of a Viceroy who resigned rather than be an instrument of carrying out that policy, which has brought wars in its train, which has set on conflagration the Frontier, which, besides sucking its scores of millions at recurrent periods from the taxation drawn from one of the poorest of populations on the face of the earth, has made a heavy permanent addition to the military charges of India, which has laid its fatal and blighting fingers on almost every work of internal reform—for it needs money—on the promotion of the urgently-needed cause of technical education, on the industrial and commercial development of the country, which would have blessed, and added to the resources of millions not only in this country but amongst the working-men of England? All that has been done in pursuance of this new Frontier and Forward Policy, which reversed all the traditions of the past, may have been necessary for the safety of the Indian Empire from the risk of external aggression. I am not arguing that question now, though we hold strong views on the subject. But, may I ask, if England, Imperial England, has no interest of her own in the safety of the Indian Empire? Has England no stake, no grave and momentous stake, yea, I

ask, no vital interest in that safety? Is she quite sure that she would not suffer in her honour and prestige, in her commerce, in employment for the her capital and for her people, in the loss of many of the millions that make up that precious item called the "Home Charges," if India's safety is imperilled and she is lost to the British Crown? And has England or her Government no moral responsibility for the consequences of a policy which she dictates, which the people of India, if they had the faintest whisper of a voice in controlling their affairs, yea, which the non-official English community resident in India and even the bulk, I believe, of the official community, would condemn almost to a man? Ladies and Gentlemen, much as I believe in the principle of division of labour, I do not believe in that division which, in these Imperial matters, would make England decide the policy, and India bear the cost. We are unable to look upon that as a particularly happy, or a particularly just arrangement. Brother-Delegates, it is not as a mere dole, but as a claim of absolute justice, that we ask that the costs which have been incurred by the adoption of what has been known as the Forward Policy on the Indian Frontier Question, and to meet the consequences which have followed from that adoption, should be distributed in some equitable proportion between England and India.

Ladies and Gentlemen, we all know what happened in the past, when, not long after the inception of the Forward Policy and the embroilment with Afghanistan, Mr. Gladstone came into power in 1880. The Government of that day made a contribution of five millions to India towards the cost of the Afghan War. We know too that the policy of retrogression, of reversing the principles of the past, which we are deploring, has been followed in this case also; that, even in a year when in addition to the calamity of the Frontier War, India has been afflicted with famine and pestilence, with earthquake and cyclone, with every trouble indeed that can cause misery, suffering and loss to an unhappy people, the Government have declined to make any contribution towards the expenses of that war. England, which every year makes a grant to the revenues of Cyprus which, instead of becoming a "Place of Arms," has become a place of a

very different description; which this year out of an overflowing Treasury has made a gift of nearly a million pounds to Egypt for her wars, which this year too has made a large grant to the West Indies, a considerable portion of which has further been promised to be annually repeated for—I may as will enumerate some of the purpose—for her agricultural department and agricultural instruction, for steamer subsidies and in aid of local revenues, for assistance towards farming and working central factories for making roads and purpose of lands—England, which has done all these things, making new precedents for helping other countries, through her Government resisted and successfully resisted the motion made early this year to follow the old precedents, even at a time so calamitous as the present, of helping India.

I think we may profitably spend a minute or two in considering this case of help to the West Indies. Mr. Chamberlain, in proposing the grant in the House of Commons, defended it on two grounds. First, on the ground of the loyalty of the island—a loyalty which they manifested immediately afterwards not by gratitude but by deep dissatisfaction at the amount of the grant not being larger and by the loud expression on a desire for annexation to the United States—we have not heard if there have been any prosecutions for sedition there! And secondly, on the ground of their value to England. As to the comparative value of the England of the West Indies and of India, in spite of my temptation to say much, I will content myself with only one significant sentence from the *Pioneer*, of the 8th of October last: “The West Indies are utterly worthless to Great Britain, and it would be a relief if we could transfer them to the United States.”

English Feeling on the Action of the Government

So glaring is the injustice that has been done to India that I may be mistaken, but I honestly believe, the bulk of the Unionist Members would have gladly joined the Liberals under Sir Henry Fowler and Mr. Samuel Smith in voting a grant but for the unhappy and retrograde attitude of the government and the

pressure of party influence. This is what the *Saturday Review*, a Conservative organ and a supporter of the Government, says referring to their conduct in this matter : "It is a miracle," says that paper in its issue of the 26th of February last, "that in the face of such acts of injustice as this we can still maintain Imperial Rule in India." I do not quote this to endorse this, but to show how widespread is the sympathy amongst Englishmen with India, and how keen was the indignation felt at this reversal of Mr. Gladstone's policy of 1880, even amongst the supporters of the Government. I wonder what our Press Committees, busily engaged in delivering lectures gratuitously on good taste and decorum to the conductors of newspapers, and our Indian Government, would have done if language a hundredth as strong as this had appeared in my Indian paper. I wonder too whether an order will be passed to prevent the importation into India from England of "seditious" paper commencing with the *Saturday Review*, and ending with the *Review of Reviews* whose, words of bitter and fiery denuuciation against what it calls the "criminal imbecility" of the Administration I will not quote; and of speeches and writings too like those of such dangerous Conservatives, as, let us say, begging their pardon, the Hon'ble Member for Cardiff, or a Chief Justice of Bengal.

Attitude of the Government of India

Ladies and Gentlemen, the speech of the Chancellor of the Exchequer at Bristol, some little time before the opening of Parliament, led us to hope for a contribution from the Imperial Treasury. But our own Indian Government, we are told, did not want any help. A Government that has to put off reforms that are admittedly necessary for want of money; a Government that is unable to discharge one of the elementary duties of a civilised Government by placing its Administration of Justice on a proper footing on account, as it says, of want of funds; a Government against the "shearing" policy of which at every revision of Provincial Contracts we have heard eloquent and vigorous protests from a late Lieutenant-Governor of Bengal and from other high authorities; a Government pressed by the heavy demands not only of war, but of a combination of dire calamities unparalleled in the annals, perhaps, of any country in the

world; a Government which is obliged heavily to borrow to meet its liabilities; a Government which has been compelled to close its mints and to raise artificially the value of its coin to the detriment of many interests, and specially the interests of the poor, in order to avoid serious financial disaster; a Government that had the precedent before it of a similar grant on a previous occasion such a Government, declining to receive any help from the English Treasury or to be relieved of any portion of its Military expenditure, seems, I must confess, to our humble understandings, about the most extraordinary phenomenon one could think of; and so indeed it seemed to very many people in England both inside and outside the Parliament. Truc, a leading Anglo-Indian journal advised them not accepting any help on the ground that this might lead the House of Commons to enquire into or meddle with their doings; or, as it put the matter, "the mischief of Parliamentary interference with Indian affairs" would thereby "be exaggerated a hundred fold. "But I cannot believe that the many distinguished men who constitute the Government of India could possibly have acted under the influence of such an unworthy motive. But I am sure they will forgive us for saying that in view of this proceeding, and in the absence of further light, the people of this country cannot repose that confidence in them as the protectors of their interests and the guardians of their rights it ought to be their duty to repose.

Some Effects of the Forward Policy

In connection with the burdens imposed by the Forward Policy on the finances of the country and their blighting effects, one has only to turn to the so-called discussion on the Budget in the Provincial Councils to see how many are the measures whose necessity is admitted by the Government, but which cannot be carried out for want of means—and even these represent but a small fraction of all the important needs of the country for its development, progress and prosperity. In Bengal, the Government appointed some years ago a Commission called the Salaries Commission, which reported on the necessity in the public interests of an increase in the pay of the ministerial or subordinate establishments. The Pioneer, not long ago, if I remember aright,

pointed out the absolute necessity of this increase and the serious evils to the Administration of the country resulting from the present inadequate scale of pay. The Government has, over and over again in the Council Chamber, admitted the urgency of the reform but pleaded its want of means to carry it out. But, Brother-Delegates, I need not take up your time by bringing coal to Newcastle, by giving instances of what is so perfectly familiar to you. But permit me to refer to one matter which took place in the course of this year, not so familiar to us, unique in its history, and buried in the multitude of answers to Parliamentary questions.

A Central Laboratory

Last year a Memorial was presented to the Secretary of State for India, signed by the leading scientific men in England, including such names as Lord Kelvin, Lord Lister, Professor Ramsay, Roscoe, Foster and a great many others, asking for the establishment of a Central Scientific Laboratory for advanced teaching and research in India. The memorialists pointed out the great importance of the proposal not only in the interests of higher education, but also in the interests of the material advancement of the people. It is impossible to conceive of a proposal more influentially supported than this, or more important to the vital interests of the country; and Lord George Hamilton forwarded the Memorial with his recommendation, as I gather from Mr. Schwann's question a few months ago in Parliament, to the Government of India. But the Hon'ble Member was informed in answer to his question, that the Indian Government was unable "to entertain so costly a scheme," on the ground that the initial cost of such an establishment would be six lakhs of rupees, or about Rs. 40,000. Why, if even two millions had been granted from the Imperial Government to relieve the resources of the Indian Government strained to meet the costs of the Frontier War, not only could this "costly scheme" have been started, but nine-and-forty other measures of benefit to the country of a similarly "costly" character could have been carried out. Allow me, Brother-Delegates, the privilege of being your mouthpiece to convey to these eminent men the expression of our heartfelt

gratitude for the interests they have taken on India's behalf, and to express the earnest hope that their efforts and their representation will yet bear fruit, and ample fruit, in the better time to come.

Technical Education

I need not dwell before you, Ladies and Gentlment, on the impressive need of technical education which is, in a literal sense, of vital importance to the teeming poverty-stricken millions of India, the imperative need of improving the old industries and introducing new ones, of teaching the people how to utilise, with the help of modern science, the many rich and underdeveloped resources of the country. This has, indeed, been admitted on every hand. I remember well the conversation which some of us had with lord Dufferin shortly before his retirement. He regretted that he had been unable to do anything to further the cause of technical education, the importance of which to India he fully realised; but he had every confidence his successor would earnestly take up the question. Lord Lansdowne has come and gone, and his successor too—to whom we cordially wish every happiness after his many arduous labours amid the storm and stress of these years, will in a few days bid farewell to the scene of his labours; but the question of technical education stands practically where it did for want of means to promote it.

Brother-Delegates, I will not take up more of your time by continuing the review of the past. I will leave it with only one remark. If I have been mistaken or however unwittingly unjust in that review, I shall rejoice to have the mistakes pointed out, and to be convinced by the fair weapons of reason and argument.

Backward or Forward

As one glances back over the history of these retrograde and repressive measures and sees that the stream of reaction is yet running, the question arises in the mind, and I ask our rulers, may all Englishmen, seriously to consider it, whether Backward or Forward is to be inscribed as the motto on the banner of England in its future ad nistration of this great country. Are we to march backwards into the methods of despotism, to the

weapons of coercion, to the policy of distrust; or are we to march onwards in the path which was traced out by those noble Englishmen who have been the founders, the consolidators, the saviours in the Empire, the path which leads to advancing and not to receding freedom, to greater trust in people, to rights enlarged and not to concessions withdrawn? For it is at once a melancholy and a curious feature of the present situation that we stand here not merely in defence of the liberties of the people of India, but in vindication of the policy, the sagacity, the wisdom, and the foresight of those illustrious men.

Indian Feeling

To fulfil England's mission in India, much, very much, remains to be done. We were eagerly and longingly looking forward to the steady and progressive carrying on of that work, but in its place has begun this process of pushing backwards, this process of distrust and repression. Will Englishmen place themselves for a moment in our position, look with our eyes, and try to realise what their feelings would have been under the circumstances? For that, after all, is the way to follow, if they wish to understand, and not misunderstand, the situation. There is much of the same human nature in the East as in the West. Is it any wonder that the process I have mentioned, and some speeches to which I will not more particularly refer which we have heard from the Council Chamber, should have caused widespread pain, surprise, regret and anxiety, yea, in some quarters, even bitterness? Let me give an illustration of this feeling of pain which struck me very much at the time. An Indian gentleman wrote to me in England a few months ago, He is not an "agitator", whatever that word may mean. He is a gentleman unknown to fame, who takes no part in public meetings or in the discussion of public questions, but quietly does the work of his office. He wrote to me about his brother then staying in England, but in the course of his letter, he mentioned about the recent proceedings of Government and concluded with these words :

"Are you a friend to British Rule? Try your best to induce the authorities to withdraw the suicidal policy of Government.

If you are an enemy, well, my advice is keep quiet and let things take their course."

May I ask the authorities, if these words should by some chance happen to meet their eyes, to seriously consider the import of the sentence I have quoted, written in confidence, wrung in the anguish of his heart from a simple and quiet citizen, deeply attached to the British Rule? I trust my friend will forgive me for having quoted that sentence from his private letter. Let me quote another gentleman—not a nameless or a fameless one now—who, having served the Government with honour and distinction in charge of several most important districts, having risen to the highest post in the Executive Service of the Government to which a native of India has yet been appointed, has recently retired from the Service—need I say I refer to our distinguished countryman, Mr. R.C. Dutt. I congratulate my friend on his being unmuzzled. I trust he will now be in a position to render even greater service to the Government he has served so long and so faithfully by his informed exposition of the effects of their recent policy than when he was fettered by the trammels of office. Speaking in condemnation of our new Law of Sedition at a meeting held in London, on the 20th of June last, Mr. Dutt said, with the authority of intimate knowledge :

"It is with deep regret that I have to say that I can hardly remember any time—and my memory goes back to the time of the Mutiny—when the confidence of the people of India in the justice and fair play of English Rulers was so shaken as it has been within the last two years."

"And he goes on to deplore the policy of suspicion and repression adopted of late by the Government, which has led to this most unhappy result."

It is the saddest of thoughts to my mind—the thought, Ladies and Gentlemen—that the very means which, no doubt from the best of intentions, the Government have adopted to root out what they believe to be want of affection or disaffection

in this country, will tend not to attach but to alienate, not to cure but to create those very evils they dread, to suppress, it may be the expression of discontent, but to drive it deep beneath the surface.

The Educated Classes

Ladies and Gentlemen, turning again to the words of that touching appeal in the letter of my correspondent, it is because we are friends to British Rule, it is because all our highest hopes of the future, and not our hopes only but the hopes of generations to come, are indissolubly bound up with the continuance of that rule, with the strengthening and the bettering of that rule, with the removal of all and every cause which may tend to the weakening of that rule, that we speak out, and point the impolicy, the unwisdom, yea the danger of the recent course of administrative and legislative proceedings, that we are turning to the best of our power—alas, so limited—to induce the authorities and the great body of justice-loving and generous-minded Englishmen, both here and in England, to withdraw from that course, and find the path of safety, of honour, of mutual advantage and the truest and the most abiding glory, in going forward in fearless confidence, trusting the people, extending the bounds of freedom, not forging new fetters but gradually removing those that exist, not taking away, but adding to, the rights of the people, helping on the cause of India's regeneration with the passionate longing and the loving ardour that comes from consciousness of a duty and a solemn responsibility from on high. The educated classes of India are the friends and not the foes of England, her natural and necessary allies in the great work that lies before her. It is on their hearty, devoted, and loving co-operation that the welfare and the progress of the country so largely depend. It is the dangers of ignorance and the dark and strange phantoms that are born of ignorance that England has to fear and not knowledge, nor light. If, indeed, there be Englishmen who imagined otherwise, surely the riots at Tallah, at Bombay, at Calcutta, and elsewhere, must have opened even their eyes; and it was the influence and the efforts of the educated classes which prevented these unhappy outbursts from spreading or working

much graver mischief. Let our Rulers realise with fullness of conviction this fundamental truth that in the ignorance of the people is the source, not of strength but of danger, not of security but of peril, just as in the spread, the wider and deeper spread of education, is the remedy, not the cause. All that the educated classes ask for is that England should be true to herself, that she should not forget the teachings of her history and the traditions of her past, that British Rule should be conducted on British principles, and not on Russian methods. Is this, Ladies and Gentlemen, sedition? or it is the highest homage which India can pay to England, the dawning of that glorious day, proudest in the history of England, foreseen as in a vision by Macaulay when instructed in European knowledge we might ask for the blessings of European institutions? The educated classes wish and long for the strengthening and not the loosening of the bond which unites the two countries and which is the guarantee not only of order but of progress; and they look forward to the time when they, too, can claim the rights, and share the glories of citizenship in the proudest Empire that the world has ever seen. Let it be the part of wisdom, of prudent statesmanship and political foresight, to foster and not to crush this feeling; to extend the hand of fellowship and loving, ministering help, and not hurl insults, or the weapons and methods of coercion which wound but cannot heal.

The Indian National Congress

Brother-Delegates, the Indian National Congress has been described, and rightly described, as the noblest achievement of, and a crown of glory for British Rule in India. And yet how great has been the ignorance, how gross misrepresentations which have from time to time assailed it. I will not notice these misrepresentations of ignorance and prejudice. They have often been noticed before. But if it is at times disheartening to find this great movement, which ought to have been welcomed as a valued help, subjected to unworthy attacks, let us remember that this has been the fate of every great movement which has made for human progress or human welfare. It is cheering, on the other hand, to find ample recognition of the aims and the work

of the Congress from many quarters. I might quote the opinions of many high authorities, but I will content myself with placing before you the generous testimony of one eminent man. Sir Richard Garth, a good Conservative, who I believe was a Conservative Member of Parliament before he came out to hold the exalted office of Chief Justice of Bengal, said a few years ago, replying to an attack which had been made on the Congress.

“I will tell you what they have done. They have dared to think for themselves; and not only for themselves, but for millions of poor ignorant people who compose our Indian Empire. They have been content to sacrifice their own interests, and to brave the displeasure of Government in order to lend a helping hand to those poor people. They have had the courage and the patriotism to denounce abuses which have disgraced our Indian rule for years past which have been condemned by public opinion in India and in England, and to which the Indian Government appear to cling with a tenacity which seems utterly inexplicable. They have dared to propose reforms which, despite the resistance of the Government, have been approved by Parliament, and to endeavour to stay that fearful amount of extravagance which has been going on in India for years past, and has been the means, as some of our best and wisest Councillors consider, of bringing our Eastern Empire to the verge of bankruptcy.”

May the blessing which is the portion of those who lift up their voice for the weak of this world attend Sir Richard Garth in his retirement for this manly and noble vindication of the Congress against the misrepresentations, based on ignorance, of many in high places; for his strong words of condemnation, spoken with the experience and the authority of a position highest in the land, of the miserable system which combines judicial and executive functions in the same officer and which of late has been further extended by our Government. and for his many other services to the cause of the people of India! And permit me, Brother-Delegates, in this wish to include the many other noble-hearted Englishmen—their number is not few, and their number, Ladies and Gentlemen, is growing every year and pretty fast—who have lent their generous advocacy to the views of the National Congress and to the cause of Indian progress.

A Dreamer of the West

Brother-Delegates, I read the other day, as no doubt many of you have done, a remarkable speech delivered in London by one of these noble-hearted Englishmen to whom I have referred, our good friend Professor Murison. In the course of that speech, he said that :

“He looked forward to the time when they would have a Secretary of State and a Governor-General of India who would recognise clearly that it was impossible to govern the Indian Empire without the cordial co-operation of the Indian people, and who would send for the President of the National Congress and say, ‘Come my friend, have we not both the same interests at heart? Are we not both men of affairs? Come, let us reason together.’”

I see also from the report that this sentiment was loudly cheered. I think Ladies and Gentlemen, after this we must no longer speak of the Dreamy East. It appears that there is a Dreamy West too and Professor Murison is one of its dreamers. I am afraid it will be a very long time before that dream of the friendly conference he speaks of will come true. Not that any Viceroy would not find it of advantage to consult any of the distinguished men who have proceeded me in the Chair—I make, I can make absolutely no claim for myself—to take representatives of educated India into his confidence, and to enter into that partnership of cordial co-operation that our friend speaks of, but it is not Ladies and Gentlemen, always good things or desirable things that are the things of this actual world.

Sympathy the Cure

Brother-Delegates, I trust I have made the situation, created by recent proceedings, sufficiently clear. It is one to cause anxiety to every friend of India and England. But the remedy too is clear and the narrative itself unfolds it. Sir Francis Maclean, the present Chief Justice of Bengal, is reported to have said at a meeting held in Calcutta, I believe early this year when the Sedition Bill was before the public that, “he had heard a great deal re-

cently since coming to India of sedition and measures in connection with it; but it seemed to him the only rational way of putting down sedition was by sympathy, boundless sympathy with the people in their needs and their sufferings, and with their legitimate hopes and aspirations." These words deserve to be inscribed in letters of gold; and permit me, Ladies and Gentlemen, to offer to Sir Francis Maclean on your behalf our thanks for this noble utterance breathing the instincts of true statesmanship. Yes, it is sympathy, boundless sympathy with the people in their needs, and sympathy, too, with them in all their legitimate aspirations that is wanted—and then from that sympathy will naturally come, as rain-drops from the descending cloud, the many measures that are required to promote their interests and redress their grievances, with truer knowledge and keener sympathy, many things will assume a different aspect, and our rulers will, if I may respectfully be permitted to say so, see things with new eyes. Then, indeed, will all the unrest that we have so much heard of, of late, vanish as before a magician's wand, as darkness before the rising sun. For, indeed, love and sympathy work miracles in the political, no less than in the moral or spiritual world. There can be no surer or firmer foundation for earthly power than the affection and confidence of its subjects. I have quoted the Chief Justice of Bengal, let me quote a few lines from Mr. Chamberlain's great speech at Glasgow, delivered on the 3rd of November of last year.

"The makers of Venice," said Mr. Chamberlain, "with whose peculiar circumstances as a commercial community, dependent for its existence on its command of the sea, we have much in common, declared it to be their principal object 'to have the heart and the affection of our citizens and subjects; and in adopting this true principle of Empire, they found their reward in the loyalty of their colonies and dependencies when the Mother City was threatened by enemies, whom her success and prosperity had raised against her.'"

This, indeed, Ladies and Gentlemen, as Mr. Chamberlain has said, is the "true principle of Empire"—to possess the hearts of citizens as well as of subjects, and to win as its reward the loyalty alike of colonies and of dependencies.

And the same thing has been said in India too by all her wisest administrators. Let me refer here to a pamphlet written not many years ago, by a man honoured and trusted alike by Government and the people, Chairman of the Calcutta Corporation and subsequently Member of the Board of Revenue—the late Sir Henry Harrison—under the *non-de-plume* of “Trust and Fear not.” It was written in support of the movement initiated—I am sorry to say unsuccessfully initiated—for the admission into the ranks of volunteers, of Indians possessing such qualifications of position, character, education, and physical fitness as the Government might see fit to prescribe. I would venture respectfully and strongly to recommend that little book to our rulers. I have not seen more cogent reasoning, more convincing wealth of illustration, and truer or sounder principles for Indian administration than are contained in that work.

An Appeal to Englishmen

May I, Ladies and Gentlemen, make in this connection an appeal to all Englishmen in India, and specially to the conductors of the Anglo-Indian Press. In the term Englishmen, need I say that here and throughout this address I include Scotchmen and Irishmen, and men too from Wales. They are the strong and the highly-placed. Their voice is listened to, whilst ours is unheeded. Is there no responsibility before God and man, on them by reason of this very power that they possess, this very influence they wield, responsibility not to widen the gulf between the races or make difficult the work of the statesman by unkind word or unkind deed but to extend the hand of sympathy and help the people of India to rise once again in the scale of nations? If they mix with the people and come really to know them, they will perhaps find much to study, much to interest them and to make life even in India worth living, much to learn, to love and esteem, and even to admire. At least such has been the experience of many Englishmen who have tried the process. How often have I noticed with regret that the attacks and sarcasms of some members of the Anglo-Indian Press have led, perhaps, to similar effusions or rejoinders in some Indian print? How one longs for men like Knight and Raich—to name the

two I have personally known in my part of the country—men who wrote with knowledge and sympathy, who loved the people of India, felt in their conscience the burden of their responsibility to them, and proved true champions of their rights. Men who have been followed by the gratitude of thousands of their fellow-men ! I do not know if those who, either in India or in England advocate the cause of unrepresented people of this country and use the powers that God has given them on their behalf, realise how they help towards making deeper the foundations of the Empire, in forging links of more than steel which fasten the bond, which binds England and India together. Once an honoured missionary, he belonged to the Church of England, who had championed the cause of the people in my Province, was sent to jail on the prosecution of some of his own countrymen; but the name of Long went down deep into the hearts of the people, the cause for which he suffered, triumphed gloriously in the end, and his name is remembered in affectionate gratitude and sung in rustic ballads to this day. Let a nation which is Christian endeavour truly to show the ideal of Christ, to carry out the divine command of doing to others what they would have wished done to themselves, in the exercise of its power, in its attitude towards Indian aspirations.

Ladies and Gentlemen, we want Englishmen to champion our cause; we want Englishmen, who have held aloft the standard of freedom and progress in every part of the world and have fought and suffered in that cause, to take up the cause of India—she has special claims on them—and advocate her rights. And I feel confident that as knowledge spreads, as the sense of the solemn responsibility that rests on them awakens, and the mists of prejudice and ignorance roll away, such men will arise and answer in gladness and joy to our call.

Reform of the Executive Councils

Brother-Delegates, I will not dwell on the necessity, which recent events have only served to emphasise the further need of reform in our Legislative Councils. The subject has often been before us. But let me draw your attention to the question of the Constitution of our Executive Councils, and ask the

Government on your behalf whether the time has not fully come for remodelling them, and admitting an adequate Indian representation in those bodies. It is these bodies that shape and guide the whole of the administrative policy of the Government, and decide questions of supreme importance to the happiness and well-being of the people—questions often of far greater moment than those that come before the Legislative Councils. At present out of the two hundred millions and more of India's people, not one solitary individual finds a place in any of those Councils; and as we know, the Legislative Bodies exercise no sort of control, direct or indirect, over them. Their deliberations are in secret Chambers, and not even the faintest echo of suggestion, information, or criticism can reach them from a public more ignorant of their proceedings than of the movements of the double stars or the composition of the Milky Way in the far-off heavens. Is it, Ladies and Gentlemen, necessary to point out, is it necessary to argue the point, that the most honest and impartial and fair-minded of tribunals cannot decide justly or do right unless every information is placed, every interest represented and every side of the question discussed before it? Is this not the explanation of the mistakes—I need not refer to the policy of these two years which I have fully discussed—of the grave mistakes which have admittedly been made in the past and which, as I have shown, were subsequently rectified when further light was sought from independent public opinion under pressure from England? We are fully aware of the need for the expansion and reform of our Legislative Councils. There is need, grave need, Brother-Delegates, for the expansion and reform of our Executive Councils, also, and it may be, of their formation where they do not exist, with adequate Indian representation in them.

Direct Representation of India in Parliament

There is one other matter in this connection that I should like to place before you. The question of a further re-distribution of seats is likely soon to be before the English public. It has already begun to engage attention. But whether that be so or not, it seems to me that for a proper representation of Indian views and Indian wants, a certain limited number of seats in the House of Commons may be so few as, say fifteen, ought to be

assigned to the inhabitants of some of the chief cities of India. We have the right to ask for this representation which will secure for us a hearing before the Assembly, which is the ultimate arbiter of our fates, but which at present, however anxious it may be to do justice and to give its due weight to Indian views, has no opportunity of knowing those views from persons speaking with knowledge and with authority on our behalf; and I am convinced this would be of great advantage to the furtherance of our legitimate interests and to the removal of our wants. If we can send a Sir Richard Garth or a Sir John Phear, a Hume or a Reynolds, if we could have sent a Caine or a Naoroji, a Bradlaugh before Northampton had at length returned him, or a Fawcett when Hackney had rejected him, not to speak of many others I could easily name, including many earnest and influential English friends of India—and send all these as our own representatives—can any one doubt what a potent factor for good, both to England and to India, for justice and fair play, would be brought into existence? And it would not only be in the House of Commons, but in the country too that they could speak with authority and command attention to our grievances.

It is true the Colonies are not represented in the House of Commons, but their Budgets are not discussed, not their policy determined at Westminster; and as for the possible objection that, as in the case of Ireland, the presence of our representatives in Parliament might be used as an argument against the existence or the expansion of our Councils in India—it would be enough to say that objection could only apply if India were to be represented in the House like Ireland in proportion to her population. But no one dreams of that. It is as a means to an end, a means, just and necessary in itself and effective for its purpose, that I suggest this for your consideration. And even if this concession were to be granted for a limited period, I would gratefully accept it. I will only add that I have talked with many friends in England who strongly agree as to the justice, and even the necessity of this reform, if Indian views are to receive a proper hearing, and Indian interests are to be furthered. No doubt, as Sir Henry Fowler once said in an eloquent and memorable peroration, they are all Members for

India. Yet I think Sir Henry Fowler and most Members of the House would be glad to have some members for India to represent the vast interests of that country affected by the decisions of Parliament, whose claim to the title might be less questioned, whose assistance would be of service and from whom they could have the inestimable advantage of hearing something more than mere official versions of the matters that came up before them. And if this be an anomaly, all that I can say is that this is an anomaly which has reason and justice on its side and which is rendered necessary by what has sometimes been called the anomaly of an Indian Empire, that the British Constitution has many anomalies which have much less to say for themselves and much less ground for their existence than this.

Organisation and Continuous Work for the Congress

Brother-Delegates, I wish now to invite your attention to a most important matter. As I look round at this magnificent assembly gathered from the most distant parts of the country, as I see enthusiasm depicted on every face, the question presents itself to my mind, is the Congress to be a mere three days' affair? Is there to be no continuity, no plan and no method, in its every day work? We have achieved much during these years that we have met. We have placed on record our views on all important questions of the day and even of the years to come. We have seen carried out some of the most important objects which have engaged our attention, and to my mind far more important than all this, we have succeeded in bringing together and knitting in bonds of loving regard, of mutual esteem and fraternal co-operation, representatives from every part of this vast country, infusing national life, strengthening the bonds of common citizenship, kindling the fire of loyal and patriotic service. But, Ladies and Gentlemen, the time has come when, if we are to reap the full fruits of our deliberations and to give living force to our resolutions, we must have a standing organisation to carry on work of the Congress from year's beginning to year's end, to carry on that work continuously, steadily, earnestly, sending agents and missionaries to different parts of the country, spreading information, awakening interest issuing leaflets and pamphlets, educating the public mind, drawing

attention to the many wants and grievances of the dumb masses, pointing out the duty we owe to Government, and helping the Government to the best of our power in its endeavours for the better administration, the better education, the better sanitation of the country,—and we must have men wholly devoted to this most important work. As I am standing before you, my mind goes back to the great gathering at Leicester in March last, the National Congress, I may say, of the Liberal Party which it was my privilege to attend and to address as a delegate from Cambridge. There are many points of resemblance that struck me between the annual meeting of the National Liberal Federation and the Indian National Congress. That meeting like ours holds its session for three days, meets at different places from year to year, passes resolutions on subjects of interest to the party; and its number of delegates, I was struck to find, was very much what our number usually is. But behind all this what a difference! What a busy, active, powerful organisation with a secretary and a staff of officials wholly given to its work, with a Publishing Department with its separate staff of officials, with its Council of meetings held throughout the year and directing its operations, with its Army of Agents and workers and its allied Associations at work all over the country! And the same is the case with a great Conservative Party whose organisation won such splendid results at the last election. Brother-Delegates, I do not expect you to reach to such heights if Rome was not built in a day, nor are organisations. They are the results of patient labour for many a long day. But let us resolve that at least a beginning, a fair beginning shall be made in the year before us, that, when in the closing year of the century we meet once again, we may look back upon some work done, some foundation laid, some progress achieved in the direction I have ventured to indicate. Into the details of that organisation I purposely do not enter. It may be that instead of one central office we may find it desirable to large extent to decentralise and divide our work, it may be that we may link on our work in the different Provinces with their respective Provincial Conferences. I trust the matter will be fully considered and a working plan formed before we separate. But one suggestion I would venture to make, that though it may be desirable for us to pass Resolutions in the Congress on a large variety of subjects, we should

select a limited number of them and devote our attention in the coming year, if need be in the years to come, towards carrying them out. This will secure concentration, awaken greater interest and prevent the frittering away of our not superabundant energies.

And this brings me to the important question of a Constitution for the Congress of which indeed what I have said above is a part. I trust Madras which has been described as the home and nursery of India's statesmen, will have the credit of solving this question which has been before us for many years. The time has not perhaps yet come for a fully developed or an elaborate Constitution. But I would ask you to consider whether we might not at least draw up some simple rules relating to our Constitution and laying down its framework, which might be worked in the coming year and which, with the light of experience thus gained, might, if necessary, come up for reconsideration and all needed expansion at our next Session. Unless we make at least a beginning in some such way, I am afraid it will be long before we can make a start at all.

Separation of Judicial and Executive Functions

What that limited number of questions may be, should you decide to adopt my suggestion, I leave to our leaders to decide. But whatever the programme may be, I trust it will not fail to include the two important and pressing questions of the Separation of Judicial and Executive Functions and of Police Reform.

Brother-Delegates, I will not argue the question of the Separation of Judicial and Executive Functions. I have seen the present system in practice and in actual experience for more than twenty years, and the more one sees of it, the more deeply one deplores the delay on the part of the Government in giving effect, even partial effect, to the principle underlying that proposal. Yes, that Government seems to have been busy of late, on the contrary, in extending the Judicial powers of its Executive officers.

The High Court of Calcutta has pronounced this combination of functions in the same officer as extremely dangerous, and it

needs but the slightest of acquaintance with what happens before its Criminal Bench and elsewhere, to know the practical every day evils that follow from this combination. And what I have said of my Province applies, as we all know, just as well, I am afraid sometimes even more, to other Provinces of India. And let me observe in passing, it is not the men, but it is the system we condemn—the system under which the most conscientious and judicial-tempered of men would find it so often impossible to deal unbiased justice. I have already mentioned the strong condemnation of the system by Sir Richard Garth. Let me refer to the Debate in the House of Lords in 1893, on what is known as the case of the Raja of Mymensingh. It was a petty Executive scandal compared to what constantly takes place in connection with poorer men, and for which the officer concerned, when subsequently threatened with a heavy suit for damages, had to make an apology in Court to the Raja; but it attracted considerable attention owing to the position of the victim. In the Debate to which I have alluded, both Lord Kimberley, the then Secretary of State of India, and Lord Cross, his predecessor in that office, concurred in admitting the undesirability and the inconvenience of the present system of combining the functions. I will quote that Lord Cross said on the subject. Referring to the proposal of separating the two duties, his Lordship observed it was “a matter of the gravest importance”, and that the plan to his mind “would be an excellent one resulting in vast good”—mark the words—“vast good to the Government of India.” And later on when this subject was referred to in the House of Commons, the Under-Secretary of State repeated that, in the opinion of Lord Kimberley, “the union of Judicial and Executive powers is contrary to right principle.”

The Financial Difficulty in Carrying out the Reform

With such high authorities on our side, the very highest one could possibly wish for, it may be asked how is it that the present system is allowed to go on, and the “vast good” to the cause of administration Lord Cross spoke of is still unattained. I will give the answer in Lord Kimberley’s words: “The difficulty,”

his Lordship observed in the Debate I have referred to, "is simply this, that if you were to alter the present system in India, you would have to double the staff throughout the country." How sad, Brother-Delegates, to think that this is the information as to the consequences of separating the functions, which some one at the India Office had placed before Lord Kimberley, and which, of course, Lord Kimberley was bound to accept! Doubling the staff throughout India! Why, the information is not only incorrect, but for most parts of the country, so materially incorrect that very slight acquaintance with the actual state of things on the part of the official supplying the information would have prevented its being furnished. But before I proceed with this matter, I will make one remark. Even if the statement I have referred to were correct, having regard to the importance of the matter, would it not have been the duty of the Indian Government to have tried to carry out the reform. to make at least a beginning, even if it were at the price of some reduction in its Military expenditure or by curtailment of its expenses in some other way ? The debate I have referred to took place in the month of May. Within three months of it a scheme was published by Mr. R.C. Dutt, himself a District Magistrate and an experienced and trusted officer of Government in service at the time, going into the matter for the Province of Bengal and showing that the separation of the two functions could be carried out with but little or no extra expense on the part of the Government and with increased efficiency as regards the discharge of both the Administrative and the Judicial duties now vested in the same officer. I will quote here only some concluding sentences of Mr. Dutt's memorandum: "The scheme which has been briefly set forth in the preceding paragraphs is a practicable one, and can be introduced under the present circumstances of Bengal, excluding the backward tracts. I have worked both as a Sub-Divisional Officer and as a District Officer in many of the Districts in Bengal, and I would undertake to introduce the scheme in any Bengal District, and to work it on the lines indicated above." And he adds, if this separation be carried out, "the police work, the Revenue work, and the general Executive work can then be performed by the District Officer with greater care and satisfaction to himself, and also

greater satisfaction to the people in whose interests he administers the District”.

The scheme of Mr. Dutt which is one on the same sample and readily suggested lines as some others which had been set forth long before the debate in the House of Lords was, I may add, with some slight modifications approved on the one hand by Sir Richard Garth, who had held the highest Judicial office in Bengal, and, on the other by Mr. Reynolds who had held the highest Executive office under the Lieutenant Governor of Bengal, having been Chief Secretary for years, and afterwards Senior Member of the Board of Revenue for the Province. Here then was a practical scheme, dealing with an admitted and a grave evil, drawn up by a responsible and competent person, and afterwards approached by those who could indeed claim to speak on the subject with the very highest authority. But to pursue the history of the matter.

On the 29th of August of the same year, the Indian Association of Calcutta forwarded a Memorial to the Government of India through the Government of Bengal, enclosing Mr. Dutt's scheme, referring to the weighty expression of opinion on the subject in the House of Lords and elsewhere, and appealing to the Government to take that scheme into its earnest consideration in view to the introduction of the reform. Well, Ladies and Gentlemen, more than five years have elapsed since that Memorial was submitted, and the Association, I believe, still waits for a reply. I would rather, Brother-Delegates, not make any comments on this matter, but leave the simple facts I have narrated to tell their own tale and to carry their own lessons. It remains for me to add that I believe other Associations too have in these years moved the Government in the matter; and I will leave the subject with the expression of a strong and fervent hope that this reform, as important in the cause of liberty of the subject as in the interest of good administration, and supported by a practical unanimity of opinion of the highest weight, will no longer be delayed or trifled with, and the painful scandals and miscarriages of justice which now so frequently occur will soon be things of the past.

Reform of the Police

Brother-Delegates, I have detained you longer than I intended on this question of separation of duties; but I thought it necessary to deal with this spectre of financial difficulty. As regards the Reform of the Policy, my remarks will be few. There is not, Ladies and Gentleman, a man, woman or, I might add, child in India who requires to be told anything about at any rate this question. Indeed I have heard many good men and true, discuss whether the total abolition of the Police Force, or at least of a very considerable portion of it, would not be much better than the present affliction. There has been a Police Commission, but in its practical results we seem to stand just where we did. The other day, in June last I think, a paper was read on the subject in London at a Meeting of the East Indian Association by Mr. Whish; and Sir Lepel Griffin, who has seen long and distinguished service in India, and who holds the responsible position of Chairman of the Council of that Association, said, "There is no doubt that our administration in India is heavily weighted by the unpopularity attaching to the Police, who are rapacious and corrupt." This was said in England. Let us come to India. In a reported judgement which appeared in October last, I find the District Magistrate of Balia saying with reference to a case before him:

"It is refreshing to find riot cases in which the Police appear neither to have tutored witnesses, nor to have included, for reasons of their own, the names of men who did not take part in them, nor, what is more common, omitted the names of the most influential participators in the riot."

I hope there are here and there some more exceptions, even one of which the Balia Magistrate found so refreshing.

But, Ladies and Gentlemen, I must not go on quoting authorities on this subject, or I shall not know where to stop. I think I owe you an apology for having mentioned even these two. If our rulers could only know and fully realise the amount of suffering and oppression caused to the people by the Police intended for their protection, I do not think that this sad

blot on the administration could very long be allowed to remain. Here again it is not the men, it is not something inherent in Indian human nature, but the system which is responsible for so much. But instead of asking you to be content in this case with my authority, let me quote just a sentence from the paper of Mr. Whish to which I have already referred. Speaking with the authority long and intimate personal knowledge, and describing "the intolerable burden of crime manufactured by the Police" and many similar matters, he adds that he had no intention of "making any sort of complaint against the Indian Policeman himself; on the contrary, considering the vicious system under which he works, I consider it absolutely marvellous that he should be as good as he is."

Brother-Delegates, I have mentioned the two questions of Separation of Executive and Judicial Functions and of Police Reform. To those who have studied the matter, there is an important connection between some aspects of two questions into which, however, I do not propose to enter. But permit me to point out that, if ever there are questions which affected the mass of our people, the poorest of the poor, a great deal more than the rich, it is these two matters. In fact, Ladies and Gentlemen, I am not sure if a "rapacious and corrupt" Police, to use Sir Lepel Griffin's expression, is not often rather an advantage than otherwise to an unscrupulous but well-to-do individual. There is only one more remark I will make before I leave this subject. Here in the Congress, we remember with gratitude the labours of our friend, Mr. Manomohan Ghose, a distinguished member of this body, who had made this question of the Judicial powers of Executive Officers peculiarly his own and had worked for its furtherance until the closing hours of his life.

Work in England

How many other questions crowd to the mind—many of them of great importance—but I must resolutely turn my face away. There is a limit, Brother-Delegates, even to your indulgence. I have spoken to you of the work to which we might direct our attention in India, which needs to be done, and which I venture to hope will be done. Let me now turn to the other

side of that work, the work in England. It is impossible to speak of it without our thoughts turning with deep gratitude to the British Committee headed by Sir William Wedderburn, containing such friends of India as Hume and Caine, Roberts and Naoroji, any many others whose names are so well-known to you, and to their unselfish labours on India's behalf. It is a matter of special satisfaction to us to see the growing number of meetings which are being held in England under the auspices of the Committee, and this cannot fail to create. I trust and fervently hope, amongst the members of both the greatest parties of England, an increased interest and a greater sense of responsibility in the affairs of this country. And how much we owe to our friends Mr. Chambers and Mr. Dutt, who may be said to have represented Bombay and Bengal in particular, for their eloquent, earnest and informed pleadings on India's behalf in meeting after meeting, carrying conviction and rousing interest. But, in this connection, will you permit me, my friends from Madras, members and friends of the Congress whom I am glad to see present in such large numbers, whose patriotism and self-sacrifice, whose zeal and devotion, have made this Session of the Congress such a success in spite of many difficulties, will you permit me to ask when will your representatives—or may I not use the plural number—start to do India's work in the land of our Rulers, and hold a meeting, not in the Hyde Park of Madras, but in that other Hyde Park where Londoners love to congregate? As to the methods and lines of expansion of the work in England, I need not speak. I had occasion not long ago to say a little on that subject in Bombay. But, Brother-Delegates, what I would specially draw your attention to is the need and the great importance that work in England, the need of funds, and not less but even more, of men, capable and earnest, who will go from India, meet English audiences face to face and inform them of the actual state of things. That much men will meet with a patient and sympathetic hearing, and find amongst English people desire to do full justice to the claims and aspirations of India, all past experience has shown.

A Meeting at Cambridge

Let me, as an illustration, refer to one meeting, and it will

be only one. On the 9th of November of last year, it was my privilege to be present at the first meeting of a political character during my recent visit to England. After a lapse of three and twenty years, I found myself once again in the Hall of the Cambridge Union Society with its many Associations of the past, where the Motion for Debate that day was one condemning the "Recent Policy of Coercion" in India. And Brother-Delegates, after a full discussion, in which every shade of opinion was represented, a House which in its ordinary composition is Conservative in the proportion, I believe, of more than two to one, passed that Resolution condemning the action of the Government of India. There have been many meetings since then which Mr. Dutt and others have addressed amongst audiences of every variety; but I refer to this particular occasion, not only on account of the character of the meeting in its political composition, and that was remarkable, but also on account of the culture and the position of those taking part in it, and the possibilities in the future open to them. There was one remark in the Debate from an ex-President of the Union, who spoke in favour of the motion, which struck me very much. England, he said, after referring to her colonial policy, had learnt how to attach to her in bonds of affection people of her own race in distant parts of the world, by following a liberal policy of wise concession. But it would be, he added, a far prouder day to her when she succeeded in knitting to her and making her own people of another race in her great Indian Empire, by following the same wise policy. I do not know whether my friend will ever come out as Viceroy of India. But, Ladies and Gentlemen, we shall have soon amongst us as our Viceroy an ex-President of the sister Union Society of Oxford. Let us trust that it will be given to Lord Curzon, endowed with the double gift of "Courage and Sympathy" of which he spoke, to steer the vessel of State and carry it on towards that goal, which, he knows, is also the high ideal which he has set before himself in assuming his office.

There is one word more, Ladies and Gentlemen, I must say—The English are often supposed to be a reserved nation. But speaking from my experience of kindness, which will remain engraved in my heart so long as memory lasts, of cordiality and even warm friendship from men whom I had never known

before, I doubt if there are anywhere kinder and truer men and women, than are to be met with in that country. Permit me, Brother-Delegates, from this great gathering to send not alone my own heartfelt gratitude for all this kindness—how its bright recollection rushes to the mind—but your acknowledgements also for help ungrudgingly given by them, for sympathy unreservedly shown, and for interest whose warmth left nothing to be desired, on behalf of the cause of India and her people.

Gratitude to Government

Ladies and Gentlemen, I have felt it my duty to examine and criticise some of the recent proceedings of the Government. But I have a far pleasanter duty to perform before I close the duty of expressing our deep gratitude to the Government for its changed attitude in regard to the policy of dealing with that calamity of the Plague which has now been afflicting this country for so long, and which, needed is not as I am speaking, every far from our doors. Let whatever or mistakes, be they light or be they grave, which may have been made in the earlier stages, be forgotten; and I am sure, Brother-Delegates, it will be your earnest endeavour, as indeed it is your bounden duty, to render every possible help to Government in its efforts to meet this dire foe. And we thank the Government of Lord Sandhurst in particular for the considerate and deep spirit of sympathy in its last Resolution dealing with the nature of plague operations, and let me add, for the generous resolve to which I believe it has lately come not to charge to Poona the cost of the Punitive Police Force, and for its opening the prison-door to Mr. Tilak. We venture humbly but very earnestly to hope that all these are happy indications of return to a policy of conciliation, sympathy and trust, and of increased touch with the people.

Encouragement of Education

I shall presently refer to a liberal example of endowment in the cause of education, but before doing so permit me to note with gratitude the generous and magnificent offer which Mr. Tata—a true benefactor of his country—has made in furtherance of the cause of higher scientific education. Perhaps I may

also mention the offer by the Maharaja of Mysensing in my Province, for the establishment of some scholarships for the encouragement of technical education by sending students to Europe, America or Japan. All these, Ladies and Gentlemen, are truly encouraging signs, and let us hope there will be many in every part of the country to follow their noble example, and help on in this and in every other directions the cause of Indian progress.

Some Deaths

It is with deep regret we heard in September last the news of the sudden death of Sirdar Dyal Singh Majitia of Lahore, tried and staunch friend of the Congress, as indeed of every good cause, on whose invitation and in no small measures by whose liberality, the Session of the Congress was held at Lahore five years ago. It is a satisfaction to know that even in death he did not forget the cause of his country, which was ever so dear to his heart; and knowing that education was the basis on which every cause that made for the progress of the country must rest, he has left a magnificent endowment for starting a First Grade College in his native Province. And now in the closing month of the year, not a fortnight ago, has passed away to the realm beyond, one of the noblest and the most illustrious of India's sons, illustrious not by birth and position alone, the Premier Nobleman of Bengal and the Head of its proud Aristocracy—but illustrious by that which is a higher nobility by far than that of birth and wealth, God's own nobility of a rich heart and a rich service in humanity's cause. In the Maharaja of Durbhanga, the British Government loses a loyal subject and perhaps the most trusted and honoured of its Councillors, the country one of the greatest of its benefactors and staunchest of the defenders of its rights, and the Congress a friend, a generous helper, a warm supporter—none warmer—whose value no word that can fall from our lips can adequately express. Can memory fail to go back at this moment to that scene when two years ago he came to the Congress Pavilion in Calcutta, the last he lived to attend, and the whole assembly rose as one man with an enthusiasm that knew no bounds, to welcome this true friend alike of the Government and of the people? To me, the deaths of Sirdar Dyal Singh and of the Maharaja of Durbhanga come with the

suddenness and the poignancy of grief at the loss of two who were personal friends and whom I had eagerly hoped to meet after a long absence. But they have, Ladies and Gentlemen, left examples behind, marks in the foot-print of time, which we trust and pray may be an encouragement and a guide to others of their class and to all true and loyal sons of India. Nor is yet the tale of death complete. For, we have to mourn, too, the closing in its brilliant promise and amid many useful labours of another career, in the death of Dr. Bahadurji of Bombay. Of all he did for his own Presidency, and of his devoted labours in the last few years, of his youthful life a battling with the plague and in bringing succour to the afflicted, I need not speak. But on this platform from which he has often addressed us, we specially call to mind today his services to the cause of Medical Reform which he had made specially his own. Let others come and gather round the standard which has fallen from his hands before the battle was won.

The Motherland

Ladies and Gentlemen, I began with a reference to Mr. Gladstone, and I will finish, too, with a reference to the great man. It was a cold morning and closely muffled up, pale and ill, the great statesman was entering his carriage at Bournemouth, making the last journey of his life, on his way to Hawarden, there to die. A crowd had assembled at the station, to bid him farewell, to have a last look at the face not much longer destined for earth. In response to their cheers and salutations, Mr. Gladstone uttered these words—the last he uttered in public—he who had so often held audiences of his countrymen spell-bound by the magic of his voice, “God bless you all, and this place, and the land you love so well.” The words were few, and the reporters added the voice was low. But there was in them, the last words of the parting hero, a pathos of farewell and of benediction, a deep thrill as of another world, which produced an effect not less, perhaps but more, than the great efforts of a happier time. And let us, too, following those simple words of Mr. Gladstone, ask God that He may bless us all and this dear land of ours. Do you, do we, Brother-Delegates, love that land, the land that gave us birth; the land

beloved of the gods, they say, in ages gone by, when the world was young and darkness lay over many of its peoples; the land where knowledge lighted her earliest torch, the arts of life and civilisation found their home and philosophy pondered deep over the problems of life; where Rishis sang those hymns to the Father in the shining sky, the earliest of the Aryan world, which still live and throb in our hearts, and the eyes of the Seer saw visions of things not of this world; that land where, after ages, the sundered streams of Aryan life unite once again in the present day? That land, Brother-Delegates, deserves all our love. Love her the more, cling to her the closer, for her misfortunes of the past, for the shadows and the clouds that have hung over her in the times that have gone. After centuries of darkness, the dawn of a better day has now opened for her, and the golden light has already begun to stream over her fair face. It depends on us, Brothers and Sisters, Fellow-citizens of this ancient land, it depends on us, on our sense of duty, on our spirit of loving sacrifice and earnest effort, whether the streaks of that light shall broaden and grow unto the lovely day. At length has India awakened from the stupor of ages, the fire of her intellect, of her heroism, of her piety, dimmed but yet not wholly extinguished, and waiting but the breeze of manly effort and kindly help to burn once again in the time to come, let us hope, with the splendour and lustre as of old.

Lord Salisbury spoke the other day of the living and the dying nations of the world. Shall India, Brother-Delegates, be a living nation, shall the glories that were hers remain for ever a memory of the past, or shall they once again be realities in the time before us? On us, Brother-Delegates, depends the answer, on our efforts, on the lives we live and the sacrifices we make, not in the political field alone, but in many another field; and let us not forget that never was progress won without sacrifice. And in that effort, depend upon it, we shall get, as indeed we claim, the loving help and the ardent sympathy of the great Nation, into whose hands Provinces has entrusted the destinies of this land.

The German host marched to its triumph to the cry of "God and Fatherland". Let ours be a still dearer cry, the cry of "God

and Motherland", as our mission also is the holier and nobler enterprise of peace, of love, of loyal progress, of every duty to our Beloved Sovereign faithfully discharged, or individual growth and national re-generation. Here we, my friends, the trumpet-call of duty resounding to us amid the stirring scenes, the moving enthusiasm, the thrilling sights of this great gathering? Yes, the call sounds clear, but let our hearts gather the strength to respond to that call, and to be true to her, our Common Mother, the Land of the Birth; to be true and faithful to the light that is within us, and to every noble impulse that stirs within us. And may we, as we return to our homes, to the spheres of our daily duty, carry a little more of the living love to our country than when we came, a little more of the earnest longing to be good and true and useful, before the day cometh and our life's work is done !

A MATTER OF FAITH*

Babu Bansilal Singh, Nawabs, Ladies and Gentlemen,—I feel deeply honoured by your action in electing me President at this Congress, but before we proceed to the business of this day, I should like, with your permission, to read one or two, out of many, messages which I have received of congratulation to this Congress. In the first place, Ladies and Gentleman, I should like to read a message of congratulation and good wishes from your beloved President who presided last year, Mr. A.M. Bose.

He telegraphs to me :

“Most keenly and deeply regret cannot attend from illness. God bless the Congress, the city of Lucknow, and our beloved motherland, and bless our Rulers and gracious Sovereign. May your labours be fruitful, may all India unite in loving, loyal, service and rejoice in working and suffering for her sake.”

I also wish to read one or two passages from a letter from our old friend, Mr. W.S. Caine. He writes :

“I am not able this year to attend the Meeting of the Indian National Congress in which my interest is keener than ever, and about which my convictions are stronger every year, that is the most valuable and powerful factor in the develop-

* Presidential address delivered by Romesh Chunder Dutt at the Lucknow Congress held on 27-30 December, 1899.

ment of the political future of India...I beg you to be kind enough to convey by the cold medium of this letter those warm and cordial good wishes for the brilliant success of the Lucknow Congress, which I am unable to deliver by word of mouth."

"My love to the Indian people, my belief in their future as a great self-governing portion of the British Empire, and my conviction of their natural capacity for self-government deepens and strengthens every year. I trust that God may inspire and direct your counsels and bring them to early fruition."

I have delivered to you one or two messages from the living, and it is but just that at the commencement of my speech, I shall refer in one or two words to those who have departed from us, especially to that distinguished countryman who was a personal friend of mine, I mean Dr. Romesh Chander Mitter, who has been taken away from this world. You have not had amongst you a stronger friend of the Congress, a greater patriot and a more sincere and thoughtful son of India than Dr. Romesh Chander Mitter. The other great patriot was the late Maharaja of Dharbhanga, and I think a suitable expression of his good services to the Congress was already expressed at the last meeting by my friend, Mr. A.M. Bose. I don't wish to say many words with regard to the services of these gentlemen. We can only deplore their loss, at a time when we all expected great services from their talents, their reputation and their love to the country.

Gentlemen, when in October last I received through my friend, Mr. Bonnerjee, your kind invitation to preside at this meeting of the Indian National Congress, I confess, I received it with some degree of surprise and some degree of hesitation and misgiving. I happened to be then engaged in the pleasant task, to which I have cheerfully devoted most of my spare time during the last fifteen years, of trying to interpret to my countrymen, and to modern readers generally, some of the literary heritage which has been left to us by our ancient

forefathers; and I confess, the prospects of a sudden change from the desk to the platform somewhat alarmed me. Now was the alarm altogether groundless; for when I read the magnificent speeches made from this platform in past years by some of the ablest and most eloquent men that our country has produced during this generation, I felt grave doubts whether you were altogether wise in your choice in asking me to preside in the present year. However, I felt the great honour you did me in imposing the task upon me; I feel the high honour which you have done me as I stand to-day among so many who are so well qualified to perform this task; and for better or for worse, I have accepted your kind proposal and am amidst you today. And if you will listen with some indulgence to the plain words of a plain man, I will try to convey to you in a few words some remarks, and some practical suggestions, on the administrative questions of the day.

I need hardly tell you that those questions have received my attention and my consideration for years past; I have spoken and written on them during the last two years; and during the preceding twenty-six years I had constantly to deal with many of them in official correspondence. It is perhaps known to all of you that the Government of India and the Local Governments permit and encourage the utmost freedom to all officials in the expression of their opinions in official correspondence on the administrative questions which constantly come up for discussion. It is in the course of such discussions that the men in the Civil Service come to know and to respect each other's opinions, and are often brought in closer contact with each other. And as we are holding this present meeting of our Congress in the North-West of India, I recall today with pride that it was in course of a discussion of this nature over the Bengal Tenancy Bill which was passed into law in 1885, that I had the pleasure and the privilege of first knowing that sympathetic ruler and that distinguished statesman whom you now claim as Lieutenant-Governor of these provinces but whom we in

Bengal are proud to claim as originally of the Bengal Civil Service.

Gentlemen, I often felt it my duty in the course of these official discussions to suggest reforms on the basis of accepting in a larger degree the co-operation of the people of India in the administration of the country. And, although I have ceased to be an official now, I still consider it my duty to do what lies in my humble power to advise and help the Government of the day in the great task of a good and successful administration based on the co-operation of the people. And it is because this is precisely the object of the Indian National Congress—it is because it is your aim and endeavour to sustain and help British administration based on popular co-operation—that I find myself amongst you today and in complete unison with you in views and aspirations.

The Creed of the Congress

Gentlemen, I have perused a great portion of the Congress literature as published in a handy volume by the enterprising publisher Mr. Natesan; and to those who desire honestly to know the aims and aspirations of the educated men of India, I can honestly recommend a perusal of this valuable publication. An honest critic will find in this volume—from the first page to the last—a sincere desire to support and sustain the Government by the co-operation of the people, to strengthen the hands of the Government by fair criticism, to help the Government by keeping it informed of the views and aspirations of the people. These are services which would be useful and valuable to administrators in any country in the world, and these are services which are doubly valuable in India, where the people are not represented in any of the executive councils and secretariats where executive and legislative measures are first put into shape. For remember, Gentlemen, that there are generally two sides to every question which comes up for discussion, and it is desirable and necessary that both sides should be properly represented

and heard before the question is decided. It is no disrespect to the Civil Service of India to say that it represents, ably and fairly, the official side, only to Indian questions. I have had the honour of passing the best years of my life in the Indian Civil Service and I shall be the last person on earth to question either the ability or the honesty of purpose of those able and hard-working men who form that magnificent service. I have pleasant recollections of the years which I have passed in complete accord and friendliness with my colleagues in that service, of the fair and handsome treatment which I received from my seniors, and of the loyal and zealous co-operation which I received from my juniors; and I will say this, that take the Indian Civil Service with all its faults and all its shortcomings—for hard work and honesty of purpose there is not a finer body of administrators in the world. Nevertheless, it must be admitted, and it is no disrespect to the Indian Civil Service to say that that service represents only the official view of Indian questions, and does not and cannot represent the people's views. There are two sides to every question, and it is absolutely necessary for the purposes of good government and of just administration that not only the official view, but the people's view on every question should be represented and heard. There are local bodies in different parts of India which give expression to the people's views on local questions; but this National Congress is the only body in India which seeks to represent the views and aspirations of the people of India as a whole in the large and important, and if I may use the word, Imperial questions of administration. Therefore, this National Congress is doing a service to the Government the value of which cannot be over-estimated, and which I feel certain is appreciated by the Government itself. It is a gain to the administration to know what we feel, and what we think, and what we desire,—though our demands cannot always be conceded. It is a help to responsible administrators to know in what direction our wishes and our aspirations tend, though they may not always agree with us.

I honestly believe, therefore, that you are helping the cause

of good administration and of good government in India by your deliberations year after year, and I trust and hope that you will continue to carry on these deliberations in the future as you have done in the past, with good sense and moderation, with loyalty to our rulers, and with fidelity to the real interests of the people. We cannot fail in this endeavour; the future is with us; and looking at the progress of nations all over the British Empire in every part of the world, I for one, feel confident that we, too, are destined to move onwards as a portion of that great Empire, and that we, too, shall secure some measure of progress and self-government under the imperial rule of England. This is the creed of the Congress, as it is mine, and it is, therefore, Gentlemen, that I feel it an honour to find myself amidst you today. And consistently with this principle, my speech today will be, not one of criticism but mainly and essentially one of practical suggestions to which the Government will, I humbly hope, give such consideration as they may seem to deserve.

Famine of 1897

Gentlemen, it is a little over two years ago you celebrated in India, with every demonstration of loyalty and good feeling, the sixtieth year of the reign of the Queen-Empress. I happened to be in England on that day, and I witnessed with joy and gratification the august procession in London—Her Majesty driving in state through a circuit of six miles, preceded and followed by representatives of every portion of the British Empire, and cheered by half-a-million of loyal Englishmen who lined the circuit. Every contingent from every land was cheered as it accompanied the Queen, and I can tell you that none was cheered more loudly and more heartily than the Indian contingent—the Indian Princes and Rajas, distinguished by their graceful dress and noble demeanour, their manly bearing and their soldier-like appearance. It was a great and imposing and gratifying sight, but it was clouded by one dark shadow. The British public felt, British newspapers wrote, and British statesmen spoke, that while every self-governing colony represented in that procession was prosperous and

happy, India alone, with its vast population, was even then suffering from a famine which had spread over a large extent of country than had ever been visited by famine in any single year. Questions were asked why there should be such famines in India when famines were unheard of in any other well-governed country in the world, and doubts were expressed if British Rule in India had been altogether a blessing for the poor cultivators and labourers of India.

But, Gentlemen, the famine of 1897 was not the only calamity of the year; it was accompanied by a war outside our frontiers which cost us some millions and many brave lives, and it was accompanied by a plague, the ravages of which are not yet over. In the midst of these calamities the Government thought it necessary to adopt rigorous measures, and the Government thought it wise to restrict that liberty of the Press which we in India had enjoyed for over sixty years. It is not my intention today to dwell on the sad occurrences of 1897, the saddest year in its accumulation of calamities since the time that India passed from the hands of the East India Company to the Crown. Nor is it my intention to review today the discussions which were held in this country and in England when the unfortunate Sedition Bills were passed into law.

Sedition Law of 1898

I recall with sadness the debates which took place in the Viceroy's Council and in the House of Commons when these Bills were passed into law. It was my privilege to hear those debates in the House of Commons, and I think I only echo the general feeling of all educated men in this country when I acknowledge our deep debt of gratitude to those who so ably but so unsuccessfully fought for us both in the Viceroy's Council and in the House of Commons. I do not desire to renew these discussions, but now that the fight is over, and the Bills have been passed into law, I often ask myself if there is a single Englishman in this country with an intimate knowledge of the country and its people who honestly thinks that the reactionary measure was needed, or that it is answering any useful pur-

pose, or that it has strengthened the Government and increased its reputation and credit in the eyes of Europe. Gentlemen, the measure was based on a blunder—the blunder of connecting sedition with the spread of education. The truth is precisely the reverse of this. English education had not only not produced sedition in the land, but it has been the strongest weapon by which the Government has stamped out real sedition in this country within the last fifty years. In the dark days of 1857 and earlier, there was real sedition in the land—a real wish in some dark and obscure corners to overturn this great Empire. That desire was born of ignorance and lurked amidst ignorant classes, and the Government has successfully stamped out that feeling by the spread of education. There never was a greater Imperialist among the Governors-General of India than Lord Dalhousie, and Lord Dalhousie strengthened and fortified the Empire by giving effect to the famous educational dispatch of 1854, and spreading education through vernacular schools. There never was a stronger upholder of British Dominion in its darkest days than Lord Canning, and Lord Canning established the Universities of Calcutta, Bombay, and Madras. The same policy has been pursued by successive Viceroys during the last forty years with the same object and the same effect, and wherever education has spread, sedition in India is dead. And if real sedition still lingers in any corner of India, it is in the darkness of ignorance, not in the sunlight of education and free discussion. If I were disposed to foment sedition in India, I would desire in the first place to suppress all free discussion, suppress all newspapers, and suppress all public meetings, as a burglar puts out the lights of a room before he commits burglary. And I make bold to add, Gentlemen, that if you had been inspired by hostile feelings against British rule in India, you would have worked in the dark, and not come forward from all parts of India, year after year, to openly and loyally place your views before the ruling power. Educated India has practically identified itself with British Rule, seeks to perpetuate British Rule, is loyal to the British Rule, as Lord Dufferin said, not through sentiments, but through the stronger motive of self-interest; because it is by a continuance of the British Rule that educated India seeks to

secure that large measure of self-government, that position among the modern nations of the earth, which it is our aim and endeavour to secure. Gentlemen, if you had a single representative in the Viceroy's Executive Council, if you had one Indian Member to take part in those deliberations in the Executive Council which resulted in the Sedition Law, you could have explained these matters then and there. But it is a penalty which all Governments constituted like the Executive Councils of India have to pay, that they have to decide questions after hearing one side only, and not the other. Only one view is properly represented before them, and not the other; and the ablest, the most just, and the most conscientious of judges will make mistakes, if they base their decisions on evidence produced by one party, and not the other.

Only one word more before I leave this subject. I regret as much and as sincerely as any man in India the bitterness of tone which sometimes pervades journalism in this country. Five years ago, as Officiating Commissioner of Burdwan, I had occasion to write on this subject, and if I allude to my report now, it is because the report was printed and published in the Calcutta Gazette, and is therefore not an official secret. I said on that occasion, and on many succeeding occasions, that differences in opinion must always exist between the English newspapers and Indian newspapers in this country. English newspapers hold that an absolute Government is the best and only possible Government in India, and that any system of representation or self-government is a mistake. The Indian papers hold, on the other hand, that there can be no good government in a large and civilised country like India, and no satisfactory solution of those great evils like famines and the impoverishment of the humbler classes, without some co-operation of the people themselves in the control of the Administration. It is possible, I said, to hold and maintain these opposite views without studied contempt and sneer on the one side, and bitterness of tone on the other side. And those journals which introduce this element of contempt and hatred in the discussion of administrative questions are creating difficulties for the British Government, and sowing seeds of evil in

India. It is by some degree of sympathy, some degree of good feeling and neighbourly courtesy, and not by Sedition Laws, that the relations between the different sections of the Indian community can be improved. As one who has passed the best years of his life in administrative work, I have noticed that every improvement in the tone of the English Press is warmly responded to by the Indian press and that every want of kindness and good feeling adds to the difficulties of administration and weakens British Rule in India.

Calcutta Municipality

But I pass over this subject because it is not my object today to make my speech a criticism of the Sedition Law, or of other measures already passed. I wish also to pass over with very few remarks the controversies relating to recent Municipal Laws, and to the Calcutta Municipality. These controversies are fresh in your minds, and the subject will, no doubt, receive ample justice from other speakers before we have closed our proceedings. To me one most consoling feature in the history of this unfortunate measure is the help rendered to our cause by so high an authority as the Right Honourable Sir Henry Fowler. It was my privilege to be listener in the House of Commons on the memorable night when the late Secretary of State spoke from the Liberal Front Bench, supporting Mr. Herbert Roberts and condemning the virtual withdrawal of that boon of Self-Government which it is the proud boast of England to have conferred on the Metropolis of India. Gentlemen, even Sir Henry Fowler has spoken in main—at least, for the present—but we are none the less grateful to him for his strong advocacy of a just and righteous cause, the cause of Self-Government in India. Nor are we less grateful to those who have fought the same battle in this country, foremost among them stands Raja Binay Krishna Dev, a worthy scion of a worthy house which has been loyal and friendly to British Rule in India since the days of Clive and Hastings. To our friends who fought in the Legislative Council, and to others who were true to the cause of our progress, is due our warmest acknowledgment and our deepest gratitude. Gentlemen, their example,

their endeavours and their sustained effort will live in the memory of our countrymen, and will find a place in the history of our country. A constitutional battle so fought is not fought in vain, and our children and our children's children, to whom we shall hand down the heritage of a loyal and constitutional agitation for self-government under the Imperial and progressive Rule of England, will look upon the closing of the nineteenth century as an epoch in the history of the land, and will draw new inspiration from the example of the men of this century who have lived and worked and fought—not in vain. There are defeats which are more glorious than victories; and the defeat which we have sustained will strengthen our hearts, freshen our hopes, and nerve our hands for new endeavours.

With regard to the actual result of this battle, I do not know if there is any class of men in Calcutta who in their hearts like it much. I have asked myself if there is any Englishman familiar with the history of the Calcutta Municipality who thinks that the new measure will improve administration, promote sanitation, or secure the willing cooperation of all classes of citizens. I do not know if the officials of Calcutta who have done so much in the past to foster Municipal Self-Government, will contemplate with gratification the ruin of the noble edifice which they built up with the labour of a quarter of a century. I do not know if the European merchants of Calcutta, who are busy, practical men, and have lived in amity and good feeling with the Indian population, will like the idea to spread over the country that wherever English trade prospers, not only Indian manufactures but Indian political and municipal rights, too, must be sacrificed. I do not know if the City fathers of Calcutta contemplate with joy their prospects of performing, without the cooperation of the people, their difficult and thankless task, with a poor, inadequate, almost beggarly income. What the elected Commissioners have done in the way of sanitary reforms with this poor income is a matter of history. Gentlemen, I remember Calcutta some forty years under the administration of Government officials, when we as schoolboys had to walk to school by open drains and reeking filth. I remember Calcutta as it was under the Justices of the Peace,

some thirty years ago, with its awkward tale of waste and jobbery. And I have seen year after year the improvements effected, the sanitary reforms done, the wasteful expenditure cut down, and every department of the office brought to order by the elected Commissioners within the last twenty-five years—by some of the best men whom our country has produced, and who have given years of their life to this patriotic work. Their work has been consistently recognised in past years by successive rulers of the land; but it is necessary to give a dog a bad name in order to hang it; and it was reserved for Sir Alexander Mackenzie, who was a friend of Self-Government under the administration of Mr. Gladstone and Lord Ripon, to end his career in India by giving the Self-Government system in Calcutta a bad name, and then effectually strangling it.

Gentleman, I feel sad whenever I think over these matters, and I feel sad when I recollect that this thing has come to pass in the first year of Lord Curzon's administration. I honestly believe that no Viceroy ever came out to India with a more sincere desire to work for the good of the people, and with the help and cooperation of the people. I honestly think that His Lordship in Council gave a most careful consideration to the question before he issued his own proposals; and if that Council had contained a single Indian member to represent the Indian view of the question and to explain the true history of the Municipality during the last forty years, I am persuaded, Lord Curzon would have taken the same views as Sir Henry Fowler has taken, and would have effected the needed reforms in the Calcutta Municipality and strengthened the executive, without virtually sacrificing Self-Government. But our difficulty and our danger lie in this, that great administrative questions are discussed and settled in Executive Councils, where we are not represented and not heard. I do not say that the official view is necessarily wrong, and that our view is necessarily right; but I do say that both views should be fairly represented before the tribunal which shapes our destinies. I do not say that we have more knowledge or more experience or more ability than the high officials who represent the official view of the question, but I do say that we view questions from a different

point of view and that there should be a constitutional channel for the representation of our views in the Executive Councils of the Empire. For when the Executive Councils have decided a question, the thing is done—the Legislative Councils simply carry out the official mandate with unimportant alterations, as the Bengal Council has done in the case of their Municipal Bill.

Famine of 1899

But, Gentlemen, I must extricate myself from this subject and pass on at once to the great calamity which now stares us in the face, the famine from which millions of our countrymen are suffering even now; and with your permission I will devote all my remaining time to this one great subject—which appears to me to be one of paramount importance—the famines of India, and the condition of our poorer classes. Gentlemen, you are aware of the prompt measures which have been already adopted by the Government of Lord Curzon for the relief of distress in British Territory and for helping Indian Princes to relieve distress in Native States during this time of trouble and anxiety. And those of you who have had experience of relief operations in previous famines will feel confident that Englishmen, when they have once put their hand to the plough, will not leave the work half done. It is with a pardonable pride that I recall past days when I myself was employed along with my English colleagues in famine relief operations, or in providing against impending famines in 1874, in 1876, and in 1896, and judging from my past experience, and judging from the measures adopted this year, I feel confident that no effort, no expenditure, no means humanly possible, will be spared by a benevolent Government to save life and to relieve distress among the millions of our suffering countrymen. And in the face of this calamity it behoves us all, it behoves this National Congress, to do all we can to strengthen the hands of the Government, to offer our help according to our capacity and power, and to place our suggestions before the Government, not in a spirit of criticism but in a spirit of loyalty and cooperation, for the relief of

the present distress and for the prevention of such distress in future.

Alleged Causes of Famines

It is in this spirit that I suggest that the time has come when it is desirable to take some effective measures to improve the condition of the agricultural population of India. Their poverty, their distress, their indebtedness all this is not their fault. Sometimes it is asserted that the poverty of the people and the famines which we witness in India, and in no other well-governed country on earth, are due to the over-increase in population. Gentlemen, this is not so. If you go into figures you will find that the population does not increase in India as fast as it does in many European countries like Germany and England. And if you read the paper written by Mr. Baines, the late Census Commissioner of India, in the first volume of the British Empire Series recently issued in London, you will find the Census Commissioner has distinctly stated that the growth of population in India is not so fast as that in Germany or in England. Sometimes, again, it is asserted that the poverty of the Indian agriculturist is due to his own improvidence, wastefulness, and folly. Gentlemen, this is not so. Those who have passed the best portion of their life among the Indian cultivators, as I have done, will tell you that the Indian cultivator is about the most frugal, the most provident, the most thoughtful about his future, among all races of cultivators on earth. If he goes to the money-lender, it is not because he is in love with the money-lender, but because he has nothing to eat. If he pays 25 or 37 per cent as interest on loans, it is because he cannot get loans on lower interest on such security as he can offer.

Punjab Land Alienation Bill

We are all aware that the Government of India are at the present time endeavouring to safeguard the interests of the cultivators in the Punjab and elsewhere from the claims of money-lenders on their land. I do not wish to speak on the

merits of the Bill, because I never wish to say a word or to express an opinion on inadequate information, and the information I have been able to gather about the condition of the Punjab cultivators is not yet as full and complete as I could wish it to be. All that I can say is that this idea, that the condition of cultivators can be improved not by helping them to save, but by restricting their right of sale and mortgage, is an old idea which has been found utterly unsound in Bengal. The policy was advocated when the Bengal Tenancy Bill was under discussion fifteen years ago; I myself took my humble part in strongly resisting the policy; and if I remember correctly, the able Revenue Secretary of Bengal, who is now the Lieutenant-Governor of these Provinces took the same view. I allude to these views because they are no secret, and will be found published in the Calcutta Gazette of that year. The absurdity of relieving the cultivators by virtually taking away from the market-value of the one property they have on earth was strongly exposed, and the idea of placing any restrictions on mortgage and sale of lands was ultimately abandoned.

Curiously enough, the question was mooted again in Bengal only three years ago, showing what vast importance is attached to official views and ideas formed in close Council Chambers. The fear was entertained that land was slipping away from the hands of the cultivating classes to the hands of the money-lending classes and that to restrict the right of sale and mortgage was the only remedy. I happened to be then acting as Commissioner of Orissa, a part of Bengal which is not permanently settled and where the condition of the cultivators is worse than in other parts of Bengal. If the free right of sale or mortgage has worked evil in any part of Bengal, it must have done so in Orissa. But I was able to show from the records of half-a-century that, although the right of sale and of mortgage had been freely exercised, land had not slipped out of the hands of the cultivating classes, and that to take away from the market-value of the land was not the best way to help the cultivators. Fortunately the greatest revenue authority of Bengal, Mr. Stevens, who afterwards acted as Lieutenant-Governor of Bengal, took the same view, and the

idea of helping the cultivators by decreasing the market-value of their land was once more abandoned. I do not wish, Gentlemen, to generalise on these facts; I do not wish to infer that what would be needless and mischievous in Bengal and Orissa may not be needful and useful for the time being in some parts of India, where matters may have reached a more acute stage. But what I do wish to emphasise is that such remedies cannot permanently improve the condition of the cultivators; that in order to improve their condition, we must make it possible for them—as it is possible in Bengal—to save in good years against failure of harvest in bad years.

Real Cause of Famines and the Remedy

Gentlemen, the real cause of the poverty of our agricultural population is simple and even obvious, if we have the courage and the honesty to seek for it and to grasp it. It is not over-population, for the population does not increase faster than in European countries, does not increase faster than the area of cultivation. It is not the natural improvidence of the cultivator, for those who know the Indian cultivator will tell you that with all his ignorance and superstition, he is as provident, as frugal, as shrewd in matters of his own interest as the cultivator in any part of the globe. The real cause of his wretchedness and indebtedness is that, except in Bengal and a few other tracts, the land assessment is so heavy that the cultivator is not able to save in good years enough to meet the failure of harvests in bad years. All our village industries, like spinning and weaving, have been killed by a free competition with the steam and machinery of England. Our cultivators and even our village industrial classes, therefore, virtually depend on the soil as the one remaining source of their subsistence. The land assessments should, therefore, be made in a liberal and even a generous spirit. There is every desire in the high officials to make the assessments in a liberal spirit, but as the people have no voice in controlling these assessments, they are found in the actual working to be often illiberal and harsh. They do not leave the cultivators enough to be able to save, and cultivators therefore fall victims to famine whenever the harvests fail,

Bengal

The old Hindu Law, based on the actual experience of thousands of years, sanctioned one-sixth the gross produce of the land as its proper rent. The experience of modern times confirms the wisdom of this ancient rule. In Bengal, where the Permanent Settlement and the Land Laws of 1859, 1868 and 1885 save the cultivators from undue enhancements, the average rent paid by cultivators to landlords does not exceed one-sixth the gross produce in any district, and falls far short of it in eastern districts. The result is that Permanently Settled Bengal, which suffered from the most terrible famine in the last century, has been generally free from destructive famines in recent times. The famines of Behar in 1874 and 1897, were comparatively mild, and there was no loss of life. Extend the Bengal rule to other parts of India; make one-sixth the gross produce the maximum rent leviable from cultivators in other provinces, and the problem of preventing famines in India is solved.

North-Western Provinces

In the North-Western Provinces and Oudh the cultivators are, generally speaking, not safeguarded by a Permanent Settlement. Each new assessment means an increase in Government revenue. Let us find out in what position the actual cultivator is left by such settlements. The system of settlements in the North-Western Provinces has often been described, but I have never seen a more lucid account of it, within a brief compass, than in the evidence of Sir Antony MacDonnell before the Currency Committee which lately sat in London. Read His Honour's answer to questions No. 5737 to 5740, and you have a clear account of the North-West Settlements in a nutshell. There are two salient facts which I will place before you from this account. In the first place, the Government allows the Landlords to make their own arrangements with the cultivators, and then demands one-half with the landlord actually gets, after making certain reductions. In the second place, under these arrangements, the landlords are actually

getting about 20 per cent of the gross produce in money, and the Government share is one-half of that. Gentlemen, these arrangements are better than those in many other parts of India, and you may be sure the rules are worked considerably, and even leniently, by a ruler who yields to none in India in his real sympathy for the actual cultivator. But nevertheless I should have been relieved to learn that the 20 per cent of the gross produce represented the maximum limit of rent, and not the average rent. Without such a maximum limit, the cultivator has no assurance against over-assessment and undue enhancement. And a landlord who has submitted to an increase of the Government demand at a settlement has the temptation to reimburse himself by raising his rents—as a squeezed sponge fills itself when thrown into the water—to be squeezed again at the next settlement, thirty years later. Adopt the ancient Hindu rule which is virtually still the rule in Bengal; make one sixth the actual produce—or even one-fifth the actual produce—the limit of rent under all circumstances, and you make the cultivators of these provinces as prosperous as they are in Bengal, and the problem of disastrous and fatal famines is virtually solved.

Madras

The state of things is far worse in Madras. Some portions of the Madras Presidency are permanently settled, but in the greater portion of the Province the revenue is not permanently settled, there is no class of landlords, and the Government demands as revenue one-half of the net produce of the land, *i.e.*, of the produce after deducting the cost of cultivation. For a clear and luminous and brief account of how this system has worked, I would refer you to the speeches made in recent years by the Raja of Bobbili, by the Hon'ble Subba Rao, and by Mr. Venkataratnam, himself a large landholder and President of the Godavari District Association. They point out that the rights of the Madras cultivators have not been strengthened, as in Bengal by successive Acts within this half century, but have been weakened by successive measures of the Government. They point out that in 1857, the proprietary right of the cultivator

with fixity of assessment was admitted by the Government; that in 1882, under Lord Ripon's administration, a virtual pledge was given that no enhancements would be allowed except on the equitable ground of a rise in prices; and that at the present day these pledges are ignored, these safeguards are withdrawn, and enhancements are actually made on the ground of reclassification of soils as well as of rise in prices. More than this, I read a passage in the Madras Standing Information of 1879, quoted in the *Hindu* newspaper of Madras, that the land tax estimated at one-half the net produce should not exceed 40 per cent of gross produce where the land is irrigated at Government cost, and should not exceed 33 per cent of the gross produce in the case of lands not so irrigated. When I read a rule like this, I am filled with bewilderment and pain. Where is the old Hindu rule fixing one-sixth of the produce as the proper rent—a rule which is virtually observed in Bengal at the present day with such happy results? Let me mention, gentlemen, that when the Tenancy Bill of Bengal was under discussion in 1884, I had the honour to recommend that 20 per cent of the gross produce—which is a little over the old Hindu rate—should be fixed as the maximum of rent payable by a cultivator. My proposal was accepted by the then Revenue Secretary of Bengal, who is now the honoured ruler of these N.W. Provinces. The proposal according found a place in the Tenancy Bill drafted by the Government of Bengal; but it was not ultimately passed into law, because, in many parts of Bengal, the zamindars were getting much less than 20 per cent of the produce; and to frame a rule about maximum rent might induce landlords in all parts of Bengal to screw up the rental to that maximum. The argument was good, and I was not sorry that my proposal rejected. But it is somewhat curious that while the Bengal Government declines to fix 20 per cent of the produce as the maximum of rent, for fear that the zamindars might work up to that rate, the Madras Government had actually a rule in their Standing Information Book fixing 33 and 40 per cent of the gross produce as the maximum rent. Are you surprised that under the circumstances there should be such repeated and disastrous famines in Madras, and that as pointed out by Mr. A. Rogers—late of the Indian

Civil Service and a high authority in revenue matters—a great deal of land is out of cultivation because cultivators cannot pay the rent that is demanded by the State Landlords? The rule in Madras is, as I have said before, to demand one-half of the net produce—i.e., the value of the produce after deducting the cost of cultivation. Gentlemen, I state it from my experience that such calculations cannot be accurately made, and that every mistake made is fatal to the cultivators. And I also state it from my experience that one-half of the net produce—not of the assets of the zamindars as in the North-Western Provinces, but of the net produce of the land—is a ruinous rate of land-tax which is bound to bring the cultivating classes into wretchedness and poverty and to disastrous famines in every year of the failure of crops. Adopt the old Indian rule—the rule which is practically observed in Bengal with such happy results—and you relieve the cultivating population of Madras, and virtually solve the problem of famines.

Bombay and the Punjab

Gentlemen, I have not time to-day to go over the land revenue arrangements in other parts of India—of the Bombay Presidency or of the Punjab. In Bombay we have generally the same system as in Madras, the Government generally receiving rents direct from the cultivators. But the Settlement Officers in Bombay take into consideration what have been paid by cultivators in previous years without difficulty, and do not proceed merely on paper calculations; and in so far the Bombay method is better than the Madras method. In the Punjab the land system is somewhat similar to that of the North-Western Provinces; but you will find on examination that neither in Bombay nor in the Punjab is the cultivator assured of getting an adequate proportion of the produce of the land he cultivates and without such assurance his condition cannot be improved, and he cannot be saved from famines merely by tinkering with his relations with his money-lender. I am not discussing today the merits of the different systems prevailing in the different provinces of India—the Zamindari system of Bengal, the *Talukdari* system of Oudh, the *Mahalwari*

system of the North-West, the *Malguzari* system of Central India or the *Ryotwari* system of Southern India. Nor am I discussing the desirability of extending the Permanent Settlement to all parts of India as was recommended by Lord Canning in 1860, though I myself think that would be a wise and a generous measure to which the Government is pledged by its many promises in the past. I am not entering into these subjects in order to avoid all discussion, all controversy, and I am laying down a proposal which must receive universal assent without any controversy—viz., that the cultivator should be assured in an adequate share of the produce of his land if he is to be saved from indebtedness and poverty, distress and famine. I have confined myself to the actual condition of the cultivator and the incidence of the land-tax on the cultivator, for in India the cultivator is the nation. Never mind under what system or under what settlement he lives, assure to him an adequate proportion out of the produce of his land—such a proportion as the old Hindu Law assured him, and the custom in modern Bengal assures him—and he is saved, and the nation is saved.

Central Provinces

But before I leave this subject I must say one word about the Central Provinces of India, which have suffered so disastrously in the famine of 1897, and which is suffering once more under the famine of 1899. The Central Provinces have suffered more from recent famines than any other part of India because the land-revenue settlements have been more severe and more harsh, not in their intention, but in their actual operation, than any other part of India. I constantly heard in England, as I have no doubt you constantly heard in this country, of the disastrous results of the recent revenue settlements in that Province, initiated by Sir Alexander Mackenzie and completed by his successors. But I will not mention here what I have heard, I will limit my remarks entirely to the facts contained in official reports and stated in the House of Commons by the Secretary of State for India in reply to questions put to him

in March last year, by one of the truest friends of the Indian cultivator, Mr. Samuel Smith.

Gentlemen, there is a healthy rule, generally followed in the North-Western Provinces, that settlements are made for thirty years, because it is undesirable to harass the people with frequent enhancements and frequent settlement operations. The rulers of the Central Provinces have departed from this rule and made the present settlement for twenty years, save in a few backward tracts, where I suppose still shorter settlements have been made. There is another healthy rule, followed in the North-Western Provinces, that the land-revenue is fixed at one-half the rental received by landlords. Will you believe it that in the eastern and southern districts of the Central Provinces, the Government revenue was fixed between 55 and 75 per cent of the rent in the previous settlement, and between 50 and 60 per cent in the recent settlement? Add to this another 12 per cent for certain local rates, and the Government demand on the *Malguzars* comes to about 72 per cent of their supposed collections. I ask every impartial man, every fair minded administrator, why settlements have been made in the Central Provinces for twenty years or less when settlements are made in the North-West for thirty years? I ask every responsible Ruler why the Government should demand 60 per cent as rent, plus 12 per cent as rates, from the *Malguzar* of the Central Provinces when the Government receives only about 40 per cent in the North-West according to the evidence of Sir Antony MacDonnell? These differences in figures may not mean much to the theoretical statesman, but they mean life and death to the Indian cultivator. Every tempering with the settled rules in land settlements, every lowering of the period of settlement, every increase in the proportion of the Government demand means the further impoverishment of the cultivators, means increased wretchedness and indebtedness in ordinary times, increased deaths in famines. Why, Gentlemen, this very experiment was tried in these North-Western Provinces; the Government demand at first was not half but two-thirds of the assets of the landlords; and that rule was ultimately abandoned in 1855, and the Government demand

was fixed at one-half the rental of the landlords; and is it fair that we should go back in the Central Provinces or the old rule which our experience has taught us here to be harsh and cruel to the cultivators? If the people had any control over the Executive action in the Central Provinces, the tempering with the old established settlement rules would not have been allowed. If the people had been represented in the Viceroy's Executive Council to express these matters, no Viceroy of India would have permitted such departure from the usual settlement rules, a departure which has been disastrous in its consequences on the condition of the people, and increased the deaths from famines in the Central Provinces.

Gentlemen, I have detained you longer on this subject than I had intended, but the importance of the subject is my excuse. I state my deliberate opinion, based on a careful study of the question for thirty years, that the land revenue arrangements in India are responsible, not for bringing on famines, but for deepening the effects of these famines; and secondly, that if the position of the cultivator was assured—as it is assured by the Hindu Laws, and as it is assured in Bengal—loss of lives could be prevented on the occurrence of famines, as it has been prevented in Bengal. British administration has done much for us; it has given us internal peace, it has given us education, it has brought us nearer to Western civilisation. But British administration has not performed all its duty so long as the country is desolated by famines, unheard of in any other civilised and well-governed country. My conviction is, and I lay it loyally before the Government, that these frequent and acute famines are mainly owing to the cause that our village industries are gone and our village lands are overassessed. My conviction is, and I lay it loyally before the Government that this enormous loss of lives is preventible, and could be avoided through more considerate land settlements, assuring to the cultivator in every province an adequate proportion of the food that he produces.

Military Expenditure, Currency, National Debt

Gentlemen, there are various other causes of the poverty of India under the British Rule which I have not touched upon to-day, and which I do not wish to touch upon, because they have been discussed ably, eloquently, and repeatedly by yourselves at previous meetings of this Congress, and some of them will be discussed again this year by other speakers. There is the question of the enormous Military Expenditure, and the maintenance of a vast army out of the resources of India, not for the requirements of India, but for the requirements of the British Empire in Asia, Africa and even in Europe. There is the question of the National Debt, which, in Great Britain, has been reduced by about 175 millions since 1860, and which has gone up by over 100 millions in India within this period, causing an increasing drain out of the revenues of India for the payment for interest in England. There is the question of the Currency which has been lately settled by the Currency Committee in a manner not conducive to the interests of the millions of cultivators whose debts have been increased, and savings depreciated. There is the question of encouraging and helping the Industrial Classes ruined by unfair competition, a question which has been ably and exhaustively dealt with by one of the most learned and thoughtful writers of this generation, the Hon'ble Mr. Justice Ranade of Bombay. And there is the question of the possible saving of expenditure by the larger employment of the educated people of India, not only in the Indian Civil Service, but in the higher grades of all services, Educational and Medical, Police and Engineering, Post Office and Telegraph. Three generations of Indians have been educated in English Schools and Colleges in India; they have proved their fitness and capacity in every place they have held; and yet they are virtually strangers in their own country, so far as a real control over administration is concerned.

I pass over these and other cognate subjects because I have no time to deal with them, and because you have often dealt with them eloquently and exhaustively, and will deal with many of them again. I will only repeat that it is perfectly

possible to cut down expenditure, to moderate land assessments, to revive industries, and to prevent deaths from famines, if there is a real and honest determination to rule India for the good of the people, and with the cooperation of the people.

Gentlemen, I desire with your permission to add a word or two on this last subject, viz., the desirability of enlisting the cooperation of the people in the work of administration,—the desirability of bringing the administration in closer touch with the people, and bringing our rulers in closer touch with ourselves. This is desired by every enlightened and far-sighted ruler as well as by ourselves; and this is calculated to improve the administration and to make British Rule in India stronger and more popular. A commencement has been made in this direction since the days of Munro and Elphinstone and Lord William Bentinck; and what I will suggest is not a new departure but a progress in the lines already laid down. I do not myself believe in new departures and novel experiments in administration; having passed the best years of my life in administration. I naturally have more faith in gradual and cautious progress in the lines which have been already laid down.

Village Unions

Gentlemen, I will begin with villages—because, as I have already said, in India the villager represents the nation. In village administration there is no touch between the rulers and the people, the only link between the administrators and the people in civil administration is the hated link of the Police. It is a misfortune and an administrative mistake that our District Officers should have so little direct touch with the villagers and their natural leaders, and should work so entirely through the Police. If there is distress in the land, the Police makes enquiries; if there is cholera epidemic in the land, the Police distributes cholera pills; if a village tank has given way or the village water-supply dried up, the Police reports and organises help; if a tree has been blown down and obstructs

a village path (I have seen instances of this myself), the villagers are powerless to help themselves until the Police comes and removes the obstruction. It seems to be a mockery that the very country which was the first to organise village communities, village panchayats, and village self-government, and cherished these institutions for 3,000 years, should be rendered so absolutely helpless and should be ruled through the undesirable agency of the Police. Gentlemen, the mistake has been discovered and Village Unions have been formed or are in the course of formation in most provinces in India. Make these Village Unions real centres of village administration in so far as it is consistent with good government. Parcel out each sub-division into twenty or thirty Village Unions, entrust the Union Committees with the charge of village roads, village tanks, village drainage, village education, and village hospital, and send over to them all petty Civil and Criminal cases, not for judicial disposal, but for amicable settlement. A great deal of expensive litigation and bad feeling into villages can thus be stopped, a great deal of useful work can thus be done, and what is more, the natural leaders of the village population will thus come in touch with the sub-divisional and district administrators, and will from the agents of village administration in so far as they are fit to take that position. An unsympathetic system of rule through the police will thus be replaced by a rule with the cooperation of the people themselves.

Municipal Towns

From the subject of villages I come to the subject of Municipal Towns which are receiving a great deal of attention now. Gentlemen, I consider it of primary importance that we should insist on efficient municipal administration, and that power should be given to the Government to ensure such efficient administration if the Municipal Commissioners are slack. Such power is retained by the Government in England, and it is more necessary that such power should be retained by the Government in India. But having provided for this, I am of opinion that the work should be done through the elected

Commissioners and not through officials or secretaries appointed by the Government. The latter system ruins self-government, and is not needed. I have myself supervised the work of every Municipality in a District as a District Officer and I have supervised the work of all the Municipalities in a Division as a Divisional Commissioner. The Municipal Commissioners were sometimes zealous and sometimes slack, sometimes they went the right way and sometimes the wrong way; but I have never found them obstructive; I have never found them averse to sanitary improvement or general progress; I have never found them other than amenable to reason and advice. With some tact and patience and sympathy we can get all that we want to do through the men elected by the people themselves; and it is unwise and undesirable, it is a confession of our own incompetency and want of sympathy, to try to replace the elective system by men appointed by the Government to do Municipal work in the small district towns of India. The aptitude of self-government in towns and villages is, in India, a heritage of three hundred years, and to seek to ignore it is an administrative blunder, and a confession of our own incompetency.

District Boards

Coming next to the subject of District Boards, the question is often asked why non-official chairmen should not be appointed over these Boards. The reason, Gentlemen, in the generality of cases, is that non-official gentlemen who know their own villages and estates will have not the same knowledge of the district as a whole as the District Officer. We must, above all, insist on efficient work being done—and generally the District Officer is the only man who can in the ordinary course of his tours, supervise and secure efficient work throughout his district. At the same time I would not make any hard and fast rule; and where we have retired Government servants or private gentlemen who know their districts well, and who have the capacity and the time for administrative work, it would be a gain and not a loss to our administration to see such gentlemen appointed Chairmen of District Boards; and I sincerely hope to see a beginning made by the Government in this direction.

Another question which is often discussed in connection with District Boards is the poverty of their income.

This, Gentlemen, is a real and a grave evil; and it has become not only desirable but necessary that for large provincial scheme of irrigation and drainage, the resources of the District Board should be supplemented by provincial grants. You are aware how much good is done in these provinces by a system of irrigation wells; and there is no reason why the work of the maintenance of a sufficient number of such wells and other works for the prevention of famines should not be made over to the District Board on allotments made by the Provincial Government. In Bengal, the crying evil is bad drainage, which causes that malaria which is the curse of one-half of the Province. There is no reason why a provincial grant should not be made to every District Board for the proper drainage of the district. Gentlemen, I have said it elsewhere that the money spent on one needless trans-frontier war, if spent in improving the drainage of Bengal, would save millions of the people permanently from one of the direct curses of the present age. My advice is : make the District Boards real agents of beneficent administration with the cooperation of the people; don't strangle them by the shackles of officialism; don't starve them by want of funds.

Provincial Legislative Councils

And now, Gentlemen, I come to the important subject of Provincial Legislative Councils, and on this subject also my suggestion will be to proceed on the lines already laid down, and not to take a new departure. The object of allowing District and Municipal bodies to elect members of these Councils was to allow the views of the people to be represented, and I think every responsible Administrator in India will admit that this wise step has improved and strengthened the legislative machinery of the Government. Even when the views of the elected members are rejected—and they are often rejected—even then the expression of their views is a gain to the cause of Administration. The time has now come when a fuller scope

may be given to this expression of our views and the representation of our opinions. Half-a-dozen members, elected under somewhat complicated rules, can scarcely give expression to the views of the people of a Province with a population of thirty or forty millions or more. Is it too much to hope that in the not remote future the Government will find it possible to permit every district to be represented by its own member? I do not object to the number of official and nominated members being also increased; I do not object to Councils sitting five days or six days in the week instead of one day; and I do not object to the head of the Government reserving the power of vetoing a measure, even against the views of the majority of the Council, in urgent cases, as the Queen of England has theoretically the power to refuse her consent to a measure passed by both Houses. With these safeguards, I would suggest an expansion of the Provincial Councils on the basis of each district being represented by its member, so that there may be an adequate expression of the people's opinions and views on every question. We do not wish for the absolute control of the administration of the country, but we do demand an adequate means of placing our views before the Government before it decides on questions affecting our welfare.

Provincial Executive Councils

But, Gentlemen, the Legislative Councils deal with legislation only, there are large and important measures of administration which do not come within the scope of these Councils. The weakness of the present system of Government is that in the decision on these administrative measures the people have no voice and are not heard at all. To take one instance out of hundreds which will no doubt suggest themselves to you, the people of the Central Provinces of India had no constitutional means of declaring whether the Revenue Settlement should be for twenty or thirty years; whether the Government demand should be 50 per cent of the *Malguzars'* assets or 60 per cent plus 12 per cent as rates; and the decision to which the Government arrived without the constitutional advice of the people has been disastrous—Gentlemen, this defect can be rectified,

this weakness may be removed. There are Executive Councils in Bombay and in Madras; similar Executive Councils may be formed in the North-West Provinces and the Punjab, in the Central Provinces and in Bengal, and at least one Member of the Executive Council should be an Indian Gentleman with experience in administrative work, and representing the views of his countrymen. It is unusual for a Member of an Executive Council to have a portfolio, i.e., to have one department of work assigned to him; and the work which I would assign to the Indian Member is Land Revenue, Industries and Agriculture. There is no department of work in which an Indian Member can make himself more useful, or make his services more valuable to the voiceless millions of cultivators and artisans. The addition of one Indian Member will not weaken Provincial administration; it will strengthen much administration, make it more sympathetic, and bring it into somewhat closer touch with the people.

The Viceroy's Executive Council

And, Gentlemen, am I aspiring too high when I hope for similar seats for Indian Members in the cloudy heights of Imperial Simla? Am I urging anything unreasonable when I propose that the Viceroy, who has the benefit of consulting experienced English Administrators, in his Executive Council, should also have the advantage of hearing the views and opinions of a few Indian Members in the same Council before he decides on questions affecting the interests of the people of India? Am I urging anything unwise when I propose that the Viceroy, when he considers measures affecting the condition of the indebted cultivators, the operations of plague and famine relief, the rules of Land Revenue Settlements, the questions affecting Hindu and Mohammedan customs and manners, should have by him, in his own Executive Council, a few Indian Gentlemen who represent the views, the opinions and the feelings of the people? An Executive Council cannot be much enlarged without loss of efficiency; but surely the Viceroy's Council could make room for three Indian Gentlemen, one to represent Bengal and Assam, another to represent the North-

West and the Punjab, and the third to represent Bombay, Madras and the Central Provinces. The selection should rest, of course, with the Viceroy himself, for anything like election into an Executive Council would be absurd; and the three Indian Members should be entrusted with the departments of Agriculture, Industries and Land Revenue of their respective Provinces. The wise and magnanimous Akbar entrusted his Land Revenue arrangements to a Todar Mall; and the British Government may consider it wise and statesman-like to avail itself of the experience of Indian gentlemen in controlling Land Revenue Settlements, and generally in improving the condition of the voiceless and impoverished cultivators and manufacturers of India. I myself think that the Administration of the country would be vastly improved by such representation of Indian opinions in our highest Councils, and that the Government of India and the Government of the Provinces would be brought in closer touch with the people. And, Gentlemen, I am very much mistaken in our present Viceroy if His Excellency does not himself sincerely desire to make his administration by some measures which will bring the rulers in closer touch with the people.

Progress in the Future

And now, Gentlemen, it only remains for me to thank you once more for the great honour you have done me by electing me to preside on this occasion, and for the kind and patient hearing you have given me. I have been somewhat of an optimist all my life, I have a belief in progress I have faith in the British Government, I have lived and worked in that faith and I should like to die in that faith. The experiment of Administration for the people, not by the people, was tried in every country in Europe in the last century, by some of the best-intentioned sovereigns that ever lived who are known in history as the Benevolent Despots of the 18th Century. The experiment failed because it is an immutable law of nature that you cannot permanently secure the welfare of a people if you tie up the hands of the people themselves. Every country in Europe recognises this truth now, and England foremost of

all. Every English Colony has obtained a system of Self-Government and they are the strongest supporters of the Empire. And a system of complete Self-Government in local affairs was conceded to Ireland by the present Government less than two years ago, when Lord Curzon was a distinguished member of Government. I admit freely and fully that we want a strong centralised Government here; and if the moderate scheme I have proposed tended in any way to weaken the Indian Government, the proposal, Gentlemen, would not have come from me. But I have discussed the subject with many eminent Englishmen, now in England and possessing vast experience in Indian Administration, and I have asked them to reject my scheme if they thought it would weaken the Indian Government instead of greatly strengthening it. Gentlemen, I have never been told in reply that the scheme would weaken the Government. It is isolation, it is exclusiveness, it is want of touch with the people, which weakens British Rule in India and my desire is to strengthen that rule by bringing it in touch with the people, by enlisting the zealous cooperation of a great and loyal nation.

Permit me, Gentlemen, to refer for a moment to my own experience as a District Officer. You are aware that a District Officer is liable to frequent transfers; and I was sometimes in charge of districts where 75 per cent of the people were Hindus, and at other times of districts where 75 per cent were Mohammedans. I may remark in passing that everywhere I received the cordial cooperation of the people in my administrative work, and the sympathy and support, which I received from Mohammedan zamindars and the Mohammedan population generally, enabled me to administer with some degree of success such vast and difficult districts as Backergunj and Mymensingh. But what I wish to specially mention is that in these Mohammedan districts the Government always employed a number of able Mohammedan Deputy Collectors to advise and help the District Officer in his work; and in all question relating to the social and economic conditions of the Mohammedan people, and to their public feelings and religious sentiments, I received the most

valuable help and advice from my Mohammedan colleagues in the work of administration. Gentlemen, the duties and responsibilities of a District Officer are humble compared to the manifold duties and high responsibilities of a Viceroy or the Governor of a Province; and I therefore often ask myself if those statesmen do not sometimes feel, as we humble District Officers always felt, that it would help and improve administration to have a few true representatives of the people by their side and in their Executive Councils. And I cannot help replying to myself that the advice and help of some Indian colleagues would greatly strengthen the hands of wise and sympathetic statesmen in solving the great problems which lie before them, none of which is more momentous and more pressing than the condition of the Indian agriculturist and the Indian manufacturer.

Gentlemen, from whatever point of view I examine the question, whether in the light of European history, or of the spirit of British institutions, or of the requirements for good government for India, I feel convinced that to associate the people of India more largely in shaping the administration of the country is not only the wisest but the only possible path before us. It is true we have not been moving onwards in this path in recent years; we have actually stepped backwards in these years of misfortunes and calamities and panic; we have even been deprived of those rights and privileges which we secured in years of wise sympathetic administration. But such years of retrograde movement come to all nations from time to time, even to those who are most advanced. Remember England at the close of the last century, when to talk of political reforms was punished as sedition and crime, when coercive measures were passed to stop public meetings, when reactionary laws were enacted to restrict the liberties of Englishmen. The panic passed away after the Napoleonic wars were over, and the Reform came in 1832. The reactionary period through which we are passing will end before long, and wise English statesmen will perceive in future, as they have perceived in the past, that England's duty and England's interests are the same in India, to consolidate

British Rule by extending, not restricting, self-government, by conciliating, not alienating a loyal and a grateful nation.

Gentlemen, it is possible to prevent distress and disasters and deaths from famines, to spread prosperity and contentment, and to evoke the zealous and loyal support of a grateful nation, only by conceding to the people,—in so far as is safely possible,—the blessings of self-government. Gentlemen, it is not possible, without this concession, without admitting the people to a real share in the control of their own concerns, to save India from distress and discontent and deaths from famines. Therefore, as an old and faithful and retired servant of the Indian Government, I have thought it my duty to raise my voice to urge the adoption of the better and the wise course,—the only course which can save my countrymen from preventible famines and deaths, and can consolidate British Rule in India.

I crave your indulgence for one little matter. I have been asked to announce that at 5 P.M. the inaugural address of the Social Conference will be delivered by our respected countryman, Mr. Justice Ranade. No doubt you will all make it a point to attend that meeting. That meeting will take place in the Reading Room Library.

I wish also to announce the fact which I have no doubt you have heard, and which will no doubt be received with universal satisfaction, that Natu brothers have been released.

LOYAL ADHERENCE TO THE THRONE*

Mr. Roy, members of the Reception Committee, Brother Delegates, Friends and Fellow Countrymen, Ladies and Gentlemen.

I am speaking to you from the bottom of my heart when I say that I regard this as the proudest moment of my life. I can find no expression adequate enough to convey to you my sense of gratitude at the overwhelming kindness with which you have treated me. All I can say on the present occasion is to thank you, my fellow countrymen, from the bottom of my heart, for the very high honour which you have conferred upon me by electing me to the office and for the very great kindness with which you have treated me not only on this occasion but ever since my arrival in Lahore. Ladies and gentlemen and Brother Delegates,—The nomination of a President for the Indian National Congress is annually followed with deep interest throughout the country, and till last year your choice fell upon men whose claim to your suffrages was far greater than mine. It was, therefore, with a feeling of considerable diffidence that I accepted the invitation to become your President. I am deeply sensible of the responsibilities of the position which your good-will has now assigned to me, and of my own shortcomings. Your summons, calling me to this duty, was served on me rather late when there was not much time left for me to get ready for the work; but I have obeyed your call, for I regard it as the country's call. I am in your hands; take me as I am with

* Presidential address delivered by N.G. Chandravarkar at the Lahore Congress held on 27-29 December, 1900.

all my defects. All I can say in profound acknowledgement of the confidence which you have reposed in me is that I will try my best to deserve it.

Diffident as I am, I draw hope and inspiration for the proper discharge of my duties from those I see before me. There is something elevating in the remembrance of the fact that you on whose deliberations I have to preside are all earnest men, animated by a pure love of their country. And with your support and sympathy I hope I shall not prove unworthy of the great honour you have done me—an honour which I value all the more because it has fallen to my share to sit here at Lahore in the Presidential chair as the successor of that noble-minded man—Mr. Dadabhai Naoroji. This is the first Congress that I attend after an absence of ten years, having attended all the previous Congresses, and though I have never been alienated from it I cannot conceal from you my feeling that I return to my old love. If what the poet says is true that “short absence urges sweet return,” how much sweeter is the return when the absence is long? I look back and find that in ten years the Congress movement has gathered strength and force, which is very reassuring. Time was when your President had at these gatherings to devote the best portion of his inaugural address to certain criticisms against the Congress, and to deal with a certain kind of opposition, ridicule, and misunderstanding to which our movement stood exposed. Our right to call ourselves “national”, “loyal”, and so on was questioned; but that is all more or less past history. We do not now hear much of the old cries that regard round their beads—or, if we hear something of them now and then, they are more or less faint echoes of decaying creeds which serve to remind us that the Congress has, in spite of them, grown and marched on; and if I were asked how we stand at this moment, I should say that the Indian National Congress, having outlived the stage of active opposition, entered on the era of achievement when the Legislative Councils were expanded, and the Welby Commission was appointed, and now it has arrived at a period when more than ever it can justify its existence as the political

conscience of the country.

For, just look about and examine the circumstances under which we meet here. Since you last met under the presidency of that good man and true—Mr. Romesh Chunder Dutt—the country has passed through a calamity the severest of its kind. No less an authority than the noble statesman who is now at the head of our Government has spoken of it as a “famine, which, within the range of its incidence, has been the severest that India has ever known.” The country has suffered from two famines which have followed in swifter succession than any two previous ones and, great as has been the misery, acute as has been the suffering they have entailed upon the people, they have at the same time served as object-lessons by bringing responsible statesmanship nearer than ever to a consciousness of the gravity and urgency of the great problem, which the Indian National Congress has been pressing on the attention of our rulers from the very day of its birth, sixteen years ago, in Bombay. That problem could not be expressed in more definite and appropriate language than was used when the second session of the Indian National Congress, which met at Calcutta at the end of the year 1886 under the presidency of Mr. Dadabhai Naoroji—that Nestor of Indian politicians—passed its second resolution in these terms : “That this Congress regards with the deepest sympathy, and views with grave apprehension, the increasing poverty of vast numbers of the population of India.” At every subsequent session of the Congress was laid upon the grave character of the problem, resolutions were passed and speeches made, pointing out the seriousness of the situation caused by the increasing poverty of the masses in India. But it takes long for the reforming spirit to move, and great movements, pledged to principles which are opposed to current ideas, have sometimes to wait till Providence itself has to take their side. In their case history repeats itself in a manner in which it perhaps rarely repeats itself in other cases. You all remember the history of the Free Trade agitation in England. Speaking many years ago on the subject, the late Mr. Bright said that the Free Traders had to carry on their agitation

under tremendous difficulties, and it was only when famine stalked throughout the land and Providence came to their help that the responsible statesmen of the country became converts to the Free Trade gospel, and Mr. Cobden won his cause. We find ourselves in a somewhat similar situation now in this country. The last two famines have in a way brought Providence to our help; it has taken up the cry of the Congress, and it seems as though you heard from everywhere—"The Congress is coming to be right after all." For, when the Viceroy had to say in his last "Statement on Famine" of a province like Gujerat, generally considered rich, that "the weakness and incapacity for resistance of the people took the Local Government by surprise", we may fairly say that the position taken up by the Congress from the beginning "about the increasing poverty of vast numbers of the population of India" is being practically recognised by those who had the destinies of this country in their hands.

I do not wish by any means to affirm that the Government had ignored the problem altogether in the past, or that it had been altogether unmindful of its gravity. Nor is it my intention to assert that it had hitherto done nothing to cope with it. If I said that, I should be doing injustice to the memory of those British Statesmen who have repeatedly called attention to it, and have in their own way devised or suggested remedies. One has only to read the writings and speeches of Mr. Dada-bhai Naoroji to find out that in calling attention to the poverty question in India during the last twenty years, if not more, he has taken his stand, among other things, on the authority of several British Indian officials and administrators. But my point is this, that the Government has not approached its solution in a broad, comprehensive, masterly spirit, worthy of British statesmanship and worthy of so great an Empire as that of Her Majesty's in India. The policy it has pursued in dealing with the problem and attempting its solution has been a policy of what Lord Rosebery would call "patches." And we need not be surprised at that, however much we may deplore it. There is indeed much in the British character which justly calls for admiration and appreciation. Its genius is practical; its devotion to

duty, its sympathy for suffering, and its practical benevolence, as the last famine administration has shown, are unflinching and unswerving—and it has “the old strength to dominate circumstances.” This is its strength, but, as often happens, what is our strength becomes at times our weakness. A people whose genius is practical, and whose saving quality is the capacity to be roused in the face of an intolerable evil, is apt to let things slide until they cause suffering, which might have been by wise foresight and judicious management prevented. And this is what has often happened both in England and in India. What Lord Rosebery complained of nearly a year ago in the case of administration in England holds good in the case of administration in India also.

“I humbly think”, said his Lordship, “that in this country”—meaning England—“we live a great deal too much from hand to mouth...We are a people of enormous waste. We waste simply by not pursuing scientific methods”.

One has only to look back to see how true this is when applied to the policy that has been pursued in dealing with the agrarian problem in particular in India. So long ago as January 1883, so sober and thoughtful a journal as the *spectator* of London said:

“All accounts, independent and official, show that the ultimate difficulty of India, the economic situation of the cultivator, is coming to the front in a most disheartening way, and is exciting among the most experienced officials a sensation of positive alarm.”

And then it went on to say what illustrates the point I am now making that the Government in India are faced “by a compulsion to pass small measures when they know that only large measures could succeed and doubt their right to sanction them.” To take one of several instances, for years before 1875 the indebtedness of the Deccan ryot had been a theme of loud complaint in the Public Press and elsewhere, but it was only when the ryot in sheer desperation took the law into his own hands, and cut off the noses of his *Marwari* money-lenders,

that the Government of Bombay woke up to the situation, and appointed a Commission to inquire into it. When the Commission, among other things, reported about the rigidity of the land revenue system, the Government left that larger question aside, and went to tackle the money-lender.

We had the Deccan Agriculturists Relief Act passed to put restrictions on the money-lender. That was equity to some extent, but it was what Sir Raymond West called in his comments on the working of the Act some years afterwards "lopsided equity" for as he put it:

"The ryot must pay the tax-gatherer, but as to other creditors the law protects him from the obligation of meeting his liabilities".

But the Government stood by its guns so far as its own land-revenue system was concerned. It defended that system, and we find a year after the Act I speak of came into force, Dr. Pollen, now retired, who was appointed to administer the provisions of the Act reporting, as follows :

"No steps that I am aware of have yet been taken that the revenue demand should be so timed and adjusted as not to drive the ryot to the *sowcar*, even temporarily, in order to meet it."

I do not wish to dogmatise on the effects of this Act, for I know there are officials who hold—and their testimony is entitled to weighty and respectful consideration—that it has brought some comfort to the ryot. But as a British revenue official of the Bombay Presidency put it in recording his experiences of the Act, by it "debtors are comforted, creditors are tormented." But the mischief of the rigidity of the land-revenue system was left untouched. That is an instance of passing what the Spectator of London called in 1883 "small measures". And this small measure has now saved the Deccan ryot from falling an easy prey to famine visitations. Mr. Justice Ranade, who was in favour of the Act, and had a great deal to do in administering its provisions before he was raised

to the bench, was cautious enough to say in his Report in 1881:

“Of course, a famine visitation would expose the people’s solvency to a test.”

Since then two famines have put it to the test—and we know with what results. Another illustration of this policy is afforded by the complaint of the Hon’ble Mr. Nicholson that though during the last thirty years there have been connected with agriculture numerous Conferences, Committees, Reports, and Resolutions, yet nothing has been done. Ten years ago an Agricultural Committee appointed by the Government of Madras suggested the establishment of agricultural schools and farms in half-a-dozen stations to start with. The Government of India took the question out of the hands of the Local Government, and did not arrive at any final decision for some years. In the case of the Poorundhur Bank Scheme, the Secretary of State took the matter out of the hands of the Government of India and the Bombay Government, and refused to allow the experiment to be tried on a small scale. This illustrates one of the obstacles to the carrying out of agricultural reform. The Local Governments have to obtain the approval of the Government of India to their schemes, and they have to wait until the latter authority has had time to consider them and hit upon a scheme which will be suitable to all parts of the Indian Continent. As has been well remarked, “Indian official life is short, but Indian discussions are long”, and officers who have expended much thought in elaborating schemes of reform have seldom a chance of seeing their labours turned to practical account. When they retire from the Service, their places are taken by others, who have not the same knowledge or interest in the subject.

For instance, Mr. Nicholson has devoted his attention to the question of agricultural banks; but it is only now when he has but a few years of official life left in India, that he is appointed a Member of a Committee on the subject. More instances of this policy could be cited—a policy which has

hesitated to deal with the agrarian problem in a thorough-going, broad, and statesman-like spirit. What occurs to one on this subject is the question: Cannot each Presidency be allowed to work out its salvation in the matter of agricultural reform in the way it thinks best? Surely one would suppose that a Presidency has large enough area for this purpose, and it is only by instituting a large number of experiments that the true method can be found. If this were done, there would be healthy rivalry between the several Presidencies, and they would profit by the failure and successes of one another.

The fact is, it has been more or less a policy of drift; it has left an evil to grow till it became acute, and then it has tried to grapple with it on the surface, and that too by fits and starts. India, we are told, is and ought to be above party politics, and admit that there is no sounder maxim for administrative guidance.

But if we have been above party politics, we have not escaped being the victims of petty politics. The problem is great, but the measures hitherto adopted for its solution, have been small.

“India House Traditions,” wrote the late Sir James Fitz-James Stephen in his *Essays on Ecclesiastical Biography* published in 1849 “tell that when a young aspirant for distinction there requested one of the Chairs to inform him what was the proper style of writing political despatches, the Chair made answer: “The style we prefer is the humdrum.”

And it is the humdrum style that has been adopted, generally speaking, in dealing with what now has become a very serious problem, the poverty of the people. It is no use crying, however, over spilt milk. Both the Government and the people have to cooperate in right earnest and to look ahead. The question now is: “Is the policy of the future to be one of drift, or of wise, well regulated direction?” There are signs and indications already that the policy of drift will not be the policy of the future, but that there will be a serious attempt of deal with the problem of poverty and famine

preventions in a broad, statesman-like and courageous manner.

We have now at the helm of the Government of India a statesman, of whom we may justly say that he promises to be all that a Viceroy of India ought to be. That he has won the hearts of the people and that the people trust in him goes without saying, and the enthusiastic receptions he met with during his recent tour bear unmistakable testimony to his growing popularity. Lord Curzon has won the hearts of the people, because since he came amongst us as our Viceroy he has been more than a mere abstraction—he has been a flesh-and-blood Viceroy, who, whether he issues resolutions, or makes speeches on State matters, seems to the people that he addresses them and desires to take them into his confidence, and make his presence, his personality, and his energy felt throughout the land. His Excellency made a Statement on famine early in October last, and the assurance he then gave after describing the woeful state to which the country had been reduced by the calamity, is reassuring. He said that the Government would “not sit idle until the next famine comes, and then bewail the mysteries of Providence.” It is not the Viceroy’s sympathy alone that has been aroused by the famine that we have passed through. As has been remarked in many a quarter, one bright spot in the dark scene of the last famine is that it has served to draw closer the British officials and the people. Every word of what Lord Curzon said in his Statement on famine in cordial acknowledgement of “the administrative knowledge, the unflagging energy, and the devotion of the British officers” is endorsed throughout the country. These officers have worked silently amidst heart-rending scenes, and have now experienced more than ever that such suffering as the people have had to endure has been acutest of its kind. Moreover, the great heart of the British Nation has been moved by the calamity, and its benevolence as also the benevolence of America and some other countries has realised our position and come to our aid. But one is forcibly reminded here of the great dictum of the late Mr. Bright that it is not benevolence but justice alone which

can cope with gigantic evils; and may we not reasonably hope that sympathy so aroused will not fade before the problem forced on its attention by the last famine is solved in a spirit worthy of Imperial statesmanship ?

There are two or three notions of which we have to get rid before the problem of agrarian indebtedness and poverty in India is approached. That famines occur because the monsoon fails no one denies. In a sense they are inevitable in India; but no more inevitable, for instance, than in Ireland or Egypt. If the latter country was able to tide over this year of the lowest Nile in the century without a famine, why should not India be able to do the same when the rainfall fails ? No famine policy is worth the name which does not discard the pusillanimous doctrine that famines are inevitable and that, therefore, not much can be done. The question which has been forcing itself on the attention of all serious thinkers and responsible Administrators is not—why do famines occur ? but—Why do they occur in increasing severity, and why is the staying power of the people going down ? I do not think that anybody seriously believes in the population theory which is so often propounded in certain quarters as an answer to the question. There are a score of countries where population has been increasing much faster than in India, and yet they have not been struck down by the phenomenal poverty which is staring us in the face in this country. Sir Robert Giffen, speaking recently before the Manchester Statistical Society on the achievements of the 19th century which is now closing, pointed out the prodigious rate at which the community of European nations had grown and was growing. The other notion is that we are a nation of spendthrifts, and that our ryots in particular fall easy victims to bad times because they do not save. There are eminent authorities, official and non-official, who have, from their experience of the people in general and the ryots in particular, challenged the correctness of that view. The average English labourer is not known to be more provident than the Indian ryot, who has, further, this natural advantage in his favour that he requires less food, fewer necessaries of life by way of clothing.

If he spends on marriages more than he ought to, the benefit of such mild extravagance goes to other ryots of his class and goes not without return. What is spent on marriages is mostly in the shape of ornaments—and ornaments serve as a resource to fall back upon in times of distress. This was pointed out in the case of the ryots of the Deccan by the Deccan Ryots Commission, and I see that the Hon'ble Mr. B.K. Bose, who is known to measure his words carefully, says the same on the authority of those who ought to know in the case of the agricultural classes of the Central Provinces. If further proof were wanted of the extravagance of the accusation brought against the ryot, we have it afforded by an observation made by His Excellency the Viceroy from his place in the Viceregal Legislative Council some months ago. His Excellency computed the gross annual agricultural produce of the Indian Empire to be worth 400 crores of rupees, which gives Rs. 20 per head as the gross annual income of the agricultural classes. Out of this, nearly Rs. 1-8 go in payment of the Government assessment on land, and of the balance Rs. 1-8 in payment of indirect taxation. We may safely challenge those who talk of the ryot's extravagance to point out another peasant in the world who can maintain himself on Rs. 17 per annum—And yet he is expected to make a saving out of it! Whatever else our ryots may be, they are not a nation of spendthrifts. The national ideal is one of asceticism, not athleticism, and our people live very much up to it. That in itself would be an answer to the charge of extravagance. But even assuming that the ryot does spend something on marriages, it cannot be very much after all, and surely life must be made not only tolerable but a little pleasant even to the Indian cultivator. If, in his case, we cannot, as the late Mr. Gladstone desired in the case of British workman, level up his status so as to enable him to have a piano in his cottage, we need not at least grudge him some expense on marriage and other festive occasions which add charm to life.

The problem is, no doubt, complicated, but much depends on the view which a ruler takes of the possibilities and limita-

tions of the power of Government to benefit the people. It is just possible to exaggerate the one or the other. Those who hold exaggerated notions of the possibilities regarding them as equivalent to those of Divine Providence are doomed to discomfiture; but this at any rate, must be said for them that they "will not bind their soul with clay" Those, on the other hand, who exaggerate the limitation of human governments are those to whom hope never comes, and who can only plunge a race or a nation deeper into the depths of misery and despondency than they found it. It is encouraging to find that our present Viceroy has no superstitious belief in the virtues of official action. At the same time he is not a fatalist in the matter of administration. No one pretends—and if any one does, there are very few of the class—that agrarian indebtedness is due solely to any particular cause. What is complained of is that the Government has but touched the fringe of the subject hitherto in dealing with the question of its solution. For instance, take the question of the share which the money lender on the one hand and our law courts on the other are said to have had in deepening the ryot's poverty. The money-lender is not a creature entirely of the British Government, but as years ago Sir Erskine Perry, once Chief Justice of Bombay, pointed out, whereas before the advent of the British in India the money-lender was either some *Bunnia* or Brahmin of the village, whose interests and fortunes were identified with those of the ryots to whom he lent, after that *Marwari* adventurer took his place. The ryot did, and does, require protection from the grasping money-lender, but it is admitted on all hands that he cannot do without the money-lender altogether. Now, we may fairly ask this question—Have the attempts hitherto made to save the ryot from money-lender's clutches proved the ryot's salvation? Take the case of the law to which I have above referred—the Deccan Agriculturists' Relief Act passed in 1879. Its main object has been to save the Deccan ryots from the exactions of money-lenders and to prevent in that way lands from passing from the former to the latter. There is a suggestion now that the Act which applies to some of the districts of the Bombay Presidency should be extended to all. But those of us who have had to do with the course of

litigation under the Act have reason to fear that the relief which is given by the Act to the ryot is more apparent than real. The ryot is allowed to sue his money-lender without any charge for court fee for his litigation. The Court scrutinises his dealings with his creditors with a great deal of jealousy, and helps him to get his land freed from exorbitant demands. That is so far for the good of the ryot, but does the good go to him? What professional men like myself, having to deal with cases under the Act, often find is that the ryot is only the man who figures on the scene; but behind him is someone fighting his battle, spending the money for him, carrying on the litigation, and getting probably all the benefit of the Act intended to save the ryot. The Act in fact substitutes one creditor for another; but all the same the ryot is not saved. This is a point which has struck nearly all those who have any experience of litigation connected with the Act. It is my impression—and the impression of several of my brother pleaders, gathered in the course of professional business. It is said that the tendency of the ryot to have “frequent intercourse to the law courts”—I borrow the words used by His Excellency the Viceroy in his reply to the address of the Mahajana Sabha of Madras the other day—has contributed to his impoverishment. The Hon’ble Mr. Toynbee drew the attention of the Government to this phase of the problem during the discussion on the last Budget in the Viceroy’s Legislative Council—to the steady increase which is taking place year by year in the Government revenue from court fees and the enormity of the law charges. He said: “The character of our courts is a cause of our poverty.” Undoubtedly it is a striking fact that large and highly paid judicial establishments are kept up to deal with litigation, the bulk of which, i.e., over 60 per cent as an examination of the statistics shows, concerns property or transactions worth less than Rs. 50. But this character of our litigation is not so much a cause as an indication of the poverty of the country, showing how small the transactions of the community are. It is proposed to pass a law for the mofussil on the lines of the Arbitration Act which applies to Presidency Towns. That is a good move in the right direction and may help the ryot to some extent, but will

not save him from his load of indebtedness.

That brings me to the principle of a law which has recently been passed for the Punjab, and the application of which to other parts of the country is said to be under the consideration of the Government. The object of this law is to restrict the ryot's power of alienation. It is not possible to foresee the consequences of it, and we know that it encountered strenuous opposition in its passage through the Viceregal Legislative Council. Both the mover of the Punjab Land Alienation Bill and His Excellency the Viceroy have claimed for it no more than that, it is a bold experiment, based on the principle that "he who never risks anything never wins anything." But assuming that the experiment will succeed, it will only serve to tie the ryot to the land—a very good object to gain so far: but to tie the ryot to the land is one thing, and to enable him to live and flourish on it is another. Such measures may be good and useful as far as they go as palliatives. But after all is done by way of palliatives for the ryot's relief, his poverty will remain and the evil of agrarian indebtedness may still stare us in the face like the goblin in the German legend, who, as soon as the peasant had burnt his house down to get rid of him, reappeared amidst the saved furniture, and lustily shouted out "Lo: I am still here!"

The feeling largely shared in the country is that side by side with all these palliative measures it is necessary to relax the rigidity of the land revenue system. Mr. Dutt dealt with this subject in his last year's presidential address, and the Hon'ble Mr. Mehta for Bombay, and the Hon'ble Mr. Bose for the Central Provinces, drew pointed attention to it in their speeches on the last Budget at a meeting of the Viceroy's Legislative Council. His Excellency the Viceroy has more than once assured that this important subject is now engaging his "independent investigation." But His Excellency put the question to the Mahajana Sabha of Madras the other day:

"Supposing that we did reduce the assessment throughout India by 25 per cent, is there a man among you who would

guarantee me that he honestly believed that there would be no more famine, no more poverty, no more distress?"

No one would be so bold as to give a guarantee on that condition, and no one, I take it, thinks that a mere reduction by 25 per cent in the assessment throughout India will stamp out poverty, for the poor will always be with us. But what is put forward is that if the assessments be reduced 25 per cent in the Madras and Bombay Presidencies and in the Central Provinces, where revision assessments have been raised more than 25 per cent, the relief given will be sufficient to dispense with the necessity of direct famine relief to that extent. At present where Government levy high assessments in good years, they have to refund the sums so levied by opening relief works when famine visits the land. The rigidity of the land revenue system, its uncertainties and vagaries, are questions which must be tackled side by side with the other phases of the problem, and then some step will have been taken in the attempt to help the ryot in coping with famine or distress. The ryot may be right, or the ryot may be wrong, but the fact is there, attested now and then by Survey Settlement Officers that the periodic revision of settlements has a nervous effect on the ryot. As an instance, I will take that of the Kallian Taluka in the Bombay Presidency, as to which we gather from its last Settlement Report that at the last revision survey it was found that garden cultivation had considerably decreased.

"In superior soils, and where sufficient moisture is retained for second crops, they are grown to some extent, but not as much as might be."

That is the tale told, and in accounting for it, one Survey Officer concerned in the revision settlement ascribed it to "the laziness and lethargy of the cultivators", but another officer "to the advent of the revision survey for fear that existence of the second crops would lead to a higher estimate being made of the capabilities of their lands." The ryot was not lazy and lethargic formerly when garden cultivation flourished; its subsequent decrease can only be due to the cause suggested by

the Survey officer—the fear of the ryot that improvement means more assessment. That is the crux of problem. The situation would be comical, were it not serious. When the Deccan Ryots Commission was appointed to devise measures for the relief of indebtedness, two of its members condemned the Bombay Land Revenue system—and they were officers belonging to Northern India, and, therefore, independent so far as the Bombay Presidency went. Mr. Rogers, who, on the other hand, was a Bombay Civilian, has been defending the Bombay system, but condemning the Madras system and he seems to doubt if the Central Provinces system is all right. That points a moral, and shows that even independent official opinion is not unanimous on this much-vexed question. We rest satisfied for the present, however, with the assurance given by Lord Curzon that the subject is under his consideration.

All that we plead for is a more systematic, sympathetic agricultural policy than has been pursued. Government have gone to the relief of the Bengal ryot, and fixed the relations between him and his zemindar. Government are going to give relief to the ryot in Ratnagiri as against his khor. Why does it not examine more closely than it has done, and subject to a thorough impartial inquiry, its own relations towards its own tenants? Then, as to the improvement of agriculture. It was stated by the Hon'ble Mr. Ibbetson some months ago in reply to the Maharajah of Darbhanga that the Secretary of State had sanctioned the appointment of a Director to become the chief of a great Government organisation for affording assistance to the agricultural industry in this country. This we welcome as a hopeful assurance. That was the dream of Lord Mayo's wise and judicious administration, and it is known to all that Mr. Hume in Lord Mayo's time was appointed to organise an Agricultural Department for the improvement of agriculture. But one Viceroy succeeds another—and we drift. At one time the cry is taken up that the ryot ways of cultivation require to be reformed. We hear it for a time, and then it is replaced by another cry that the ryot knows all about it and stands in no need of help. Now, the Indian ryot is neither a sinner nor saint in his business—he is neither stupid nor perfect. It is no use

teaching him to give up his methods of cultivation wholesale. He is wiser than his teachers there. But at the same time the State may gently take him in hand, and help him to improve his industry by scientific methods where that can be done. And it can be done, provided the policy is pursued systematically and steadily. Let us hope that this new experiment which is to be made by the appointment of a Director of Agriculture for affording assistance to the agricultural industry of the country will be marked by a consistency of policy. We want not only a Director of Agriculture, but a Central Department of Agriculture and Industries.

That brings me to the subject of industrial development—a subject on which I am rather afraid to speak with the warning before me of Lord Curzon given the other day at Madras that this subject of technical education or industrial development has “an extraordinary fascination for the tongue in India.” I know that there are people who talk about it without knowing the real aspects of India’s Industrial situation—but after all the talkers may not be altogether a useless class. In every country the talkers precede the actors at every stage of its progress. And, as the late Mr. Bright once put it, “I have observed that all great questions in this country require thirty hours of talk many times repeated before they are settled. There is much shower and much sunshine between the sowing of the seed and the reaping of the harvest, but the harvest is reaped generally after all.” And in India, where there is such a tendency to let things drift, there is no fear that talk may do no good—for that is one way of keeping the problem before us. The first Famine Commission declared that “the multiplication of industries was the only complete remedy for famine.” That was twenty years ago. But since that report was made, very little has been done to advance the suggestion into the region of practice. On the contrary, some things have been done, unconsciously perhaps, which have had the effect of reducing the number of our industries. Is it any wonder that, under the circumstances, with millions of people coming on the land, millions of them should go out of it, and that Sir James Lyall and his colleagues on the second Famine Com-

mission should find that numbers of the peasantry have been, and are being, reduced to landless day-labourers? These are the people whom a famine first touches, and who flock to relief-works the moment they are opened, and as they go on increasing in numbers, famine relief must soon outrun the resources of Government. The present relief policy is doomed to early extinction, and already during the famine it has been stretched to breaking point. We are assured here again by Lord Curzon that as to this question of industrial development "Government is bestowing its serious attention upon the matter." His Excellency has, however, suggested the difficulty which stands in the way. Replying to the Mahajan Sabha of Madras on this point, his Excellency asked: "Are you quite certain that those agencies and institutions which exercise so powerful a control upon the mind of the Indian youth are using their influence as they might do to encourage the particular form of education, which in theory they applaud?" Now I do not wish for one moment to minimise this difficulty. That we have our part to do in this matter—to do our best to turn the mind of our youth to industrial channels rather than the seeking of merely literary education, and the courting of Government employment—is what I will freely admit. But what has happened in India by way of a tendency to seek literary education, and go in for Government employment, is what happened at one time in some countries in Europe, and what will happen in any country at first where schools are established and the improved machinery of official administration creates a large number of offices. Montalambert many years ago pointed that out in writing about some countries in Europe. The tendency will move in another direction—slowly but steadily—if the initiative comes from the State as it has come in many other civilised countries. It is true that on the principle that while one man can lead a horse to drink water, even twenty cannot make it drink, Government may open schools for technical instruction, but they cannot get Indian youth to enter them if the youth will not enter, and that Government cannot create the spirit of enterprise where there is no desire for enterprise. But after all the mind of the

Indian youth is not so hopelessly conservative and blindly stubborn. There are already signs that our educated men are not merely talking in the matter. As a Madras newspaper pointed out the other day in adverting to Lord Curzon's advice to the students at Cochin, there is a stream of tendency in the direction. What is claimed at the hands of Government is that it should take advantage of this tendency, and do all it can to help and forward it on. One way of helping it on was pointed out by the *Indian Agriculturist* in March last. It said: "If we wish to see how a Government can help its subjects to solve this problem, we have only to look at what has been done in Canada, and is now being done in Ireland. In Canada, as we have more than once pointed out in these columns, the Agricultural Department acts on the principle that as it can command better brains than the individual farmer, its duty is to take the initiative, and to show the farmer how he can improve his methods and where he can find new sources of profit. If these new sources are beyond his unaided reach, the Department gives him a helping hand, but always on the understanding that as soon as the individual has secured a good grip of the new industry, he will do the rest of the work for himself. It is in this spirit that the Canadian Department of Agriculture has organised a cold storage service of train and steam boat, so that butter and cheese can be sent in good condition from remote Canadian farms right away to Liverpool. As soon as the system is self-supporting and self-managing — an end already in sight — the Department will leave it alone, and go on to something else. The Irish Department of Agriculture has been planned with the same ends in view, but with this valuable addition that it is empowered to deal with manufacturing industries as well as agriculture." Above all, no country in the economic and industrial condition of India has thriven under a *laissez faire* policy of commerce and agriculture. Even in England it was only in the middle of this century, when industries had grown to manhood, machinery had been invented, and manufactures had fully exhausted the advisability and needs of the old policy of protection, that, in response to the altered circumstances, the Free Trade Policy was pursued.

Now, I do not plead for Protection, for if I did I should have to go back to the times when people had faith in it—and we do not live in those times. And even if we did ask for Protection, there is not the slightest chance that we shall get it. We have to deal with the question as a question of practical politics—and Protection is a creed that is obsolete and British statesmen will have none of it. And what Lord Salisbury said some twelve years ago is true. His Lordship said : “My belief is that Protection means nothing else but Civil War.” But if the British manufacturer does not get Protection, he gets from the State something very much better in its stead—“the open door” or “foreign markets.” Now let that open-door policy be for the whole Empire, and let not Indian subjects going to Natal or Cape Colony be treated as if India had no part or lot in the Empire. Nor should they be subjected to such restrictive rules as have been recently passed as regards the Roorkee College in India and Cooper’s Hill in England. Let us have, secondly, an “open door” in our own country for our country’s industry. The excise duty levied on the Bombay mill industry clearly shows that under the present policy no Indian industry well be allowed to outgrow European competition.

But the solution of this problem which calls for remedies against famines will not be complete unless they are made possible by a policy of wise and judicious economy in administration. Governments any more than individuals cannot both eat their cake and have it too. The larger the proportion of revenue spent on the administration, the less of it there is to provide for the administered. It is encouraging to find that Lord Curzon has applied himself to this question also. Some years ago, no less an authority on Indian finance than Sir Auckland Colvin said in an article contributed to the columns of the *Nineteenth Century*—an article which created considerable interest at the time it appeared—that “there can be no improvement in Indian finance so long as Indian revenues are depleted by the claims of frontier extension.” Soon after his assumption of the office of Viceroy Lord Curzon addressed himself to this question, and his examination of the subject in relation to the financial condi-

tion of the country has resulted in what may be regarded as a wise compromise, the new policy being to irritate the susceptibilities of the frontier tribes as little as possible and to conciliate their goodwill. It is true the policy of subsidising these tribes may be carried too far, and these annually-recurring subsidies may in course of time mount up to the cost of a war. Besides, goodwill obtained by subsidies will have to be kept up by subsidies—and these may become a perpetual drain on the country. The success of new policy will have to depend mainly on the careful choice of the officers appointed to deal with and keep in hand the wild tribes on the frontier. Here it is mainly a question of “men, not measures.” These rude, unsophisticated men adore a man that is true and brave, and discreet, and personal ascendancy so gained over them will be proof against the outburst of fanaticism more than anything else. But it is not on frontier extensions alone that money has been wasted, I am prepared to make every allowance for expenditure to grow in these days of advancing civilisation and increased State responsibilities. But it should not in any case be allowed to outgrow the capacity of the country, and when it does, it makes a costly administration synonymous with a ruinous administration. Complaints have been made that while important works of public utility are postponed or declined, works of considerably less urgency are undertaken, and hastened on, without reference to the state of the treasury. An Anglo-Indian friend cited to me the other day what may appear a trifling instance, but what seems to me to an apposite illustration of what I am submitting. He had always wondered, he said, how Government could sanction the erection of a costly building for a Military Mess in the Marine Lines on the Queen’s Road in Bombay. While every pie the Government could spare was, it was said, wanted for plague and famine, here was a building rising in imposing greatness, and it stands there as one more proof of how economy is more preached than practised. There is the other thing—the importation of medical men from England for the purposes of plague. These may appear small matters, but these straws best show

how the wind blows. Apart from these individual instances there is a general tendency for the cost of the administration of the country to increase, and it is a danger to be guarded against. If the country progressed in a corresponding measure, it will not much matter, but the country does not. The Welby Commission say that the cost of Civil Government increased during the period of 1883-84 to 1895-96 at a rate more than double that of the population during the same period, notwithstanding the re-imposition of the taxation remitted in previous years, and the addition of further new taxation at a rate only slightly in excess of the growth of the population. This means, to my mind, that while the prosperity of the nation has been practically at a standstill, the expenditure has grown by leaps and bounds. But it is somewhat encouraging to find that the Secretary of State for India has resolved and arranged to relieve India by £257,000 yearly, beginning on the 1st of April next. Lord Curzon, we all feel, has begun well by setting his face against the policy of drift of which I have been speaking. But after all Lord Curzon has come among us for five years, two of which have expired, and but three remain. Will British statesmanship drift into the old policy after him? It is here that our duty lies. The Congress has been from the beginning of its existence a standing protest against the policy of drift and the time is now come—it is now most opportune—when standing out more emphatically than ever, it ought to redouble its efforts, and help the Government in the solution of the great Indian problem to which all eyes are now turned. We belong to a movement which is the product of the genius of the British administration. It is a movement which is the natural outcome of the spirit of the age, and all that is best, noble, and enduring in *Pax Britannica*, and the one duty that devolves on it is to stand forth and preach: "Not drift, but wise and sustained direction will save India."

And in fulfilling this duty we have no reason to fear that we shall be suspected as noisy agitators who wish to embarrass rather than help the Government. We have moved on since

it used to be said in some quarters that the educated native does not represent the people. That controversy is now a mere matter of history, or if it is not, I look upon it as a mere war of words. And so far as I have been able to gauge official opinion, the large majority of those who are responsible for the good administration of the country recognise the value of the opinion and influence of educated natives. And the very wise and statesmanlike observations made on this subject by Lord Curzon in his reply to the address presented to him by the Municipal Corporation of Bombay ought to dispel all doubt on the point. And we have now arrived at the stage where the Congress has it in its power to make its usefulness felt by carrying on its work on its old-accustomed constitutional lines, by helping the Government with facts, with information, with practical suggestions, which will strengthen its hands, and enable it to pursue a policy of large and liberal measures and give up the tendency to drift in administration.

This is duty before us. It is that to which we have committed ourselves, and for the performance of which in the spirit of loyal adherence to the Throne of Her Majesty we have here assembled. We know that the work before the Government—the task to which our Viceroy has devoted himself—is arduous and beset with difficulties, and that years must pass before the cause of reform wins. It is not for one man or even any body of men to say that he or they can finish the work and see his or their endeavours crowned with success. A learned divine has said, and said rightly: “One alone among the sons of men was able to say—*it is finished.*” But that British statesmanship has awakened to the gravity of the situation which envelops the Indian problem is one of the most hopeful signs that the country has a better future before it, and the last famine—the disastrous suffering that it has brought to the people, the terrible strain it has put upon to officials and the marks it has left of misery and death—will not be altogether a calamity, if it keeps alive the conscience it has so signally served to awaken. All this [should hearten] us for the future. It should encourage us to

devote ourselves to our country's cause with unflagging zeal. We have as members of this Congress taken upon ourselves a sacred duty—and be it ours to go on in the discharge of it with faith in our mission, hope for the future, and loyal trust in the sense of justice and righteousness of the Government of Her Majesty the Queen-Empress.

PART II

**BRITISH COLONIAL INTERPRETATIONS AND
PRONOUNCEMENTS**

We have found many kingdoms established, and to these we have given unity; and in the process of doing so, by the necessities of general welfare, or the mere instincts of self-preservation, we have transformed them into an empire, rising like an exhalation of our own—a mighty movement of our own superior civilisation.

—Thomas de Quincey

DEFENCE OF IMPERIALISM*

The Home Government of India

The body of merchants styled the East India Company derived their authority from charters given by the Crown, the first of which was granted by Queen Elizabeth in 1601. These were renewed with modifications at various times, the last of them being a charter granted in 1752 by King George II. Under these charters the Company had in course of time undergone various changes from its original form, and was invested with authority to raise troops, to carry on war, and to occupy territories in India and the Eastern Seas. The first statutory recognition of British India is contained in the Act of 1773,¹ by which the administration of India was vested in a Governor-General and a Council at Fort William, in Bengal. This Act however did not touch the home administration of the Company, which remained under its ruling body, the Court of Directors, until the passing of Pitt's bill of 1784,² known as the Regulating Bill, which created the Board of Control over Indian affairs, an organisation which lasted until the abolition of the rule of the East India Company in 1858. This body was to consist of not more than six Privy Councillors, three of them being the two principal Secretaries of State—the whole number then existing—and the Chancellor of the Exchequer. Three of the members constituted a board, the senior of them, in the absence of a Secretary of State or the Chancellor, was to preside. All the commissioners might sit in Parliament. The Board was vested with full power and authority to direct

* From George Chesney: *Indian Polity*, Chapters XXI and XXII.

1. 13 Geo. III, C. 63.

2. 24 Geo. III, C. 25.

and control all operations and concerns which in any wise were related to or concerned with the civil and military governments and revenues of India. The inclusion of the Secretaries of State and the Chancellor of the Exchequer provided for the business of the Board being brought when necessary under the view and within the control of the Cabinet. But the active and practically the sole control of affairs rested with the nominated commissioners, whose salaries were chargeable to the revenues of India.

The provisions of the Act of 1784 regarding the Board of Control were slightly modified by the Act of 1793,³ in which the first Commissioner named in the Letters Patent constituting it was declared to be the President of the Board. It was also provided that two Commissioners might be appointed from outside the Privy Council, and that the Secretary might be a Member of Parliament, so that his office became a party appointment. Under this change the collective action of the Board appears to have become little more than a fiction, and it consisted virtually of the President alone, who was always a member of the Cabinet, with the parliamentary secretary as his mouthpiece in the House of Commons, if he was a peer. In the India Act of 1833⁴ no specific number of Commissioners was laid down, and the qualification of belonging to the Privy Council was omitted; they might be 'such persons as His Majesty shall think fit to be and who shall accordingly be styled Commissioners for the affairs of India.' Accordingly, after the passing of that Act the number of Commissioners was reduced first to four and later to two, including the President; and in 1841 and afterwards only a single Commissioner (the President of the Board) was appointed, the first to hold the office under these conditions being Lord Ellenborough, who filled it for a few months until appointed Governor-General of India.⁵

3. 33 Geo. III, C. 52.

4. 3-4 William IV, C. 85.

5. He had held the office also on two previous occasions under the old conditions.

From 1841 therefore the Board as a matter of fact had ceased to exist, although the officer who exercised its functions was still styled President of the Board, this being one of the numerous legal fictions which abound in our administrative system.

Means of exercising the control contemplated by the Act of 1784 and succeeding Acts were very fully provided therein. Not only was the Board given full access to all the records and correspondence of the Company; the Court of Directors were also required to supply copies of all orders and despatches sent to India within eight days of sending them, and all despatches from India immediately on the receipt of them. No order could be sent to India without being first submitted to the Board for approval; full power was given to the Board to make any alterations in the despatch, which the Court were bound to send in its altered form after, if they so desired, an exchange of opinions thereon; and if the Court failed to frame despatches within fourteen days, the Board might itself frame the despatches which the Court was bound to send on. Further a 'Secret Committee' of the Court, limited to three members (in practice to two, the Chairman and Deputy Chairman) was constituted and sworn to secrecy, through which Committee the Board might send secret orders to the Government of India, which the Secret Committee was bound to transmit as from themselves. Similarly, any despatches from India marked 'Secret' were to be recorded at the India House in the Secret Committee, and delivered to the Board without being seen by the other Directors.

It is a remarkable illustration of the illusive effect of form in constitutional affairs, that although these provisions which transferred all real power and authority from the Company to the Crown were clearly set forth in an Act of Parliament and repeated in succeeding ones, the circumstance that the Court of Directors was still maintained as the ostensible ruling authority and the actual channel of communication between the Governments in India and at home, nevertheless sufficed entirely to disguise from public attention the actual

state of things. For the period of three-quarters of a century during which this system remained in force, it was popularly supposed that the Court of Directors were alone conducting and controlling all the affairs of India. Sir Charles Napier and his brother biographer denounced the Court and some of the Directors by name in virulent terms for withholding prize money claimed to be due to the former for the conquest of Sind, a proceeding for which a single member of the Cabinet was immediately responsible, and with which the majority of the Court had nothing to do, and no official knowledge of similar ignorance obtained generally among the English public. Much public astonishment was expressed when Sir John Hobhouse stated before a Select Committee of the House of Commons that the invasion of Afghanistan in 1838 had been carried out wholly by his orders as President of the Board. Great is the force of official shams.

But while the minister whose individuality was concealed by the apparatus of a board was thus generally omnipotent in the direction of Indian affairs, his powers were limited in one important respect. The Board of Control could not increase salaries or grant allowances or gratuities, except on the proposal of the Court first made and after reporting the matter to Parliament—a condition which placed a salutary check on jobbery in appointments. And the Company were left for a time their monopoly of trade to the East: the monopoly was restricted by the Act of 1813 to trade with India, while in 1833 their trading powers were abolished. And to the Court was left all patronage of appointments to India: the nomination, subject to the approval of the Board, of the Governor-General, the Governors of Presidencies and Commanders-in-Chief, and all first appointments to the civil and military services. This patronage was the great object of a seat on the Court, a position gained, not by meritorious services or personal distinction, but through election by the proprietors of East India Stock, the canvass for which, always long pursued, often through many defeats in order to obtain eventual success, was as degrading as such a pursuit must be. The goal once reached, the Director received his share out of

the general fund of nominations to the Indian services, which was equally distributed among the collective body, the Chairman and Deputy Chairman of the Court (offices filled in rotation) getting however a double share. This was patronage pure and simple, bestowed without any divided responsibility, and for the most part entirely on private grounds. A Director might sometimes give his nomination to the son of a distinguished officer, but no instance is on record of the Court collectively awarding a single nomination to the relative of a public servant in recognition of his merits. And the bestowal of nominations naturally followed the order of value; sons and nephews were appointed to the Civil Service, or if they were not clever enough to pass even the very limited test of qualification laid down for that service, then to the well paid Cavalry. Next in value came direct appointments to the Infantry, and, lastly, for those who had the least personal claims, nominations to the Company's Military College at Addiscombe, the cadets from which supplied the Artillery and Engineers—services in which promotion was exceptionally slow; while the cadets who failed to come up to the standard for those services were appointed to the Infantry. The educational arrangements of the Court were in strict keeping with the relative directorial interests; Haileybury College, where the young civilian was educated, was maintained on a reasonable scale of comfort, and equipped with a very able staff of professors, while a shower of prizes descended on the students. At Addiscombe the cadets were badly lodged and insufficiently fed, while the place was altogether lacking in the appliances for military training as for recreation; there was no riding school or gymnasium; not even a fives court. A high standard of work was maintained at the top of each class, owing to the competition among the cadets to gain places in the Engineers or Artillery; but although the hours of study were inordinately long, leaving to the industrious cadet absolutely no time for exercise, save a little perfunctory drill, the standard of qualification for the Infantry was of the lowest, and might be reached after two years of continuous idleness. No medical examination was imposed on candidates for the Army, and it was an illustration of the Company's system that the Military Secre-

tary at the India Office was a senior clerk on the establishment who had passed his life peaceably in London. But indeed there was nothing in the composition of the Court of Directors to qualify them for the government of India in any part of its affairs, and all the arrangements connected with it indicated the inadequacy of such a body to the duty. That the result was not unsuccessful on the whole for many years was because they interfered so little with the actual administration of India, and because the conditions of that country developed a body of statesmen and soldiers equal to the task. But although the action of the Court and the Board of Control was generally that of a drag on progress, this obstruction was not necessarily exercised on the side of real caution. There is no evidence to show that any warning was ever given by these bodies, or any sense exhibited of the danger of denuding the older provinces of British troops with the extension of their territories, or of the continual expansion of the great overgrown homogeneous Bengal army; and it was the rule of seniority strictly maintained by the Court, not only in regimental promotion, but in succession to commands, which as much as anything contributed to the decadence of the Indian military system and the catastrophe of the Mutiny

In 1858 the Government of India passed from the East India Company to the Crown, and the administration of the Court of Directors came to an end. The Act of Parliament passed in that year⁶ after many and long debates abolished the Board of Control, and invested the home government of India in a Secretary of State with a Council. The constitution of this Council was especially the subject of protracted discussion in the House of Commons, in which the leading members of both sides took a prominent part. It was ultimately decided that the Council should consist of fifteen persons, of whom eight were to be appointed by the Court from their own body, the other seven by the Crown. Vacancies arising in the first class were to be filled up by election

6. 21 & 22 Vict., C. 100.

of the Council, vacancies in the second class by the Crown. The major part of the Councillors were to be persons who had resided ten years at least in India, and who should not have left India more than ten years before appointment. The appointment of a Councillor, who was ineligible to sit in Parliament, was to be held during good behaviour, but he was to be removable on an address by both Houses of Parliament. Business was to be transacted by the Council collectively; all despatches to India were to be signed by the Secretary of State, to whom also all correspondence from India was to be addressed. Power was given to the Secretary of State to override the decision of a majority of his Council, his reason for so doing being formally recorded, when any members of the Council present might also record their opinions. The machinery of the Secret Committee was maintained, but its powers were concentrated in the person of the Secretary of State, who was authorised to send out secret despatches to the Governor-General of India which would not be seen by any of his councillors; similarly, despatches from the Government of India marked 'secret' were to be seen only by him, and were not to be communicated to the Council. The Act further provided that no grant of any part of the Indian revenues could be made without the concurrence of a majority of votes at a meeting of the Council.

These provisions are still in force, but some modifications have been made in the constitution of the Council. In 1869 an amending Act was passed⁷ putting an end to the election of a portion of the Councillors, and providing that all appointments to that body should be made by the Secretary of State instead of by the Crown. The Members of Council were to be appointed for ten years and to be ineligible for reappointment, save for special reasons to be set forth in a minute by the Secretary of State to be laid before both House of Parliament. Members of Council appointed before the passing of the Act were to be eligible for pensions on retirement after ten years' service therein. It was explained in the debates on the

7. 32—33 Vict., C. 97.

measure that this provision was introduced to encourage retirement, and so to admit of fresh appointments being made of men of recent Indian experience.

In 1876 another amending Act was passed,⁸ under which the Secretary of State may appoint not more than three members to the Council for life, with pension after specified length of service, such members not being subject to the condition of ten years' previous service in India, the reasons for such appointments to be set forth in a minute laid before Parliament. The object of this change was explained by the introducers of the Bill in both Houses to be to admit of the appointment of lawyers to the Council; the provision has been applied also to admit men of English financial and banking experience and unconnected with India. By an Act passed in 1889 the number of councillors was reduced prospectively from fifteen to ten.⁹

It might appear at first sight that the change of government introduced in 1858 was merely one in name. The Crown—that is the British Government for the time being—had possessed for three quarters of a century the means of exercising complete control over the affairs of India. All, therefore, that was apparently effected by the change was to bring the member of the Cabinet who had charge of Indian affairs into more direct communication with the permanent body which shared the administration with him, and as regards this body to substitute for the old and vicious system of election by the holders of India stock, direct appointment by the Government, a change calculated to secure in a much higher degree the appointment of distinguished and experienced men to the Council. But, as has been pointed out more than once in this work, in order to appreciate the full effect of the administrative changes effected by a change in the law we must go behind the verbal provisions and examine its effect on the actual course of procedure. The law gave the President of the Board

3. 39 Vict., C. 7.

9. 52 & 53 Vict C. 65.

of Control (a body which latterly had no existence) power to override completely the Court of Directors if he chose to exert it. But the law also prescribed that the initiation of business should ordinarily rest with the Court; and in public affairs it is the man who initiates who has the real power. The Court received the despatches from India in the first instance, discussed them and submitted to the Board the drafts of the despatches which they proposed to send in reply. The President of the Board might alter these drafts or substitute others in the place of them. But to do this constantly or even frequently involved a power of work as well as a power of will seldom, if ever, to be found combined in a man working single-handed, a busy Cabinet Minister, who, even if zealous and industrious, could not give the whole of his time to the business of his department, but who was often indolent, and always came to it profoundly ignorant of the matters to be dealt with. Add that while the Court had a large office and an able permanent staff, the President of the Board had only a small office; further, that the responsibility of overriding the Court was exercised only in secret, and that he would receive no credit for any proceedings taken, and it will be readily understood what course the business under such circumstances would naturally follow. The President indeed sometimes intervened with great effect by placing business in the Secret Department and so removing it from cognisance of the Court—sometimes with disastrous effect, as in the case of the invasion of Afghanistan in 1838. But generally the conduct of business rested with the Court. Their proceedings however being subject to the cognisance and approval of the Government, they were divested of all legal responsibility for the consequences.

The change in the law, therefore, by entirely altering the course of procedure, has necessarily brought about a fundamental change of system. The Secretary of State is now publicly responsible for everything; he is addressed in name by the Indian Government, and signs all the despatches issued from the India Office. The rapid communication now established between the two countries, the greater public interest

taken in Indian affairs, and the larger quantity of business to be transacted in this country in connection with the finances, the prosecution of railways, and indeed with every department of affairs, involve the constant interposition of the home authorities; the proper organisation of the Home Government becomes, therefore, a subject of extreme importance. The less the Government in India is interfered with the better; but interference of some sort is unavoidable at every point. Apart from the large amount of business connected with India which has to be transacted in this country, the constant disposition evinced by sections of political parties to interfere with the Indian administration involves the necessity for a strong and efficient representative agency in this country; not merely a responsible official with access to information, but an instructed and experienced department to deal with it. For the conduct of the Colonial Office little more is needed than the power of mind capable of dealing with the matters set forth in official papers containing little that is special or technical in character, or that cannot readily be understood by any well educated person. And the business of the Colonial Office is comparatively unimportant, for the colonies in regard to which any direct action can be taken by the British Government are few and small. But as to the competency of any man suddenly appointed to the duty, however able and well educated he be, to deal adequately with the questions arising out of the Indian administration; if we consider how those who have passed a lifetime in that country and taken the largest share in its administration are yet sensible of the imperfection and incompleteness of their knowledge of it, we may understand the absolute insufficiency of any man who, perhaps when past middle age, finds himself charged with the administration of affairs strange, complex, and multifarious as are those of the Indian Government, to which he comes not only ignorant, but about which he has probably never before given a serious thought. The impossibility of entrusting the control of Indian affairs to a single party official will therefore be at once apparent. The power which some statesmen so placed have exhibited by exceptional industry and ability, of mastering at any rate the elementary subject matter of the business

of the Indian department is indeed as remarkable as creditable to themselves; but the ordinary politician transferred to that office from the respectable discharge of routine duties of some department requiring little more than nominal control, who perhaps owes his elevation to talent in debate, a talent which, while it necessarily carries with it great weight in this country, may yet be unaccompanied by business habits or industry; such a man going to the India Office, often late in life, will not unnaturally shrink from the great and distasteful labour involved in the attempt to overcome his absolute ignorance of the very elements of the subject he has to deal with. Still more will he be likely to evade the task when party exigencies leave him only a shred of his time for the purpose. This ignorance may be concealed from the public to a certain extent by the written answers prepared for him which he reads out in reply to questions put in Parliament; and if in the unavoidable personal communications he has to hold with officials from India and others, he keeps to vague generalities, he may hide it to a certain extent from those with whom he has to do business, and so may not only enter upon but give up charge of his department, utterly ignorant of India, its people, and affairs. And not only does party government involve vacation of office just as perhaps the minister is beginning to get a glimmering of the business of his department; it often happens that the Indian Minister is changed even during the short life of a Government, by promotion, as it is called, to some higher office, or at least to some post which brings him more prominently before the public, and enables him to take a more active share in the business of his party. It would be thought an absurd thing if any member of a government were eligible to be made Lord Chancellor, although without any knowledge of the law, but the mode of selection adopted for the India Office is really not more absurd. It is, however, a necessary condition of our system of parliamentary and party government; but except among a certain class of politicians, in the view of whom ignorance is a positive qualification for high office, and who would wish to have nobody with knowledge and experience interposed between India and their desire to make experiments upon it, the necessity for maintaining a

permanent Council or body of some sort unconnected with the ebb and flow of party politics, will be universally recognised, and the constitution of this body will equally be considered a matter of importance. The number of councillors was fixed at fifteen in the first instance, in order to admit of its being fairly representative of knowledge and experience gained in the different parts of India and of the different interests to be dealt with; and making allowance for the proportion of dull men who will always find their way into such a body, it is certainly not too large for the purpose. Whether the Council, as established, is turned to the best account will depend on the procedure laid down for its working. One of the most important points to be provided for is the protection of the people of India, the tax payers, from the infliction of improper and unfair charges. This was, no doubt, the object aimed at in the provision of the Act of 1858, that 'no charge should be placed upon the revenues of India without the sanction of the majority of the Council.' But this check is practically rendered nugatory by the power given to the Secretary of State to deal with business alone in the Secret Department. In the days of the East India Company the Chairman and Deputy-Chairman of the Court of Directors were associated with the President of the Board of Control on this Committee; but now the Secret Department of the India Office is removed entirely from the view of the whole Council. And thus while the sanction of the majority of that body is required to the granting of a gratuity or a pension of a few shillings a year recommended by the Government of India on behalf of some humble applicant, a Secretary of State may order, and has ordered, military operations to be undertaken by the Government of India, involving an expenditure of millions of money, not only without the sanction, but without even the cognisance of his Council. This is flagrant defect of the system which was certainly not contemplated by the framers of it, and which calls urgently for remedy. The Secretary of State should undoubtedly have power to override his Council. It could not be allowed that the policy of the British Government should be liable to obstruction by any other body than the Parliament which places it in power; but

the interests of India demand that the Cabinet should at least be placed in possession of the opinions of those who are best qualified to judge of the effect of any measures proposed which will involve a financial burden on India; and while it should be recognised that in dealing with measures involving military operations, secrecy is a necessary condition, and that the maintenance of secrecy is not compatible with deliberation of a large body; yet, on the ground of justice to India, and to prevent rash and ill-considered action, the reconstitution of at least a part of the Council as a Secret Committee is undoubtedly required. At present such of the clerks as deal with the secret business of the India Office are placed in a more responsible and important position in the Council; they can at least make representations regarding the measures dealt with in these despatches, while the Council itself may be in absolute ignorance about them.

Further, the practical efficiency of such a Council depends largely on the mode in which it is employed. The assumed purpose of a Council is to advise, but its effective action for this purpose depends on the point at which, in the course of deliberation, its advice is recorded. The Council of India is divided for working purposes (under statutory provision) into Committees for dealing with the particular subjects coming before them, judicial, financial, military, revenue, political, and public works.¹⁰ The members as a rule serve each on two committees, and are occasionally transferred from one committee to another. In the case of orders to be sent to the Government of India, the most important class of business, the procedure followed is that the Secretary of the Department concerned first takes the orders of the Secretary of State on the case, often in the way of preparing a draft reply and submitting it for approval. The draft after being seen and perhaps amended by the Secretary of State is then referred to the Committee for opinion. Here their criticism

10. The political department of the office also deals with the secret despatches, but without the cognisance of the political committee, its immediate superior.

comes in; they may suggest alterations, or even prepare and submit alternative draft despatches of their own. But the Secretary of the Department is not the Secretary of the Committee, although he attends their meetings. If they do not like his way of putting a case they must put it themselves; but four or five men sitting round a table cannot write a letter. To set a case in motion therefore under such circumstances, in the way of proposing a new line of action, involves a degree of volition which few men so placed are likely to exercise, and in fact the result fully illustrates the fact that in administrative business the outcome is determined by the procedure, and that the man who initiates practically governs the situation. The Committee therefore may object or obstruct, but they cannot direct. The subsequent stages of business are of the same tenor, but the power of criticism is even less distinctly present. The papers, after passing through Committee, and if approved by the Secretary of State; are made available for inspection by the rest of the Council, and then brought up before a meeting of that body and formally passed, with usually little or no amendment. And regard being had to the innate indolence of most men, especially of old men, and to the natural disinclination (in itself a creditable feeling) of men experienced in business to appear obstructive, it will be understood that the experience and judgment of the Councillors are to say the least not turned to the best account. A strong man may assert himself and make his influence felt—a strong man will always do this in any circumstance—but he must go out of his way to do it. Add that of individual responsibility there is none, opinions being expressed collectively both in Committee and in Council, and it will be recognised that the Indian Council as actually constituted is not as efficient a body as it should be, and that its procedure at any rate needs to be reformed.

Further, the India Office has lately undergone an important change. Formerly except in the military branch, the Secretary of which since the Mutiny has been an officer of the Indian army, the Secretaries of Department have been simply senior, clerks of the establishment promoted to the higher position—in most cases men of great ability, but whose know-

ledge of India was gained in London. Of late years, however, retired Indian officials of distinction have been appointed to some of these posts. It is illustrative of the change which has come over the course of an Indian career, that whereas formerly the successful civilian on returning to his native land after holding high office in India would buy an estate and set up as a country gentleman, and possibly get also a seat in Parliament, he is now satisfied to supplement his small savings and modest pension (a great part of which he has provided himself by contributions from his salary) by accepting a subordinate appointment in the India Office. The result is, that the departmental secretary is often a man of higher official standing as well as of more recent experience than the Councillors to whom he is subordinate. One secretary of a department came to the post from being Lieutenant-Governor of Bengal, the most important office in India after that of Governor General. Another was for five years a member of the Governor General's Council; a third conducted the great administration of Burma during and after the critical time of annexation. These gentlemen have not only a wider record than any of the Councillors. they have had greater experience than most of them, and having the initiation of business and direct access to the Secretary of State, they must naturally have greater influence than the Councillors. Yet, while the latter are so far responsible that they are the statutory advisers of the Secretary of State, and have the power of recording opinions which may be, and sometimes are, made public, the secretary is not responsible for his advice ; technically he is only a civil service clerk.

Clearly there is not room for both councillors and departmental secretaries of the new stamp, and an organic improvement indicated by these considerations would be to give the members of the Council specific administrative duties and responsibilities by placing them severally in direct executive charge of the different departments—in fact, to reconstitute that body on a footing similar to that of the Governor-General's Council in India. That Council, as has been explained in a previous chapter, was in the first instance merely a consultative body, and in that capacity very inefficient. Its advice

when given came too late in most cases, and the burden of initiation imposed on the Governor-General became at last so heavy with the increasing amount of business from year to year, that his Council had to be reconstituted on new lines dictated by experience. The members of that Council are indeed still spoken of as the advisers of the Governor-General, and so they are in the same sense in which the Chancellor of the Exchequer may be said to be the adviser of the First Lord of the Treasury. But they, with the Governor-General, form the Government of India, and each member has responsible charge of one of the departments of the State. By reorganising the duties of the Council of India in the same way, the experience and ability of its members would be utilised much more fully than at present, and much better effect would be given to the intentions of the Act of 1858 as indicated in the debates on the subject.¹¹ The Secretary of State, while bound generally to abide by the decision of the collective body, and having the benefit of their advice in that collective capacity, would still retain his full responsibility and his power of over-ruling their decisions when necessary.

The recent reduction of the number of the Council from fifteen to ten members favours the change. The reasons alleged for proposing the reduction were indeed audaciously insufficient. The Bill was brought up for second reading in the House of Commons after midnight, and pressed forward on the ground of the relief that it would give to Indian finance. The sum to be saved was 5,000*l.* a year; if, as the Under-Secretary in charge of the Bill implied, the prospect of effecting that saving furnished an unanswerable case, a still stronger case lay for abolishing the whole Council. The only reason Lord Cross vouchsafed in the Lords was that he thought he should do better with a smaller council, and that the members of that body themselves were favourable to a reduction ; but

11. This was the system proposed by Lord Palmerston, who when introducing the first of the two Bills brought in, explained that his provision of a Council of eight members only would admit of each member having charge of a department.

in what way that opinion was recorded he did not explain, or whether it was the opinion of the more active and able minority, who found little benefit from the presence of venerable colleagues who had long ceased to take any active interest in Indian affairs. The indecent haste in which the Bill was hurried through both Houses on such a flimsy pretext was in painful contrast with the care and consideration with which the constitution of the Council was discussed in both Houses during the session of 1858. For a consultative body which should bring a reasonable amount of varied experiences gained in various parts of the country and in different branches of affairs, fifteen is certainly not too large a number; while among the objections to the reduction must be noted the loss of any new accessions to the Council while it is in course of being carried out. For an administrative body, however, a smaller number would be sufficient; although this view of the case does not seem to have occurred to the Secretary of State when proposing the reduction, Six or seven councillors at least would be required under the proposed system, for the charge of the different departments, and some others might usefully be employed on purely consultative business. On the change being made, the position of departmental secretary would revert to its former status, and these posts would in future be filled as before by promotion of the senior clerks of the office. There is nothing in the reform here suggested which could not be carried out under the statutory provisions of the Act of 1858; but the tenure of office of a councillor might advantageously be reduced to less than ten years, a change which would involve the passing of an amending Act to that effect.

The Council of India thus reorganised would undoubtedly be a much more efficient body than the present. An objection might perhaps be raised to the change that it would be too strong; that able and experienced men coming to it after holding high positions in India and placed in charge of the different departments of the India Office might be tempted to try to direct the administration of that country from their new position; to press their own views against those of their

successors in India. This is certainly a possible danger. Hitherto the India Office, recognising that its proper function is that of a court of review, and that India can be properly governed only by the Government in that country, has as a rule laudably abstained from direct interference in administrative details. This statement may perhaps create surprise in India, where undoubtedly there is often a feeling of soreness at the supposed tendency of the India Office to interfere in matters which should be left to be dealt with on the spot; but everyone who has watched affairs dispassionately with a knowledge of what has passed on both sides of the water, must recognise that the Secretary of State for the time being has usually been scrupulous in maintaining this dividing line of the respective functions of the two authorities. There have indeed been exceptions to the rule, as in the case of the reorganisation of the army after the Mutiny, when a quite impracticable scheme was sent forth from the India Office cut and dried to be carried out in India. These and similar attempts to transfer the initiation of affairs from India to England, have served to bring the more clearly to light the soundness of the policy of abstention; and as the procedure of the Council would continue to be of its present corporate character, and the proposals of the different departments in every case would come under the review of the whole body before the proceedings reached the stage of final orders, it may be trusted that a sufficient check would be exerted over any tendency of the departmental officials to interfere unduly with the executive functions of the responsible authorities in India.

The maintenance of this principle, that India must be administered by the Government in India—with the development lately set in motion of local institutions, the advancement of the people of that country to a larger share in its administration through the expansion of the legislative councils, and their extended employment in all branches of the public service—becomes now more than ever of vital necessity, and makes it superfluous to discuss the proposals put forward from time to time for the replacement of the existing Council of India by a larger body. Anything in the shape of an assembly

debating in public is from the nature of the case out of the range of serious consideration. Indians could not be brought to this country to serve on it, at any rate in sufficient numbers to be representative of the people of India; and the idea that persons so placed, whether Englishmen or Indians, should be in a position to advance opinions, still more to carry resolutions for the result of which they would not be wholly responsible, will not be entertained by anyone who has the most elementary acquaintance with the conditions of that country, or of representative institutions. If, in the dim and distant future, the time should ever arrive when a parliament of any sort is possible for India, it must be set up in that country and not in this.

General Considerations

The salient features of Indian administration have now been passed in review, and various points have been brought to notice in regard to which the present system calls for amendment and reform. One question especially of great interest and importance is naturally suggested by the enquiry, how far that system, with the development which may be indicated as necessary from time to time, will be suited to, and sufficient for, the wants and circumstances of India in the future, and what modifications of it are likely to be required or brought about in the course of events. Over and above the special circumstances arising out of its connection with England, India now presents this singular political aspect, that its people have been put in possession of a degree of personal liberty as great as is enjoyed by any nation in the world, but liberty not associated with the usual accompaniments of self-government or of representative institutions, save only to the limited extent to which these have been introduced for municipal purposes. The government of a country so circumstanced must necessarily be delicate and difficult; and among the special elements of difficulty at the present time is the appearance on the surface of Indian society of a new class—a class which has no affinity with the landed aristocracy or the natural rulers of India, or the mercantile, or the agri-

cultural communities; which has never before occupied a position of any importance; a class which is the product of our system of free education, and which, while constituting a numerically insignificant minority of the whole population, lays claim to be accepted as the people of India, and, with the assistance it is endeavouring to secure from an uninstructed section of English politicians, is entering on a course of political agitation, vague, unreal, and impracticable in its aims, but which, unless directed into a rational course, may bring about trouble and danger to India. The vast majority of the people of India, on the other hand, although the agitation now being got up among a section of the small English-speaking class necessarily excites among them a vague feeling of unrest and expectation, are still politically in an elementary condition to which no part of Europe furnishes anything analogous. The questions which we are told exercise the minds of the people of India, such as the expansion of the legislative councils, the constitution of the Civil Service, and so forth, are at present absolutely beyond their apprehension. Their notions of the nature of the Government they are ruled by are of the vaguest. To them the Government is represented by the three or four district officials with whom they come in contact; these they see to be acting under higher authority, but as to the nature of this they have only the vaguest notions, while of the government in England, with its parliament and political parties, they have no more conception than of the composition of the solar system. Representative institutions, franchises, voting, elections, the simpler political questions which are coming to be understood by all classes in Europe do not enter even in the most remote way into their thoughts. This is a class of whose wants and feelings little or nothing is heard in the so-called political discussions now going on in India; yet it outnumbers the other class by thousands to one, and it is mainly in their interests that the government has to be conducted.

Simultaneously with this movement in India a greater degree of interest has become awakened here in the affairs in that country than was formerly felt about it—an interest however not

necessarily based on knowledge. The class of persons who profess to take India under their patronage is made up for the most part of minor politicians whose reputation is associated with eccentricities or fads—persons who are not taken seriously at home and are of little account in English politics, except so far as they are weighed by their voting power, and whose defective judgment and unfitness for the position they would endeavour to assume are sufficiently shown by the attitude which they have taken up. They have thrown themselves into the hands of the small party of agitators, taking them at their own valuation as what they profess to be, the representatives of the people of India. These gentlemen have not made the elementary discovery that the class with whom they have associated themselves not only have no sort of claim to be so accepted, but that the interests of those who compose it are to a great extent antagonistic to those of the general community. The movement in question derives its impulse from a section of the educated class of one nationality, the Bengali, whose domination if established would be in the highest degree obnoxious to the other nations of India. The aims of those who have set this agitation in motion find expression in the proceedings of the so-called National Congress, and form the continued subject matter of the vernacular press. The character of this press is not generally understood even by Englishmen in India, and to the English public it is probably absolutely unknown. It is unlike the press of any other country in that it is not divided by party lines to represent various sections of the community; with a few honourable exceptions it is all cast in the same mould, and animated by the same spirit—the desire to disparage and discredit the Indian Government and render it odious in the eyes of the people. Not only are the actions of that Government continually misrepresented, and its officers denounced and reviled, the most insidious attempts are made to arouse the feelings of the masses by appealing to the prejudices which have been affected by previous legislation. Even the abolition of *sati* by the Government of Lord William Bentinck in the early part of the century is not too far-fetched a topic in time or reason to be continually dragged in; while the legislation of the

Government of Lord Landsowne restraining the premature consummation of child marriages is denounced week after week as being an unjustifiable interference with caste and religious observances. The press in its present form originated in Bengal, and although it has now spread over the whole country its impulse is still given from that province. The unanimity with which any topic calculated to disparage the Government is taken up and made the subject of accusation and abuse week after week until it gives place to some new topic, shows the power of combination with which the business is conducted. In face of this persistent misrepresentation and abuse, often taking the form of rank sedition, the inaction of the Government, although superficially magnanimous, is to say the least imprudent. A Government by a handful of foreigners, which is possible only while it has the respect and confidence, if not the regard of the people of the country, runs a great risk when it is thus from week to week persistently held up to obloquy and hatred, while the English public servants are denounced as being selfish, unjust, and tyrannical, and hating the people over whom they are placed. These papers are contemptible as literary productions and the circulation of many of them is extremely small, but the number of copies sold would be a very incorrect index of the number of readers; and although the mass of the people of India are still quite uneducated, the subject matter of these newspapers, which is the only thing read at all, undoubtedly filters down to the classes below the readers and cannot but in the long run tend to produce serious mischief. Of this the Government of India is well aware, for it has received many warnings on the subject from various quarters; that it abstains from moving in the matter is not because of any doubt as to the action which should be taken, but from the uncertainty felt whether this would be supported by the authorities at home. The remedy would be really of the simplest kind but for what has gone before. The Government of Lord Lytton passed an act to restrain the press, which had then for the first time become markedly seditious in its tone; the Act provided that a paper after being warned would be liable to suspension, and the legal sanction thus obtained for action was found amply

sufficient to prevent the necessity for any action being taken—not a single case of proceeding under the Act took place. Nor was any harm done to anyone. These truculent writers do not in the least mean what they say; they have sense enough to know that if the British Government were overthrown, their class would not be gainers; politically they are but as mischievous children, quite unfit to be left without control. And if the matter had been allowed to rest nothing more would have been heard of the matter in India. Unfortunately the Act was repealed, in deference to a party cry raised in this country. The repeal was perfectly unnecessary, even as a means for giving practical effect to the object in view, because under the provisions of the Act it might be suspended by notification of the Government in any part of India; and this suspension might have been extended by degrees to the whole country. Such however being the past history of the case, the Government of India is unable to take any action unless it can first be secure of the sanction of the Government at home. The remedy therefore must wait for the appearance of a Secretary of State with the courage to act in opposition to the small section of politicians who are unable to see that the platitude about the inherent right of every people to a free press are not applicable to the case of India, and that the poisonous literature now being circulated without let or hindrance threatens to create a great political danger. The people of India, generally docile and tractable, are credulous to a remarkable degree and liable to unreasoning outbursts of excitement, and if they were brought to believe that their rulers are really what the native press declares them to be, passions might be aroused and a movement set up fraught with tremendous consequences. Not only is repression of this uncontrolled seditious writing necessary for the safety of the country, it would be hailed with satisfaction by all the more respectable and sober-minded classes, many of whom are at present the victims of the systematic terrorism and blackmailing pursued by the vernacular press. For the Indian, the official equally with the private gentleman, is politically timid; he will not assert himself to resist this tyranny; he looks only to the Government for relief from the nuisance, and wonders that this scandalous

press should be so long tolerated.

The so-called National Congress, which comes more under notice in this country than the writings of the vernacular press, although also thoroughly disloyal, is less mischievous, because of the absurd character of its proceedings. They always set out indeed with a profession of loyalty to the British Government, but the resolutions they embody are distinctly aimed at rendering that government impossible. The self-elected delegates who make up that body are in great part pleaders in the Law Courts, and ex-students from the Government College in want of employment, a class yearly increasing under our system of free education, the class, in fact, which works the native press, with which the Congress is in close alliance. For chairman some foolish politician is chosen, or, when one can be found to come forward, a native of position who has a grievance against the government. The proceedings do not include discussion or debate, but a number of resolutions, prepared beforehand by a self-constituted committee, are passed by acclamation, and are usually carried forward with additions from year to year. Among the most favoured resolutions are those for the repeal of the Arms Act which forbids the carrying of arms without a licence, an amusing one to emanate from a class peaceful and unwarlike beyond the people of any other country, and which has never furnished a soldier to the army under either native or British rule. Of a piece with this resolution is that in favour of a 'widespread system of volunteering such as obtains in Great Britain.' No reason is advanced why volunteering, which is unknown to any country in this continent but England, and is not allowed in Ireland, should be applied to India, a country where the people are votaries of one or other of two great religious faiths, each of which evokes the most passionate prejudices and excitement causing of late dangerous riots, repressed without great bloodshed only because the rioters were unarmed; where the agitation against such an innocent practice as the killing of kine has recently been made the subject of widespread feuds. That in India, of all countries in the world, volunteering should be seriously proposed, sufficiently indicates the political sense of

the persons who compose this annual gathering. As for practical politics, the resolutions declare for a great reduction in the salt tax, a doubling of the minimum income exempt from payment of income tax, increased public expenditure on all branches of public education, and reduction of the fees in the schools and colleges. In fact, taxation is to be reduced, public expenditure is to be increased, and legislation generally is to be in the interest of the class which practically contributes no taxation whatever. This, with the proposal that the small body of English public servants should be replaced by natives, embodies the political aspirations of the members of the Congress. And yet there are to be found politicians in this country who not only accept these crude and foolish utterances as the voice of the people of India, but have not made the discovery that they do not represent the aspirations of any considerable portion of the educated classes as a whole, or the upper ranks of native society. For it would be an entire mistake to suppose that while there is this apparent unanimity among the party who run the press and the Congress, and while their schemes are framed entirely in view of their own interests, these make up the whole or even a large portion of the more respectable classes in India. Happily there are plenty of educated native gentlemen, even in Bengal, who regard the proceedings of the Congress with disapproval; but political courage and independence of character are virtues which have not yet taken root in India. In their dread of being singled out for obloquy by the vernacular press, the more respectable classes of the community abstain from any combination or counter agitation. The other section on the other hand have grown bold with impunity, and the class of Bengalis who lead the movement are adepts in the art of agitation. The funds are supplied by one or two rich native gentlemen, the wire-pullers provide all the accessories, down to the telegrams sent from time to time to a certain class of London newspapers to give the movement a factitious strength and importance. At the last meeting held the president in opening the proceedings assured the meeting that 'every one of Ireland's Home Rule members was at their back in the cause of the Indian people.' That the section of Indians whose agitation

takes this form should be secure of the hearty support of the Irish Nationalist party is only what might be expected; unfortunately this sympathy is shared by other members of the House of Commons who do not necessarily desire to embarrass the Government, or to encourage the growth of difficulties in any part of the British Empire, but whose knowledge of India is of the elementary kind which leads them, as has been said, to take the small party of agitators at their own valuation, and to suppose that they represent, as they profess to do, the wishes and aspirations of the people of India at large.¹² While public opinion is of this ill-instructed sort, there is danger of parliamentary interference in the affairs of that country of a very mischievous kind. The House of Commons as a whole being unprepared, and for the most part indifferent about debates on Indian questions, a small section of the House may and does succeed in carrying resolutions, striking at the root of the Indian administrative and financial system. This would not be very mischievous if such resolutions were regarded as the mere expression of opinion on the part of those who support them; but the claim is made that they should be acted upon as if they had the force of law. We have only to compare the effect of such action with the elaborate procedure enforced in regard to English finance, the debates in committee, the formal resolutions which follow in the whole House, and the incorporation of these in a Bill carried through its successive stages before they can take effect, to appreciate the monstrous assumption made in such a claim. The humblest local taxpayer even, would have greater protection than the government of India. An English town council cannot add an additional furlong to its street tramways without a Bill formally carried

12. In a recent debate, a highly respectable member assured the House of Commons that the rejection by the Government of the Resolution of the House in favour of simultaneous examinations for the Civil Service, had disappointed the 'expectations of countless millions of our fellow subjects' It would be a far less absurd exaggeration to say that the one desire of the millions of the working classes in this country was the abolition of the duty on the higher brands of champagne; and yet men who make foolish remarks of this sort claim to be taken as advisers regarding the government of India.

through both Houses, but yet forsooth the vote of a scratch majority in a thin and tired House of Commons is to be accepted as sufficient authority for tampering with the whole administrative and fiscal system of India, and possibly throwing them into utter confusion.

For the lamentable results which have ensued, and may yet follow if this contention is to be accepted, the blame rests with successive Governments of both parties, from their weakness in suffering such resolutions to be taken seriously. No doubt in the ordinary course of legislation, when votes are taken from time to time at various stages of debate, the action to follow must be governed by the decision of the majority, whether small or large. In such cases there can be no counting of heads; a vote is a vote, whether carried by a large or a small number. But the time has come for recognising that the Indian administration must not be placed at the mercy of the erratic dictates of a chance majority. There might be occasions when a Resolution, of the House of Commons would be the most solemn and unmistakeable expression of the voice of the English nation, but it is the duty of a Government before taking extreme action, to make sure that it really has this high authority. To treat all such utterances as having equal force is either political pedantry or political cowardice. It may be said indeed that although a Resolution of the House of Commons may be foolish and ill considered, still that a Resolution of the House can turn out a Government. No doubt it can, if directed to that end; but on all recent occasions when India has been made the sport and playground of the faddists, there has been no question of making these divisions a test of confidence in the Government. The men who carry one or other of these snap votes would be quite powerless to carry a vote of that kind; and if on a late occasion the Government, instead of taking the feeble course of throwing on the Government of India the burden of deciding against the simultaneous examinations, had at once announced their intention of ignoring the Resolution, sensible men and reasonable politicians on both sides of the House would have rallied to their support in sufficient numbers to bring out the

numerical insignificance of those who would make India the vehicle for introducing rash experiments which they would be quite impotent to force upon their fellow countrymen at home.

Still more important is it to recognise that India should not and must not be subjected to treatment which the House of Commons would not venture to adopt towards the smallest self-governing colony, and that while that country is not and will not for an indefinite time be fit for representative institutions, it must nevertheless be governed in accordance with the wishes of its people so far as they can be ascertained, and are compatible with the maintenance of British rule. If this principle had been kept in view we should not have had Opium Commissions forced on India to ascertain at great expense to that country what all those whose judgment is worth considering knew already, that the objects which the faddists were aiming at would not only result in throwing the Indian finances into confusion, but would involve an unwarrantable and tyrannical interference with the habits and customs of the people of that country, especially of the class which forms its most powerful bulwark of defence, and which, if it were alienated from our rule, would soon render that rule impossible. Nor should we have seen the Indian tariff played fast and loose with in the interests of certain classes in this country; the discreditable episode of the cotton duties would not have occurred—an episode which by causing a widespread belief that Indian policy is dictated in the interests of political party rather than in the interests of the people of India, has inflicted a grievous blow on our character for good faith.

Another point lately brought into prominence is the difficult and anomalous position which, under recent action taken in this country, the Indian Government is coming to occupy. In the view of the people of India, that Government appears vested with the highest power and authority in its executive capacity, and all the other attributes of a great government; while for legislative purposes it presides over a body in which the people of India are now largely represented. This is the

outward appearance of things, actually of course the condition is quite different. According to the law, the Government of India is merely a delegated agency for carrying out the policy and instructions of the Government at home, and the legislation entered upon by the former is subjected to the full control of the same authority. So far the law has made no change in either respect from the state of things always in force. The legal position of the Government of India still remains what it was in 1784, and although a numerous council has taken the place of the single English lawyer who from 1833 to 1854 represented the legislative element in that Government, its legislative proceedings equally with its executive action remain, as they have always been, subject to the control and approval of the Government at home. This is, of course a necessary condition of the case. The Home Government and the British Parliament have the same full rights over every portion of the Queen's dominions; but wherever representative institutions have been granted, these authorities abstain from exercising almost all of the rights they by law or precedent possess. Their powers and rights remain dormant. But in India, where no such institutions exist, the ultimate power must reside somewhere, available for exercise in an active form. And unfortunately, while everywhere else their exercise of authority by the imperial government has greatly lessened, if it has not altogether ceased to be employed, in regard to India the control has become more stringent and minute. The change which has come about is not in the form of law, but in the strain put upon the application of the law. Until quite recently the initiation of all legislative measures has rested with the Government of India, although it has had to submit its proposals for legislation to Her Majesty's Government as represented first by the Board of Control and afterwards by the Secretary of State. These proposals sometimes met with opposition and may not always have been accepted, but it is only now that the Home Government has for the first time begun to employ the power given it by the letter of the law, not only to initiate legislative action itself, but, in deference to the outcry of a small fanatical, ill-instructed section of its supporters, to force on the Government of India the obligation to carry

out legislation to which the latter is distinctly opposed.¹³

This change in the policy so long wisely pursued, a policy by which alone India can be safely governed, has placed the Government of India in a false position. Not only must that government carry out measures to which it is opposed, it must in loyalty to Her Majesty's Government profess to approve of those measures. It has not even practically the means of recording a protest in the form of resignation. The members of the government at any time are all serving under different tenures; some may be just entering upon their term of office, others on the point of closing it, so that the sacrifice involved in resignation would be very unequal. Moreover, there is no analogy between the conditions of Indian and English political life. Here, if a party or individual minister resign, they pass over to the other side of the House, but still exercise a potent influence over the course of affairs, to the direct management of which they will in all probability eventually return. Members of the Indian Government, if they resign, would retire into obscurity and uselessness. Occasions indeed might arise when it would be their duty to refuse to obey orders from home, accepting their recall if ordered. It is impossible to lay down a precise line at which disobedience to improper orders, given at the dictates of a rash and unscrupulous political party at home, might become a duty to India; but generally they will best consult the interest of the people of India by remaining at their posts, and putting a drag in the last resort on such unwise and high handed proceedings.

This objectionable departure from the policy hitherto maintained, has been especially inopportune at the present moment, just when the expansion has taken place of the Indian Legislative Councils. The false position into which the Indian Government has thus been thrown in being called upon to carry a measure through the enlarged council to which they are obviously opposed, might under a persistence in such a course soon make their position untenable. Nor must the fact be lost sight of, that the Secretary of State has lately taken the unusual course of over-riding the unanimous opinions and advice

13. We may refer especially to the proceedings taken in connection with the Indian Cantonments Act.

of his own council, a course which the spirit of the law only justifies in cases of imperial importance. That India should be kept altogether outside party politics is perhaps a counsel of perfection, but it is the obvious duty of ministers to minimise, so far as possible, the effect of party government, and when they quote parliamentary authority for interference in the ordinary course of Indian administration, to be sure that it is the real voice of Parliament which they are obeying. **They** must, in fact, exercise more political courage; here must be no repetition of such scandals as that of a minister forcing legislation on India, against the wishes of the local government, at the bidding of a small section of political faddists, or his prohibiting the introduction of fiscal measures desired by all the people of India who are capable of forming an opinion on the matter, on the plea that these are opposed to sound economic principles—fishing for parliamentary votes on the hypocritical profession of inculcating sound economics. India is held by the right of conquest, and the form of its government is absolute; but these conditions should at least not be offensively obtruded.

To recall what has been said, the present condition of India politically is, that the fullest measure of personal liberty has already been given, and so far as can be foreseen, the grant of political power will follow as fast as it can be safely conceded. The administration is mainly Indian already, and is rapidly becoming still more completely so. Hitherto the expansion of native agency has proceeded most largely in the judicial line; the employment of Indians in high executive posts is only just beginning, and is still in the experimental stage, but the experiment must be pursued *pari passu* on both lines, if the great change is to be safely carried out. With an executive staff consisting of British officials, a purely native judiciary, if animated by the spirit shown by the vernacular press, might bring Indian administration to a deadlock. Indian native officials are politically timid, and peculiarly susceptible to the influence of press criticism and if not actually siding with the party of sedition might yet be a feeble instrument with which to make head against it.

In material respects, India, as compared with any previous state, is now extraordinarily prosperous. Weighed by every practicable test, internal and external trade, the increased production and consumption of commodities, the accumulation of the precious metals, above everything the growing railway traffic, the India of the present day, although still according to English standards a very poor country, is by comparison vastly more wealthy than it has ever been before. But two elements of danger and difficulty in the social condition of the country are coming into prominence, to qualify the satisfaction with which the situation might otherwise be viewed. As the ruthless wars which were the chronic condition of India in past times have been succeeded by the present era of internal peace, while famine no longer sweeps away the population over widespread tracts of country, and while simultaneously the elements of sanitation have been introduced, almost everywhere the population tends to increase faster than the increase of cultivation and the improvement of the soil, and to press with growing force upon the means of subsistence. It is easier to point out the evil than to apply a remedy. The religious customs of the country favour early marriages, and emigration on a scale sufficient to be effective is practically out of the question; but the case has to be stated to show that even a peaceful and beneficent rule is not without its concomitant drawbacks.

Next, apart from the pressure of population on the means of subsistence, in many parts of the country a social revolution is taking place, not the less momentous because in silent operation, arising out of the increasing indebtedness of the agriculturist, and involving the transfer of the land from the simple peasantry which have held it from time immemorial to the professional money lender, in redemption of loans borrowed at exorbitant interest. The process is favoured by the procedure of our law courts, which with their rigid enforcement of bonds entered into, even by those ignorant of their purport, the highly technical system of pleading allowed and the facilities afforded for costly appeals from the one court to another, are utterly unsuited to the understanding and circum-

tances of the agricultural classes.

It is a curious inconsistency in our policy that while in Ireland so much attention and labour should have been directed towards attaching the cultivator to the soil and creating unalienable tenant right, and while philanthropists and economists should be aiming to introduce the same conditions for the agricultural classes of Great Britain, we should have admitted, indeed encouraged, this social revolution to set in silently on India and work the havoc which it has already created. Some special remedial legislation has been applied, as for example the Dekhan Raiyat Act, to check this evil. But a larger and more general process seems necessary, nothing less in fact than complete abolition of the sale of land for debt. It would be also a great advantage to the unfortunate peasantry affected, if in all suits arising out of loans made on their land or crops, the agency of professional pleaders were disallowed, and the parties to the suit alone were heard in person. The importance of dealing with this great matter in a thorough and comprehensive way cannot be too strongly insisted on; the class concerned make up the great mass of the people of India, and apart from the claims of justice, the foundations of our rule rest upon their contentment.

It is notable that the vernacular press are generally silent upon this social revolution. The agitators, the money lenders and the pleaders whom they employ, are closely allied; they belong to the 'white-clothed' class whose interests, in many respects, are directly antagonistic to those of the people of India.¹⁴

14. The Congress does indeed pass an annual resolution, 'that fully fifty millions of the population, a number yearly increasing, are dragging out a miserable existence on the verge of starvation, and that in every decade several millions actually perish by starvation; and humbly urge once more that immediate steps be taken to remedy this calamitous state of affairs.' This resolution—dovetailed among others proposing the establishment of volunteers, the creation of a medical profession, the abolition of taxes, and increased expenditure on education and other things—does touch

contd.

The complaint is often made that our foreign domination drains India of its wealth. The wealth at any rate is the creation of our rule; we found India poverty stricken as it always had been before, and as doubtless it would still be if we had not appeared on the scene. The drain of wealth which consists in the large payments which have to be made to England, is of course a fact, but we must distinguish between the two sources of this drain. By far the larger part consists in the payment of interest on the English capital invested in India. In this respect India is in the same position as almost every other country in the world, and has all the advantages derived from a borrower under such circumstances. Borrowed money is the source of her wealth. The greater part of this capital has gone to make the railways which have enriched India more than anything else, and brought about her present prosperous condition: among other things the great tea and jute industries in particular have been established entirely by British capital. The interest India pays on this represents but a very small portion of the benefit which she derives from it. There is, however, a drain of another kind, but smaller in amount, for the pensions paid to English officials, the savings taken away by Europeans of all classes, and that part of the cost of the army which is defrayed in this country. This last item is obviously a necessary condition of the maintenance of a stable government of any sort in India; the most truculent of the agitators who are for replacing the English civil service straightway by natives, have not yet advanced to the point of suggesting that the British army should be withdrawn. The other items are no doubt a drain in the actual sense of the words, but that this should be cause of complaint involves the absurd assumption that without English rule exercised by English officials, India would have attained of itself to a state of internal peace and prosperity. Those people must

the matter, but can hardly be said to deal with it in a very practical or useful way. A town council would not be held to gain credit for good sense or philanthropic spirit by placing a minute on its proceedings to the effect that a large number of the English people were suffering from poverty, which Her Majesty's Government should take immediate steps for putting an end to.

have a very slender acquaintance with Indian history or with the Indian people who can suppose that there is the smallest foundation for such a belief; or that if the *pax Britannica* had not been established in India, that country would not either still be the prey of intestine feuds, such as desolated it before our rule, or have again become the spoil of some warlike invader from the north. All that can be said is that a good government by foreigners is more costly than would be an equally good government by the people of the country. So it would be cheaper for a man to cure himself when sick, if he knew how to do so, than to call in a physician. And the fact needs to be plainly stated that the capacity of the Indians to govern themselves has yet to be established. We must not mistake what may be merely a facility for adaptation, and imitation, and proficiency as agents working under supervision, for original capacity. The assumption that all the races of the earth possess the same natural power, and that the backward ones may by training and propinquity be readily brought up to the level of a higher civilisation, has yet to be established.

Even now the internal conditions of the country present no elements of political stability. India is still a congeries of nations which although mixed up together in a bewildering degree, and undergoing a rapid fusion in their superficial aspects under British rule, are yet so widely different from each other that generalisations are apt to be delusive and misleading. The difference between the various peoples, between, for example, the martial frontier races and the Bengalis or the people of Madras, is far greater than that which is found between any two races or classes of Europe. But this at least is clear, that the ascendancy of the class, now so disloyal and so noisy, which is claiming to succeed us, and which puts forward the impudent claim that every English official constitutes a wrong done to themselves by keeping one of their class out of office : that the ascendancy of this class would be utterly abhorrent to the greater part of the people of India, and that as they are simply the artificial creation of British rule, so they would be the first to disappear from the

surface if that rule were withdrawn.

That this rule should be popular is hardly to be expected, nor probably are the English themselves individually popular; but if the people of India do not like us, it is impossible to help liking them. They differ, as has been said, from each other so widely, that generalisations are apt to be delusive and misleading; yet there are some characteristics which the English in India will recognise as common to all, especially their good temper, sobriety, industry, patience, and power of self-denial, their kindness to children, their loyalty to family ties. We must all too admire the gallantry of the warlike races, and few can leave the country without carrying away memories of disinterested gratitude shown for good offices done, ties formed of mutual affection with those who have nothing more to look for from our friendship; feeling a degree of interest in India and its people which only long acquaintance with it and them could give; and hopeful that if wisely governed a prosperous future is before them.

EAST INDIA COMPANY'S PETITION TO PARLIAMENT*

That your petitioners, at their own expense, and by the agency of their own civil and military servants, originally acquired for this country its magnificent empire in the East.

That the foundations of this empire were laid by your petitioners, at that time neither aided nor controlled by Parliament, at the same period at which a succession of administrations under the control of Parliament were losing to the Crown of Great Britain another great empire on the opposite side of the Atlantic.

That during the period of about a century which has since elapsed, the Indian possessions of this country have been governed and defended from the resources of those possessions without the smallest cost to the British Exchequer, which, to the best of your petitioners' knowledge and belief, cannot be said of any other of the numerous foreign dependencies of the Crown.

That is being manifestly improper that the administration of any British possession should be independent of the Central Government of the empire, Parliament provided, in 1773, that a department of the Imperial Government should have full cognizance of, and power of control over, the acts of your petitioners in the administration of India; since which time the Home branch of the India Government has been conducted by the joint counsels, and on the joint responsibility, of your

* This petition was drafted by John Stuart Mill in February, 1858.

petitioners and of a Minister of the Crown.

That this arrangement has at subsequent periods undergone reconsideration from the Legislature, and various comprehensive and careful Parliamentary Inquiries have been made into its practical operation; the result of which has been, on each occasion, a renewed grant to your petitioners of the powers exercised by them in the administration of India.

That the last of these occasions was so recent as 1853, in which year the arrangements which had existed for nearly three quarters of a century were with certain modifications, re-enacted, and still subsist.

That, notwithstanding, your petitioners have received an intimation from Her Majesty's Ministers of their intention to propose to Parliament a Bill for the purpose of placing the government of Her Majesty's East Indian Dominions under the direct authority of the Crown—a change necessarily involving the abolition of the East India Company as an instrument of government.

That your petitioners have not been informed of the reasons which have induced Her Majesty's Ministers, without any previous inquiry, to come to the resolution of putting an end to a system of administration, which Parliament, after inquiry, deliberately confirmed and sanctioned less than five years ago, and which, in its modified form, has not been in operation for quite four years, and cannot be considered to have undergone a sufficient trial during that short period.

That your petitioners do not understand that Her Majesty's Ministers impute any failure to those arrangements or bring any charge, either great or small, against your petitioners. But the time at which the proposal is made compels your petitioners to regard it as arising from the calamitous events which have recently occurred in India.

That your petitioners challenge the most searching investigation into the mutiny of the Bengal army, and the causes, whether remote or immediate, which produced that mutiny.

They have instructed the Government of India to appoint a commission for conducting such an inquiry on the spot. And it is their most anxious wish that a similar inquiry may be instituted in this country by your (Lordships') Honourable House; in order that it may be ascertained whether anything either in the constitution of the Home Government of India, or in the conduct of those by whom it has been administered, has had any share in producing the mutiny, or has in any way impeded the measures for its suppression; and whether the mutiny itself, or any circumstances connected with it, affords any evidence of the failure of the arrangements under which India is at present administered.

That, were it even true that these arrangements had failed, the failure could constitute no reason for divesting the East India Company of its functions, and transferring them to Her Majesty's Government. For, under the existing system, Her Majesty's Government have the deciding vote. The duty imposed upon the Court of Directors is to originate measures and frame drafts of instructions. Even had they been remiss in this duty, their remissness, however discreditable to themselves, could in no way absolve the responsibility of Her Majesty's Government, since the Minister for India possesses, and has frequently exercised, the power of requiring that the Court of Directors should take any subject into consideration, and prepare a draft dispatch for his approval. Her Majesty's Government are thus in the fullest sense accountable for all that has been done, and for all that has been forborne or omitted to be done. Your petitioners, on the other hand, are accountable only in so far as the act or omission has been promoted by themselves.

That under these circumstances, if the administration of India had been a failure; it would, your petitioners submit, have been somewhat unreasonable to expect that a remedy would be found in annihilating the branch of the ruling authority which could not be the one principally in fault, and might be altogether blameless, in order to concentrate all the powers in the branch which had necessarily the decisive share

in every error, real or supposed. To believe that the administration of India would have been more free from error had it been conducted by a Minister of the Crown without the aid of the Court of Directors, would be to believe that the Minister, with full power to govern India as he pleased, has governed ill because he has had the assistance of experienced and responsible advisers.

That your petitioners, however, do not seek to vindicate themselves at the expense of any other authority. They claim their full share of the responsibility of the manner in which India has practically been governed. That responsibility is to them not a subject of humiliation but of pride. They are conscious that their advice and initiative have been, and have deserved to be, a great and potent element in the conduct of affairs in India, and they feel complete assurance that, the more attention is bestowed and the more light thrown upon India and its administration, the more evident it will become that the government in which they have borne a part has been not only one of the purest in intention, but one of the most beneficent in act, ever known among mankind; that, during the last and present generation in particular, it has been, in all departments, one of the most rapidly improving governments in the world; and that, at the time when this change is proposed, a greater number of important improvements are in a state of more rapid progress than at any former period. And they are satisfied that whatever further improvements may be hereafter effected in India can only consist in the development of germs already planted, and in building on foundations already laid, under their authority, and in a great measure by their express instructions.

That such, however, is not the impression likely to be made on the public mind, either in England, or in India, by the ejection of your petitioners from the place they fill in the Indian administration. It is not usual with statesmen to propose the complete abolition of a system of government, of which the practical operation is not condemned, and it might be generally inferred from the proposed measures, if carried

into effect at the present time, that the East India Company, having been entrusted with an important portion of the administration of India, have so abused their trust as to have produced a sanguinary insurrection, and nearly lost India to the British empire; and that, having thus crowned a long career of misgovernment, they have, in deference to public indignation, been deservedly cashiered for their misconduct.

That if the character of the East India Company were alone concerned, your petitioners might be willing to await the verdict of history. They are satisfied that posterity will do them justice. And they are confident that even now justice is done to them in the minds, not only of Her Majesty's Ministers, but of all who have any claim to be competent judges of the subject. But, though your petitioners could afford to wait for the reversal of the verdict of condemnation which will be believed throughout the world to have been passed on them and their government by the British nation, your petitioners cannot look without the deepest uneasiness at the effect likely to be produced on the minds of the people of India. To them, however incorrectly the name may express the fact, the British Government in India is the Government of the East India Company. To their minds the abolition of the Company will, for some time to come, mean the abolition of the whole system of administration with which the Company is identified. The measure, introduced simultaneously with the influx of an overwhelming British force, will be coincident with a general outcry, in itself most alarming to their fears, from most of the organs of opinion in this country as well as of English opinion in India, denouncing the past policy of the Government on the express ground that it has been too forbearing and too considerate towards the natives. The people of India will at first feel no certainty that the new Government, or the Government, under a new name, which it is proposed to introduce, will hold itself bound by the pledges of its predecessors. They will be slow to believe that a Government has been destroyed only to be followed by another which will act on the same principles and adhere to the same measures. They cannot suppose that the existing organ of

administration would be swept away without the intention of reversing any part of its policy. They will see the authorities, both at home and in India, surrounded by persons vehemently urging radical changes in many parts of that policy. And interpreting, as they must do, the change in the instrument of government, as a concession to those opinions and feelings, they can hardly fail to believe that, whatever else may be intended, the Government will no longer be permitted to observe that strict impartiality between those who profess its own creed and those who hold the creeds of its native subjects which hitherto characterized it; that their strongest and most deeply-rooted feelings will henceforth be treated with much less regard than heretofore; and that a directly aggressive policy towards everything in their habits, or in their usages and customs, which Englishmen deem objectionable, will be no longer confined to individuals and private associations, but will be backed by all the power of Government.

And here your petitioners think it important to observe, that in abstaining as they have done from all interference with any of the religious practices of the people of India, except such as are abhorrent to humanity, they have acted not only from their own conviction of what is just and expedient, but in accordance with the avowed intentions and express enactments of the Legislature, framed 'in order that regard should be had to the civil and religious usages of the natives', and also that suits, civil and criminal, against the natives should be conducted according to such rules 'as may accommodate the same to the religion and manners of the natives.' That their policy in this respect has been successful, is evidenced by the fact, that during a military mutiny, said to have been caused by unfounded apprehensions of danger to religion, the heads of the native states, and the masses of the populations, have remained faithful to the British Government. Your petitioners need hardly observe how very different would probably have been the issue of the late events, if the native princes, instead of aiding in the suppression of the rebellion, had put themselves at its head, or if the general population had joined in the revolt; and how probable it is that both these contingen-

cies would have occurred, if any real ground had been given for the persuasion that the British Government intended to identify itself with proselytism. And it is the honest conviction of your petitioners that any serious apprehension of a change of policy in this respect would be likely to be followed, at no distant period, by a general rising throughout India.

That your petitioners have seen with the greatest pain the demonstrations of indiscriminate animosity towards the natives of India, on the part of our countrymen in India and at home, which have grown up since the late unhappy events. They believe these sentiments to be fundamentally unjust; they know them to be fatal to the possibility of good government in India. They feel that if such demonstrations should continue, and, especially if weight be added to them by legislating under their supposed influence, no amount of wisdom and forbearance on the part of the Government will avail to restore that confidence of the governed in the intentions of their rulers without which it is vain even to attempt the improvement of the people.

That your petitioners cannot contemplate without dismay the doctrine now widely promulgated that India should be administered with an especial view to the benefit of the English who reside there; or that in its administration any advantage should be sought for Her Majesty's subjects of European birth, except that which they will necessarily derive from their superiority of intelligence, and from the increased prosperity of the people, the improvement of the productive resources of the country, and the extension of commercial intercourse. Your petitioners regard it as the most honourable characteristic of the government of India by England, that it has acknowledged no such distinction as that of a dominant and subject race; but has held that its first duty was to the people of India. Your petitioners feel that a great portion of the hostility which they are assailed, is caused by the belief that they are peculiarly the guardians of this principle, and that so long as they have any voice in the administration of India, it cannot easily be infringed. And your petitioners will not con-

ceal their belief that their exclusion from any part in the government is likely, at the present time, to be regarded in India as a first successful attack on that principle.

That your petitioners, therefore, most earnestly represent to your (Lordships') Honourable House, that, even if the contemplated change could be proved to be in itself advisable, the present is a most unsuitable time for entertaining it; and they most strongly and respectfully urge on your (Lordships') Honourable House the expediency of at least deferring any such change until it can be effected at a period when it would not be, in the minds of the people of India, directly connected with the recent calamitous events, and with the feelings to which those events have either given rise or have afforded an opportunity of manifestation. Such postponement, your petitioners submit, would allow time for a more mature consideration than has yet been given, or can be given in the present excited state of the public mind, to the various questions connected with the organization of a Government for India; and would enable the most competent minds in the nation calmly to examine whether any new arrangement can be devised for the Home Government of India, uniting a greater number of the conditions of good administration than the present; and, if so, which among the numerous schemes which have been or may be proposed, possesses those requisites in the greatest degree.

That your petitioners have always willingly acquiesced in any changes which, after discussion by Parliament, were deemed conducive to the general welfare, although such changes may have involved important sacrifices to themselves. They would refer to their partial relinquishment of trade in 1813; to its total abandonment and the placing of their Commercial Charter in abeyance, in 1833; to the transfer to India of their commercial assets, amounting to £15,858,000, a sum greatly exceeding that ultimately repayable to them in respect of their capital, independent of territorial rights and claims; and to their concurrence in 1853, in the measure by which the Court of Directors was reconstructed, and reduced to its

present number. In the same spirit, your petitioners would gladly co-operate with Her Majesty's Government in correcting any defects which may be considered to exist in the details of the present system; and they would be prepared, without a murmur, to relinquish their trust altogether, if a better system for the control of the Government of India can be devised. But, as they believe that in the construction of such a system there are conditions which cannot, without the most dangerous consequences, be departed from, your petitioners respectfully and deferentially submit to the judgment of your (Lordships') Honourable House their view of those conditions, in the hope that if your (Lordships') Honourable House should see reason to agree in that view, you will withhold your legislative sanction from any arrangement for the government in question in at least an equal degree with the present.

That your petitioners may venture to assume that it will not be proposed to vest the Home portion of the administration of India in a Minister of the Crown, without the adjunct of a Council composed of statesmen experienced in Indian affairs. Her Majesty's Ministers cannot but be aware that the knowledge necessary for governing a foreign country, and in particular a country like India, requires as much special study as any other profession, and cannot possibly be possessed by any one who has not devoted a considerable portion of his life to the acquisition of it.

That in constituting a body of experienced advisers to be associated with the Indian Minister, your petitioners consider it indispensable to bear in mind that this body should not only be qualified to advise the Minister, but also, by its advice, to exercise, to a certain degree, a moral check. It cannot be expected that the Minister, as a general rule, should himself know India; while he will be exposed to perpetual solicitations from individuals and bodies, either entirely ignorant of that country, or knowing only enough of it to impose on those who know still less than themselves, and having very frequently objects in view other than the interests or good government of India. The influences likely to be brought to

bear on him through the organs of popular opinion will, in the majority of cases, be equally misleading. The public opinion of England, itself necessarily unacquainted with Indian affairs, can only follow the promptings of those who take most pains to influence it, and these will generally be such as have some private interest to serve. It is, therefore, your petitioners submit, of the utmost importance that any Council which may form a part of the Home Government of India should derive sufficient weight from its constitution, and from the relation it occupies to the Minister, to be a substantial barrier against those inroads of self-interest and ignorance in this country from which the Government of India has hitherto been comparatively free, but against which it would be too much to expect that Parliament should of itself afford a sufficient protection.

That your petitioners cannot well conceive a worse form of government for India than a Minister with a Council whom he should be at liberty to consult or not at his pleasure, or whose advice he should be able to disregard, without giving his reasons in writing, and in a manner likely to carry conviction. Such an arrangement, your petitioners submit, would be really liable to the objections, in their opinion, erroneously urged against the present system. Your petitioners respectfully represent that any body of persons associated with the Minister, which is not a check, will be a screen. Unless the Council is so constituted as to be personally independent of the Minister, unless it feels itself responsible for recording an opinion on every Indian subject, and pressing that opinion on the Minister, whether it is agreeable to him or not, and unless the Minister, when he overrules their opinion, is bound to record his reasons, their existence will only serve to weaken his responsibilities and to give the colourable sanction of prudence and experience to measures in the framing of which those qualities have had no share.

That it would be vain to expect that a new Council could have as much moral influence, and power of asserting its opinion with effect, as the Court of Directors. A new body

can no more succeed to the feelings and authority which their antiquity and historical antecedents give to the East India Company, than a legislature under a new name, sitting in Westminster, would have the moral ascendancy of the Houses of Lords and Commons. One of the most important elements of usefulness will thus be necessarily wanting in any newly constituted Indian Council, as compared with the present.

That your petitioners find it difficult to conceive that the same independence in judgment and act, which characterizes the Court of Directors, will be found in any Council all of whose Members are nominated by the Crown. Owing their nomination to the same authority, many of them probably to the same individual Minister, whom they are appointed to check, and looking to him alone for their reappointment, their desire of recommending themselves to him and their unwillingness to risk his displeasure by any serious resistance to his wishes, will be motives too strong not to be in danger of exercising a powerful and injurious influence over their conduct. Nor are your petitioners aware of any mode in which that injurious influence could be guarded against, except by conferring the appointments, like those of the judges, during good behaviour; which, by rendering it impossible to correct an error once committed, would be seriously objectionable.

That your petitioners are equally unable to see how, if the controlling body is nominated by the Minister, that happy independence of Parliamentary and party influence, which has hitherto distinguished the administration of India and the appointment to situations of trust and importance in that country, can be expected to continue. Your petitioners believe that in no Government known to history have appointments to offices, and especially to high offices, been so rarely bestowed on any other considerations than those of personal fitness. The characteristic, but for which in all probability India would long since have been lost to this country, your petitioners conceive, is entirely owing to the circumstance that

the dispensers of patronage have been persons unconnected with party, and under no necessity of conciliating Parliamentary support; that, consequently, the appointments to offices in India have been, as a rule, left to the unbiassed judgment of the local authorities; while the nominations to the civil and military services have been generally bestowed on the middle classes, irrespective of political considerations, and, in a large proportion, on the relatives of persons who had distinguished themselves by their services in India.

That your petitioners, therefore, think it essential that at least a majority of the Council which assists the Minister for India with its advice, should hold their seats independently of his appointment.

That it is, in the opinion of your petitioners, no less necessary that the order of the transaction of business should be such as to make the participation of the Council in the administration of India a substantial one. That to this end, it is, the opinion of your petitioners, indispensable that the dispatches to India should not be prepared by the Minister and laid before the Council, but should be prepared by the Council and submitted to the Minister. This would be in accordance with the natural and obvious principle that persons chosen for their knowledge of a subject should suggest the mode of dealing with it, instead of merely giving their opinion on suggestions coming from elsewhere. This is also the only mode in which the Members of the Council can feel themselves sufficiently important or sufficiently responsible to secure their applying their minds to the subjects before them. It is almost unnecessary for your petitioners to observe, that the mind is called into far more vigorous action by being required to propose than by being merely called on to assent. The Minister has necessarily the ultimate decision. If he has also the initiative, he has all the powers which are of any practical moment. A body, whose only recognized function was to find fault, would speedily let that function fall into desuetude. They would feel that their co-operation in conducting the government of India was not really desired; that they

were only felt as a clog on the wheels of business. Their criticism on what had been decided without their being collectively consulted would be felt as importunate, as a mere delay and impediment; and their office would probably be seldom sought by those who were not willing to allow its most important duties to become nominal.

That with the duty of preparing the dispatches to India, would naturally be combined the nomination and control of the Home establishments. This your petitioners consider absolutely essential to the utility of the Council. If the officers through whom they work are in direct dependence upon an authority higher than theirs, all matters of importance will in reality be settled between the Minister and the subordinates, passing over the Council altogether.

That a third consideration, to which your petitioners attach great importance, is, that the number of the Council should not be too restricted. India is so wide a field, that a practical acquaintance with every part of its affairs cannot be found combined in any small number of individuals. The Council ought to contain men of general experience and knowledge of the world; also men specially qualified by financial and revenue experience, by judicial experience, diplomatic experience, military experience. It ought to contain persons conversant with the varied social relations and varied institutions of Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and the native states. Even the present Court of Directors, reduced as it is in numbers by the Act of 1853, does not contain all the varieties of knowledge and experience desirable in such a body. Neither, your petitioners submit, would it be safe to limit the number to that which would be strictly sufficient, supposing all the appointments to be the best possible. A certain margin should be allowed for failures, which, even with the most conscientious selection, will sometimes occur. Your petitioners, moreover, cannot overlook the possibility that, if the nomination takes place by Ministers at the head of a political party, it will not always be made with exclusive reference to personal qualifica-

tions; and it is indispensable to provide that such errors or faults in the nominating authority, so long as they are only occasional, shall not seriously impair the efficiency of the body.

That while those considerations plead strongly for a body not less numerous than the present, even if only regarded as advisers of the Minister, their other office, as a check on the Minister, forms, your petitioners submit, a no less forcible objection to any considerable reduction of the present number. A body of six or eight will not be equal to one of eighteen, in that feeling of independent self reliance which is necessary to induce a public body to press its opinion on a Minister to whom that opinion is unacceptable. However unobjectionably in other respects so small a body may be constituted, reluctance to give offence will be likely, unless in extreme cases, to be a stronger habitual inducement in their minds than the desire to stand up for their convictions.

That if, in the opinion of your (Lordships') Honourable House, a body can be constituted which unites the above enumerated requisites of good government in a greater degree than the Court of Directors, your petitioners have only to express their humble hope that your endeavours for that purpose may be successful. But if, in enumerating the conditions of a good system of Home government for India, your petitioners have in fact enumerated the qualities possessed by the present system, then, your petitioners pray that your (Lordships') Honourable House will continue the existing powers of the Court of Directors.

That your petitioners are aware that the present Home Government of India is reproached with being a double Government; and that any arrangement by which an independent check is provided to the discretion of the Minister will be liable to a similar reproach. But they conceive that this accusation originates in an entire misconception of the functions devolving on the Home Government of India, and in the application to it of the principles applicable to purely

executive departments. The Executive Government of India is, and must be, seated in India itself. The Court of Directors is not so much an executive as a deliberative body. Its principal function, and that of the Home Government generally, is not to direct the details of administration, but to scrutinize and revise the past acts of the Indian Government; to lay down principles, and issue general instructions for their future guidance, and to give or refuse sanction to great political measures, which are referred home for approval. These duties are more analogous to the functions of Parliament, than to those of an Executive Board; and it might almost as well be said that Parliament, as that the Government of India, should be constituted on the principles applicable to Executive Boards. It is considered an excellence, not a defect, in the constitution of Parliament, to be not merely a double but a triple Government. An executive authority, your petitioners submit, may often with advantage be single because of promptitude is its first requisite. But the function of passing a deliberate opinion on past measures, and laying down principles of future policy, is a business which, in the estimation of your petitioners, admits of, and requires the concurrence of more judgments than one. It is no defect in such a body to be double, and no excellence to be single; especially when it can only be made so by cutting off that branch of it which by previous training is always the best prepared, and often the only one which is prepared at all, for its peculiar duty.

That your petitioners have heard it asserted that, in consequence of what is called the double Government, the Indian authorities are less responsible to Parliament and the nation, than other departments of the Government of the empire, since it is impossible to know on which of the two branches of Home Government the responsibility ought to rest. Your petitioners fearlessly affirm, that this impression is not only groundless, but the very reverse of the truth. The Home Government of India is not less, but more responsible, than any other branch of the administration of the State; inasmuch as the President of the Board of Com-

missioners, who is the Minister for India, is as completely responsible as any other of Her Majesty's Ministers, and in addition, his advisers also are responsible. It is always certain, in the case of India, that the President of the Board of Commissioners must have either commanded or sanctioned all that has been done. No more than this, your petitioners submit, can be known in the case of the head of any department of Her Majesty's Government. For it is not, nor can it rationally be supposed, that any Minister of the Crown is without trusted advisers; and the Minister for India must, for obvious reasons, be more dependent than any other of Her Majesty's Ministers upon the advice of persons whose lives have been devoted to the subject on which their advice has been given. But in the case of India, such advisers are assigned to him by the constitution of the Government, and they are as much responsible for what they advise as he for what he ordains; while in other departments the Minister's only official advisers are the subordinates in his office—men often of great skill and experience, but not in the public eye; often unknown to the public even by name; official reserve precludes the possibility of ascertaining what advice they give, and they are responsible only to the Minister himself. By what application of terms this can be called responsible government, and the joint government of your petitioners and the India Board an irresponsible government, your petitioners think it unnecessary to ask.

That, without knowing the plan on which Her Majesty's Ministers contemplate the transfer to the Crown of the servants of the Company, your petitioners find themselves unable to approach the delicate question of the Indian army, further than to point out that the high military qualities of the officers of that army have unquestionably sprung in a great degree from its being a principal and substantive army, holding Her Majesty's commissions and enjoying equal ranks with Her Majesty's officers and your petitioners would earnestly deprecate any change in that position.

That your petitioners, having regard to all these consi-

derations, humbly pray your Honourable House that you will not give your sanction to any change in the constitution of the Indian Government during the continuance of the present unhappy disturbances, nor without a full previous inquiry into the operations of the present system. And your petitioners further pray that this inquiry may extend to every department of Indian administration. Such an inquiry your petitioners respectfully claim, not only as a matter of justice to themselves, but because, when, for the first time in this century, the thoughts of every public man in this country are fixed on India, an enquiry would be more thorough, and its results would carry much more instruction to the mind of Parliament and of the country, than at any preceding period.

INDIA UNDER THE CROWN

GOVERNMENT OF INDIA BILL, 1858

I*

I rise to ask leave to introduce a Bill for transferring from the East India Company to the Crown the government of Her Majesty's East Indian dominions. In making that proposal I feel myself bound, in the first place, to say that I do not do it in any spirit of hostility to the East India Company, or as meaning thereby to imply any blame or censure upon the administration of India under the corporation. I believe the East India Company has done many good things in India. I believe that its administration has been attended with great advantage to the population under its rule. And it is not on the ground of any delinquency on the part of the Company, but on the ground of the inconvenience and injurious character of the existing arrangements, that I propose this measure to the House. It is perhaps one of the most extraordinary facts in the history of mankind that these British Islands should

*Speech of Lord Palmerston in the House of Commons, February 12, 1858.

In February, 1858, Lord Palmerston, who was then Prime Minister of England, introduced a Bill for transferring the government of India from the East India Company to the British Crown. Palmerston's Ministry resigned soon after the passing of the second reading of the Bill by a large majority. Lord Derby formed a Ministry, and the Chancellor of the Exchequer, Disraeli, introduced a new Bill for the government of India. As this Bill found no support, it was laid aside, and another Bill was introduced by the President of the Board of Control, Lord Stanley. This Bill eventually became the Act of 1858.

have acquired such an extensive dominion in a remote part of the globe as that which we exercise over the continent of India it is quite as remarkable, quite as singular, that a nation like this, in which the science of government is perhaps better understood than in any other, in which the principle of popular representation has so long been established, should have deliberately consigned to the care of a small body of commercial men the management of such extensive territories such vast interests, and such numerous populations But this country never designedly did any such thing. The existing state of things grew up gradually from a very small beginning. The original settlers began with a factory, the factory grew into a fort, the fort expanded to a district, and the district to a province. and then came collisions with less civilized neighbours, injuries to be resented, attacks to be repelled, and conflicts which always ended in victory and extension of territory. So, gradually, from one transaction to another, grew up that state of things in which the East India Company found itself invested with vast commercial privileges and with most important political functions. This state of things continued up to the year 1784, when there was an infusion of responsibility in respect of its political and administrative functions into the affairs of the Company by the establishment of the Board of Control. Matters went on under this new arrangement for a number of years, during which the Company continued, subject to a slight interference from the Board of Control, to discharge its political functions, and at the same time to exercise all its commercial rights. One would have imagined that in a country like this that first step would have been followed up; that before anything else was done the reflective British nation would have pursued the course inaugurated in 1784, and that, as the effect of the measure then adopted was to limit to a certain degree the political functions of the Company, the next step would have been to take them away altogether, and to leave the Company in its original position as a trading association. However, it happens that in this country commercial matters often attract more attention and excite deeper interest than political affairs, and the next step was, not to

meddle further with the political functions of the Company, but to take away all the commercial privileges which originally constituted the foundation of its existence. Accordingly, in the year 1833 the Company altogether ceased to be a commercial association, and became, one may say, but a phantom of its original body. It lost the commercial character for which it was originally founded, and continued to be merely a political instrument, by means of which the administration of India was carried on. Now, Sir, I venture to think that the arrangement so made was a most inconvenient and most cumbrous arrangement. The principle of our political system is that all administrative functions should be accompanied by Ministerial responsibility—responsibility to Parliament, responsibility to public opinion, responsibility to the Crown; but in this case the chief functions in the government of India are committed to a body not responsible to Parliament, not appointed by the Crown, but elected by persons who have no more connection with India than consists in the simple possession of so much India stock. I think that that of itself is a most objectionable arrangement What can be more cumbrous than the existing system of Indian administration which is called by the name of the “double government”? In the debates of 1853, when the last India Bill was passed, the right hon. gentlemen the Member for Buckinghamshire (Mr. Disraeli) asked who was the Government of India, and to whom he was to look as the authority responsible for the administration of that vast empire. Why, Sir, there is no responsibility, or rather there is a conflict of responsibility. The Directors possess a power paramount, as the right hon. gentleman said, to everything else, the power of recalling the Governor-General, by which any great system of policy may be at once interrupted. And they have this power, although the Governor-General must have been appointed by the Crown, and the appointment sanctioned by the Directors. The functions of Government and the responsibility have been divided between the Directors, the Board of Control, and the Governor-General in India; the Board of Control representing the Government of the day, responsible to this House, responsible to public opinion, appointed by the Crown, and exercising

functions delegated by it; the Court of Directors, elected by the gentlemen and ladies who happen to be holders of India stock, many of whom are totally ignorant of everything relating to Indian interests, and perhaps knowing nothing about Calcutta, Bombay, or Madras, except what they learn from the candidates for the Directorship as to the Presidency to which the cadetship is to belong which is promised in return for their votes. The Directors are undoubtedly, in general, men of great experience and knowledge of India, but they are elected by a body of persons who have no peculiar faculty for choosing persons qualified to govern a great Empire in the East. Then comes the Governor-General, invested with great, separate, and independent powers, and among these three authorities it is obvious that dispatch and unity of purpose can hardly by possibility exist . . . before a dispatch upon the most important matter can go out to India it has to oscillate between Cannon Row and the India House . . . it is proposed by one party, altered by the other, altered again by the first, and sent back to the other. The result in cases of material difference must necessarily be a middle term, satisfying the opinions of neither, unsatisfactory therefore to both, and probably less advantageous to the public service than the opinion of either would have been had it been entirely adopted. Therefore, I say that this system of check and counter-check may be carried too far. There is no doubt that certain checks are requisite in every political machine; but you may multiply your checks and counter-checks to such an extent that the functions of the machine, which are intended only to be controlled, are paralysed for every useful purpose. Then what, let me ask, is the position in which Her Majesty's Government stand in this House? When Indian questions are discussed, it is the constant habit of those who take part in the debate, criticising and impugning what has been done, to hold Her Majesty's Government responsible for everything that occurs. But Her Majesty's Government cannot be fairly answerable for things over which they have not a perfect control, and which they cannot entirely direct. It frequently happens, indeed, that the Govern-

ment of the day are made responsible for acts which were done without their consent, and probably in some cases much to their dissatisfaction . . . I say, then, it is most desirable that this complicated machine should be simplified and reduced in fact and form, to that which it is imagined to be, but which it practically is not . . . I say, then, that as far as regards the executive functions of the Indian Government at home, it is of the greatest importance to vest complete authority where the public have a right to think that complete responsibility should rest, and that, whereas in this country there can be but one governing body responsible to the Crown, to Parliament, and to public opinion, consisting of the constitutional advisers of the Crown for the time being, so it is in accordance with the principles and practice of our constitution, as it would be in accordance with the best interests of the nation, that India, with all its vast and important interests, should be placed under the direct authority of the Crown, to be governed in the name of the Crown by the responsible Ministers of the Crown sitting in Parliament, and responsible to Parliament and the public for every part of their public conduct; instead of being, as now, mainly administered by a set of gentlemen who, however respectable, however competent for the discharge of the functions entrusted to them, are yet a totally irresponsible body, whose views and acts are seldom known to the public, and whether known or unknown, whether approved or disapproved, unless one of the Directors happens to have a seat in the House, are out of the range of Parliamentary discussion. Again, as regards our interests in India, I may state at once that the Bill which I am about to propose to the House is confined entirely and solely to a change in the administrative organization at home, and that we do not intend to make any alteration in the existing arrangements in India. In fact, if Parliament were to adopt the measure which we are about to propose, the only difference, as far as India is concerned, would be, that the next dispatch would go out signed by the President and the Council for Indian affairs, instead of by the Court of Directors, and that the reply would be addressed to the President of the new Board, instead of to the Chairman of the body sitting in

Leadenhall Street. Now, I believe there can be no doubt that, so far as the impression on the minds of the people of India is concerned, the name of the sovereign of a great empire like this must be far more respected, far more calculated to produce moral and political impressions, than the name of a Company of merchants, however respectable and able they may be. We have to deal, in that country, with Princes, some ruling independently and some in a state of modified dependence upon us, and with feudal chiefs proud of their position, cherishing traditionary recollections of a wide empire, and of great sovereigns to whom their ancestors owed allegiance. How can we expect such men to feel any great respect for a mere company of merchants? The respect they feel, the allegiance they yield, would be increased ten-fold if the one were given and the other tendered to the sovereign of a great and mighty empire. I believe, in fact, that what gives force to the Company in India is not the fame or authority of the Company itself, but the knowledge which the people have that behind the Company, and strengthening it, is the power of the British empire, and that, although the ruler may be an officer of a commercial association in name, the real power which they have to look up to is the power of the sovereign of this great country. I am, therefore, satisfied that the transfer of the government of India to the Crown would, as far as its effect upon the people of India is concerned, be equivalent to a large reinforcement of troops; that the impression which would be produced would be most advantageous, and would tend to consolidate and strengthen the moral and political influence of England in these vast regions of the world.

. . . Will, then, any man pretend that a single Government at home will not be a much more effectual instrument for the purpose than a double government? Will any man pretend to tell me, that with a view to rapidity of discussion and execution, unity of purpose, and responsibility to the public, a government administered by the responsible advisers of the Crown would not be a far more efficient instrument for everything to be done here than the existing conflict of checks and counter-checks, the system of previous communications

and subsequent communications, of objections to a dispatch and its transfer by cabs from one part of the town to another, by which delay was created, so that a dispatch, which ought to go out to-morrow, might not go out for a month, or be ready until it was too late to send it out? Why, no reasonable man will venture to get up and tell the House that the present machine can be so effective and so powerful a machine for administration at home as the machine we propose to substitute for it. Will any man acquainted with India tell me that the name of the Company—which is now pretty well seen through by all the natives in India—can have half, or the tenth part of the powerful influence the name of the Crown would carry with it? I declare it is nonsense to say that the Indian chiefs would not feel ten times more respect for the Rajah of England than for the name of any unknown Company. Well, then, I say, if we look to England, the machine we propose to substitute is a much more powerful machine, and if we look to India it is a machine infinitely more influential than the existing one.

. . . However, we shall be told by some that . . . if we transfer the government to the Ministers responsible to Parliament, we shall have Indian affairs made the subject and plaything of party passions in this House, and that great mischief would arise therefrom . . . I do not think so ill of this House as to imagine that it would be disposed, for factious purposes, or for the momentary triumph of party, to trifle with the great interests of the country as connected with the administration of our Indian affairs . . . I own, with all respect for the Court of Directors, that I cannot bring myself to think that Parliament is less capable of wisely administering the great affairs of State in connection with India than the Court of Directors in Leadenhall Street. I am not afraid to trust Parliament with an insight into Indian affairs. I believe, on the contrary, that if things have not gone so fast in India as they might have done—if the progress of improvement has been somewhat slower than might have been expected, that effect has arisen from the circumstance that the public of England at large were wholly ignorant of Indian affairs, and

had turned away from them, being daunted by the complications they imagined them to be involved in; and because Parliament has never had face to face . . . men personally and entirely responsible for the administration of Indian affairs. No doubt a good deal has been done in the way of substantial improvement of late years, but that which has been done I venture to say has been entirely the result of debates in this and the other House of Parliament . . . Therefore, so far from being alarmed at the consequences which may arrive from bringing Indian affairs under the cognizance of Parliament, I believe that a great benefit to India, and through India to the British nation, will result therefrom. . . .

. . . Sir, I trust that Parliament will feel that great power is not given to nations without corresponding duties to be performed. We have, by an almost miraculous train of events, been entrusted with the care of the destinies of 150 to 160 millions of men—with the government, directly or indirectly, of a vast empire larger in extent than the whole face of Europe, putting the Russian empire out of the question. That is a task which involves great responsibility. Do not imagine that it is the intention of Providence that England should possess that vast empire, and that we should have in our hand the destinies of that vast multitude of men, simply that we may send out to India the sons of gentlemen or of the middle classes to make a decent fortune to live on. That power has been entrusted to us for other and better purposes; and, . . . I think it is the duty of this nation to use it in such a manner as to promote, as far as they can, the instruction, the enlightenment, and the civilization of those great populations which are now subject to our rule . . . We ought to . . . remember that we have a great duty to fulfil in India, and I am sure that that duty will be best discharged if we commit its performance to the hands of men who will be accountable to Parliament for their conduct, and who feel themselves bound to acquaint the public of this country, step by step, with arrangements which they make. . . .

II*

My Lords, I must, in the first place, observe that I think the title of the Bill is open to the objection of being somewhat infelicitous. It is not, as it purports to be, a Bill for the better Government of India. It is a Bill which will, I hope, tend to the better Government of India; but the Government of India must, as cannot be too often repeated, be on the whole carried on in India, and this Bill does not pretend to deal with all those complicated and difficult questions which will, no doubt, within the next few years, frequently engage the anxious consideration of Parliament and of the country. It does not pretend to deal with the revenue, with the finance, with the land regulations, with the condition of the natives, and the possibility of extending their admission into the public service after this unhappy revolt shall have been suppressed. It does not profess to deal with any of these grave and extensive questions; and although such questions will no doubt engage the attention of Parliament, at future periods, and although Parliament will doubtless feel it to be both its right and its duty to lay down broad principles of action with regard to most of them, I cannot help expressing my opinion that with regard to the details of the Government of India, the less interference there is on the part of Parliament the better prospect will there be of securing happiness and contentment of the people of India . . .

. . . I consider that the Government of the East India Company, both here and in India, has been marked by singular prudence and ability, and I should be very sorry if this Bill was considered—what it was represented to be at a meeting held at the India House yesterday—a Bill of Pains and Penalties against the Directors. It is nothing of the sort. I believe no men could have conducted business better under the system which they found in operation than the Directors of the East India Company have done. But

*Speech of Loed Derby in the House of Lords, July 15, 1858.

the complaints against the system itself, the encumbrances connected with its machinery, the delay which unavoidably attended the most important transactions, make it quite obvious that in any remodelling which may take place, India must be put on the same footing as the other possessions of the Crown, and be administered by a Minister responsible to Parliament. I may add that, in point of fact, the transfer of authority to the Crown is more nominal than real, because, although the Court of Directors have been in a position to exercise certain powers of obstruction and delay, I believe that, with the single exception of the power of recalling the Governor-General, there was no single act which they were enabled to perform without the assent of the President of the Board of Control. Not only does the President of the Board of Control possess the power of altering or of vetoing the instructions proposed by the Court of Directors, but he has the power, and it has been sometimes exercised, of sending out instructions diametrically opposed to those which the Court intended. There is a question whether the Court might not have interposed delay, and even persisted, until compelled by a mandamus; but in point of fact they have generally been obliged to yield to the suggestions of the President of the Board of Control. We all remember that my noble Friend below me (The Earl of Ellenborough), who has on various occasions been at the head of the Board of Control, told the Committee that when he was in office the Government of India was in his hands altogether. Upon the subject, then, of the transfer of the powers of the Court of Directors to a responsible Minister of the Crown, and of carrying on all business both here and in India in the name and by the direct authority of the Crown, there was no difference of opinion between the two parties into which the House of Commons was divided. Nor was there any difference of opinion on this point—that although it was expedient that the business should be conducted by a high Ministerial officer, . . . who should, like the holders of other offices in the Government, be appointed by the Crown and responsible to Parliament, yet, inasmuch as it is impossible to conceive that any person so appointed would have sufficient knowledge and

experience to discharge duties so various and so complicated as those connected with the administration of all the different provinces of India, it was necessary for the good Government of India to associate with the Minister a Council more or less numerous by whom he might be assisted and advised. It was with regard to the constitution of that Council that there existed the main difference of opinion between Her Majesty's late Government (Lord Palmerston's Ministry) and Her Majesty's present Government. Her Majesty's late Government proposed that the Council should consist of eight members who should each hold office for six years, all nominated by the Minister of the Crown, and two of whom should retire from office each alternate year. Now, the present Government was of opinion that, although in that manner the President of the Board of Control might surround himself with many able and experienced advisers, due provision was not made for securing to the Council that character of independence which was absolutely essential to the proper discharge of its functions. It was quite clear that when one-third of the members of the Board had been only recently appointed by the actual President of the Board, and another third would soon vacate their offices, and were hoping, perhaps to be re-appointed by the same Minister, there would be great temptation presented to the Council to defer, more than they ought to do, to that Minister, and to refrain from freely expressing their opinions. It was, moreover, the opinion of the members of the present Government that a Council of eight members would not be sufficiently numerous, having regard to the great extent of the duties which would have to be performed, and we thought that eighteen—the present number of the Directors—were not more than were required by the business of India. The Council of India, we thought, ought not to be—as the Directors may have been before—a screen between the Minister and Parliament, but a body of men well acquainted with the affairs of India, to give the Minister advice, which, on his own responsibility, he might be at liberty either to accept or reject. I have heard it said that, according to the peculiar character of the President of the Board of Control, the

Council, as proposed to be constituted, would be either his masters, his advisers, or his puppets. It must, no doubt, depend on the character and the self-reliance of the head of any great department how far he is influenced or controlled, how far he is guided, by those who fill permanent situations, and to what extent he is the master of his own department. For my part, I certainly hope and believe that the Council proposed by the Government under this Bill will be found neither the masters of the Secretary of State nor his puppets, but that they will prove that, which their qualifications prepare them to be, most valuable advisers to the Minister in all matters relating to India.

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. . . . The other point to which I wish to advert is the admission to the civil service of India As the law at present stands, all persons are admitted to that service after such examinations as shall from time to time be prescribed, and under such regulations as may be laid down by the Court of Directors and the President of the Board of Control. That power we now propose to transfer to the Secretary of State. But the Bill, as it stands at present, goes further, I think, than the justice of the case warrants; it gives to the principle of competitive examination that which it has never yet received—namely, the sanction of an Act of Parliament binding the hands of the Executive in all cases, and rendering compulsory a strict adherence to the principle, not of examination, but of competitive examination. It is my intention to move the omission from the clause of the words which render it necessary to the Government to admit candidates to the civil service in the order of their proficiency in the competitive examination, leaving the law as it stands with regard to admission to the Indian Civil Service, subject to such regulations as may be issued by the Secretary of State, with the approval of the Crown, and laid before Parliament.

THE GOVERNMENT OF INDIA ACT, 1858**(Extracts)**

*An Act for the Better Government of India,
August 2, 1858*

Whereas by the Government of India Act, 1853, the territories in the possession and under the Government of the East India Company were continued under such Government, in trust for Her Majesty, until Parliament should otherwise provide, subject to the provisions of that Act, and of other Acts of Parliament, and the property and rights in the said Act referred to are held by the said Company in trust for Her Majesty for the purpose of the said Government :

And whereas it is expedient that the said territories should be governed by and in the name of Her Majesty, Be it enacted

1. The Government of the territories now in the possession or under the Government of the East India Company, and all powers in relation to Government vested in, or exercised by, the said Company in trust for Her Majesty, shall cease to be vested in, or exercised by, the said Company;

and all territories in the possession or under the government of the said Company, and all rights vested in, or which if this Act had not been passed might have been exercised by the said Company in relation to any territories; shall become vested in Her Majesty, and be exercised in her name; and for the purposes of this Act India shall mean the territories vested in Her Majesty as aforesaid, and all territories which may become vested in Her Majesty by virtue of any such rights as aforesaid.

2. India shall be governed by and in the name of Her Majesty, and all rights in relation to any territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised by and in the name of Her Majesty as rights incidental to the government of

India; and all the territorial and other revenues of or arising in India and all tributes and other payments in respect of any territories which would have been receivable by or in the name of the said Company if this Act had not been passed, shall be received for and in the name of Her Majesty, and shall be applied and disposed of for the purposes of the Government of India alone, subject to the provisions of this Act.

3. Save as herein otherwise provided, one of Her Majesty's Principal Secretaries of State shall have and perform all such or the like powers and duties in anywise relating to the Government or revenues of India, and all such or the like powers over all officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the direction or with the sanction or approbation of the Commissioners for the Affairs of India in relation to such government or revenues, and the officers and servants of the said Company respectively, and all such powers as might have been exercised by the said Commissioners alone;

and any warrant or writing under Her Majesty's Royal Sign Manual, which by the Act of the session holden in the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners for the Affairs of India, shall in lieu of being so countersigned be countersigned by one of Her Majesty's Principal Secretaries of State.

* * *

6. In case Her Majesty be pleased to appoint a fifth Principal Secretary of State, there shall be paid out of the revenues of India to such Principal Secretary of State and to his Under-Secretaries respectively the like yearly salaries as may for the time being be paid to any other of such Secretaries of State and his Under-Secretaries respectively.

7. For the purposes of this Act a Council shall be established, to consist of fifteen members, and to be styled the Council of India; and henceforth the Council in India now

bearing that name shall be styled the Council of the Governor-General of India.

8. Within fourteen days after the passing of this Act the Court of Directors of the East India Company shall, from among the persons then being Director of the said Company or having been therefore such Directors, elect seven persons to be with the persons to be appointed by Her Majesty as hereinafter mentioned the first Members of the Council under this Act. . . .

9. Every vacancy happening from time to time among the Members of the Council appointed by Her Majesty, not being Members so appointed by reason of the refusal or neglect of the Court of Directors or the refusal to accept office hereinbefore mentioned, shall be filled up by Her Majesty, by Warrant under her Royal Sign Manual, and every other vacancy shall be filled up by the Council by election made at a meeting to be held for that purpose.

10. The major part of the persons to be elected by the Court of Directors, and the major part of the persons to be first appointed by Her Majesty after the passing of this Act to be members of the Council, shall be persons who shall have served or resided in India for ten years at the least, and (excepting in the case of late and present Directors and Officers on the Home establishment of the East India Company who shall have so served or resided), shall not have last left India more than ten years next preceding the date of their appointment; and no person other than a person so qualified shall be appointed or elected to fill any vacancy in the Council unless at the time of the appointment or election nine at the least of the continuing members of the Council be persons qualified as aforesaid.

11. Every member of the Council appointed or elected under this Act shall hold his office during good behaviour; provided that it shall be lawful for Her Majesty to remove any such member from his office upon an address of both Houses of Parliament.

12. No member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

13. There shall be paid to each member of the Council the yearly salary of one thousand two hundred pounds out of the revenues of India.

14. Any member of the Council may, by writing under his hand, which shall be recorded in the minutes of the Council, resign his office, and it shall be lawful for Her Majesty, by Warrant under her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any person who, having held the office of Member of the Council for the period of ten years or upwards, shall so resign by reason of infirmity disabling him from a due execution of the duties of the office, a retiring pension during life of five hundred pounds: provided that, if at any time hereafter it would appear to Parliament expedient to reduce the number or otherwise deal with the constitution of the said Council, no member of Council who has not served in his office for a period of ten years shall be entitled to claim any compensation for the loss of his office or for any alteration in the terms and conditions under which the same is held.

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19. The Council shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the government of India and the correspondence with India, but every order or communication sent to India shall be signed by one of the Principal Secretaries of State; and, save as expressly provided by this Act, every order in the United Kingdom in relation to the government of India under this Act shall be signed by such Secretary of State; and all despatches from Governments and Presidencies in India, and other despatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

20. It shall be lawful for the Secretary of State to divide

the Council into Committees for the more convenient transaction of business, and from time to time to rearrange such Committees, and to direct what departments of the business in relation to the Government of India under this Act shall be under such Committees respectively, and generally to direct the manner in which all such business shall be transacted.

21. The Secretary of State shall be the President of the Council, with power to vote; and it shall be lawful for such Secretary of State in Council to appoint from time to time any member of such Council to be Vice-President thereof; and any such Vice-President may at any time be removed by the Secretary of State.

22. All powers by this Act required to be exercised by the Secretary of State in Council, and all powers of the Council shall and may be exercised at meetings of such Council, at which not less than five members shall be present; and at every meeting the Secretary of State, or in his absence the Vice-President, if present, shall preside; and in the absence of the Secretary of State and Vice-President, one of the members of the Council present shall be chosen by the members present to preside at the meeting: and such Council may act notwithstanding any vacancy therein: meetings of the Council shall be convened and held when and as the Secretary of State shall from time to time direct: provided that one such meeting at least be held in every week.

23. At any meeting of the Council at which the Secretary of State is present, if there be difference of opinion on any question other than the question of the election of a Member of Council, or other than any question with regard to which a majority of the votes at a meeting is hereinafter declared to be necessary, the determination of the Secretary of State shall be final; and in case of an equality of votes at any meeting of the Council, the Secretary of State, if present, and in his absence the Vice President, or presiding member, shall have a casting vote; and all acts done at any meeting of the Council in the absence of the Secretary of State, except the

election of a Member of the Council, shall require the sanction or approval in writing of the Secretary of State; and in case of difference of any opinion on question decided at any meeting, the Secretary of State may require that his opinion and the reasons for the same be entered in the minutes of the proceedings, and any Member of the Council who may have been present at the meeting may require that his opinion, and any reasons for the same that he may have stated at the meeting, be entered in like manner.

24. Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom, by the Secretary of State under this Act, shall, unless the same has been submitted to a meeting of the Council, be placed in the Council room for the perusal of all members of the Council during seven days before the sending or making thereof, except in the cases hereinafter provided; and it shall be lawful for any member of the Council to record in a minute book to be kept for that purpose his opinion with respect to each such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State.

25. If a majority of the Council record as aforesaid their opinions against any act proposed to be done, the Secretary of State shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.

26. Provided that where it appears to the Secretary of State that the despatch of any communication or the making of any order, not being an order for which a majority of the votes at a meeting is hereby made necessary, is urgently required, the communication may be sent or order given notwithstanding the same may not have been submitted to a meeting of the Council or deposited for seven days as aforesaid, the urgent reasons for sending or making the same being recorded by the Secretary of State, and notice thereof being given to every member of the Council, except in the cases hereinafter mentioned.

27. Provided also, that any order, not being an order for which a majority of votes at a meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India, through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or to the Officers or servants of the said Company, may, after the commencement of this Act, be sent to such Governments or Presidencies, or to any officer or servant in India, by the Secretary of State without having been submitted to a meeting, or deposited for the perusal of the members of the Council, and without the reasons being recorded, or notice thereof given as aforesaid.

28. Any despatches to Great Britain which might, if this Act had not been passed, have been addressed to the Secret Committee of the Court of Directors, may be marked "secret" by the authority sending the same; and such despatches shall not be communicated to the Members of the Council, unless the Secretary of State shall so think fit and direct.

29. The appointments of Governor-General of India, fourth ordinary member of the Council of the Governor-General of India, and Governors of Presidencies in India, now made by the Court of Directors with the approbation of Her Majesty, and the appointments of Advocate-General for the several Presidencies now made with the approbation of the Commissioners for the Affairs of India, shall be made by Her Majesty by warrant under her Royal Sign Manual; the appointments of the ordinary members of the Council of the Governor-General of India, except the fourth ordinary member, and the appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council, with the concurrence of a majority of members present at a meeting; the appointments of the Lieutenant-Governors of provinces or territories shall be made by the Governor-General of India, subject to the approbation of Her Majesty; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively.

30. All appointments to offices, commands and employments in India, and all promotions, which by law or under any regulations, usage or custom, are now made by any authority in India, shall continue to be made in India by the like authority, and subject to the qualifications, conditions, and restrictions now affecting such appointments respectively; but the Secretary of State in Council, with the concurrence of a majority of Members present at a meeting, shall have the like power to make regulations for the division and distribution of patronage and power of nomination among the several authorities in India, and the like power of restoring to their stations, offices, or employments, officers and servants suspended or removed by any authority in India, as might have been exercised by the said Court of Directors, with the approbation of the Commissioners for the Affairs of India, as if this Act had not been passed.

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32. With all convenient speed after the passing of this Act Regulations shall be made by the Secretary of State in Council, with the advice and assistance of the Commissioners for the time being, acting in execution of Her Majesty's Order in Council of twenty-first May one thousand eight hundred and fifty-five for regulating the admission of persons to the Civil Service of the Crown, for admitting all persons being natural-born subjects of Her Majesty (and of such age and qualification as may be prescribed in this behalf) who may be desirous of becoming candidates for appointment to the Civil Service of India to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations, under the superintendence of the said last mentioned Commissioners or of the persons for the time being entrusted with the carrying out of such regulations as may be, from time to time, established by Her Majesty for examination, certificate, or other test of fitness in relation to appointments to junior situations in the Civil Service of the Crown; and the candidates who may be certified by the said Commissioners or other persons as aforesaid, to be entitled under such regulations, shall be

recommended for appointment according to the order of their proficiency as shown by such examinations; and such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council :

Provided always, that all regulations to be made by the said Secretary of State in Council under this Act shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting then, within fourteen days after the next meeting thereof.

33. All appointments to cadetships, naval and military, and all admissions to service not herein otherwise provided for, shall be vested in Her Majesty; and the names of persons to be from time to time recommended for such cadetships and service shall be submitted to Her Majesty by the Secretary of State.

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37. Save as hereinbefore provided, all powers of making regulations in relation to appointments and admissions to service and other matters connected therewith, and of altering or revoking such regulations, which, if this Act had not been passed, might have been exercised by the Court of Directors or Commissioners for the Affairs of India, may be exercised by the Secretary of State in Council; and all regulations in force at the time of the commencement of this Act in relation to the matters aforesaid shall remain in force. subject nevertheless to alteration or revocation by the Secretary of State in Council as aforesaid.

38. Any writing under the Royal Sign Manual, renewing or dismissing any person holding any office, employment, or commission, civil or military, in India, of which, if this Act had not been passed, a copy would have been required to be transmitted or delivered within eight days after being signed by Her Majesty to the Chairman or Deputy Chairman of the Court of Directors shall, in lieu thereof, be communicated within the time aforesaid to the Secretary of State in Council.

39. All lands and hereditaments, monies, stores, goods, chattel, and other real and personal estate of the said Company, subject to the debts and liabilities affecting the same respectively, and the benefit of all contracts, covenants and engagements, and all rights to fines, penalties, and forfeitures, and all other emoluments, which the said Company shall be seized or possessed of, or entitled to, at the time of the commencement of this Act, except the capital stock of the said Company and the dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the provisions of this Act, for the purposes of the government of India.

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41. The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council; and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council.

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53. The Secretary of State in Council shall, within the first fourteen days during which Parliament may be sitting, next after the first day of May in every year, lay before both Houses of Parliament an account for the financial year preceeding the last completed of the annual produce of the revenues of India, . . . and such account shall be accompanied by a statement prepared from detailed reports from each Presidency and district in India in such form as shall best exhibit the moral and material progress and condition of India in each such Presidency.

54. When any order is sent to India directing the actual commencement of hostilities by Her Majesty's forces in India, the fact of such order having been sent shall be communicated to both Houses of Parliament within three months after the sending of such order, if Parliament be sitting, unless such order shall have been in the mean time revoked or suspended, and, if Parliament be not sitting at the end of such three

months, then within one month after the next meeting of Parliament.

55. Except for preventing or repelling actual invasion of Her Majesty's Indian Possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by Her Majesty's forces charged upon such revenues.

56. The military and naval forces of the East India Company shall be deemed to be the Indian military and naval forces of Her Majesty . . . such forces, and all persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, laws of the Governor-General of India in Council, and articles of war, and all other laws, regulations, and provisions relating to the East India Company's military and naval forces respectively.

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63. In case the person who shall be entitled under any provisions for appointment to succeed to the office of Governor-General of India upon a vacancy therein, or who shall be appointed absolutely to assume the office, shall be in India (upon or after the happening of the vacancy, or upon or after the receipt of such absolute appointment, as the case may require), but shall be absent from Fort William in Bengal, or from the place where the Council of the Governor-General of India may then be, and it shall appear to him necessary to exercise the powers of Governor-General before he shall have taken his seat in Council, it shall be lawful for him to make known by proclamation his appointment and his intention to assume the said office of Governor-General; and after such proclamation, and thenceforth until he shall repair to Fort William or the place where the Council may assemble, it shall be lawful for him to exercise alone, all or any of the powers which might be exercised by the Governor-General in Council, except the power of making laws and regulations; and all acts done in the exercise of the said powers, except as aforesaid,

shall be of the same force and effect as if they had been done by the Governor-General in Council; provided that all acts done in the said Council after the date of such proclamation but before the communication thereof to such Council, shall be valid, subject nevertheless to revocation or alteration by the person who shall have so assumed the said office of Governor-General; and when the office of Governor General is assumed under the foregoing provision, if there be at any time before the Governor-General takes his seat in Council, no Vice-President of the Council authorised to preside at meetings for making laws and regulations (as provided by Section 22 of the Government of India Act, 1853), the senior ordinary member of Council therefore sent shall preside therein, with the same powers as if a Vice-President had been appointed and were absent.

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65. The Secretary of State in Council shall and may sue and be sued as well in India as in England by the name of the Secretary of State in Council as a body corporate; and all persons and bodies politic shall and may have and take the same suits, remedies and proceedings, legal and equitable, against the Secretary of State in Council of India as they could have done against the said Company; and the property and effects hereby vested in Her Majesty for the purposes of the Government of India, or acquired for the said purposes, shall be subject and liable to the same judgements and executions as they would, while vested in the said Company, have been liable to in respect of debts and liabilities lawfully contracted and incurred by the said Company.

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67. All treaties made by the said Company shall be binding on Her Majesty; and all contracts, covenants, liabilities and engagements of the said Company made, incurred or entered into before the commencement of this Act, may be enforced by and against the Secretary of State in Council in like manner and in the same Courts as they might have been by and against the said Company if this Act had not been passed.

68. Neither the Secretary of State nor any member of the

Council shall be personally liable in respect of any such contract, covenant, or engagement of the said Company as aforesaid, or in respect of any contract entered into under the authority of this Act, or other liability of the said Secretary of State or Secretary of State in Council in their official capacity; but all such liabilities, and all costs and damages in respect thereof, shall be satisfied and paid out of the revenue of India.

THE QUEEN'S PROCLAMATION*

(1 November, 1858)

Whereas, for diverse weighty reasons, we have resolved, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon Ourselves the government of the territories in India heretofore administered in trust for us by the Honourable East India Company :

Now, therefore, we do by these presents notify and declare that, by the Advice and consent aforesaid, we have taken upon Ourselves the said Government. . . .

And we ... do hereby constitute and appoint ... Viscount Canning, to be Our first Viceroy** and Governor-General

* This Proclamation was drafted, at the Queen's desire, by the Prime Minister, Lord Derby.

** The designation 'Viceroy' was used for the first time in the Queen's Proclamation. "The term Governor-General alone is always employed in the Acts both of the British Parliament and the Indian Legislature, in the Warrant of Appointment of the Governor-General and in the Notification of Appointment in the 'London Gazette.' On the other hand, the double title 'Viceroy and Governor-General, or 'Governor-General and Viceroy,' which was first employed by Queen Victoria in the Royal Proclamation of 1st November, 1858, . . . is used in the Warrants of Precedence and in the Statutes of the Knightly Orders. The distinction therefore is held to be that where the Governor-General is referred to as the statutory head of the Government of India he is designated as Governor-General : where he is regarded as representative of the Sovereign he is spoken of as Viceroy. The latter title however has no statutory sanction and is the result merely of usage and convention."

in and over Our said Territories and to administer the Government thereof in Our name, and generally to act in Our name, and on Our behalf, subject to such Orders and Regulations as he shall, from time to time, receive from Us through One of Our Principal Secretaries of State :

And we do hereby confirm in their several Offices, Civil and Military, all Persons now employed in the Services of the Honourable East India Company, subject to Our future pleasure, and to such Laws and Regulations as may hereafter be enacted.

We hereby announce to the Native Princes of India, that all Treaties and Engagements made with them by or under the authority of the Honourable East India Company are by Us accepted, and will be scrupulously maintained, and We look for the like observance on their part.

We desire no extension of our present territorial Possessions; and while We will permit no aggression upon Our Dominions or Our Rights to be attempted with impunity, We shall sanction no encroachment on those of others.

We shall respect the Rights, Dignity, and Honour of the Native Princes as Our own. . . .

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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, duly to discharge. . . .

POLICY OF ASSOCIATION

VICEROY LORD CANNING ON DISTRIBUTION
OF DEPARTMENTAL WORK

The fault of the present constitution of Council is the waste of labour and the delays that it entails. This has been mitigated of late, but not so much as it might be. It has arisen chiefly from the fact that the wording of the law and long usage appear to prescribe that every act of the Governor-General in Council beyond those of mere routine (and not always excepting these) must be done with the actual consideration and concurrence of all the Members of the Council. This tradition was not long ago broken through; but not without misgivings on the part of some Members of the Government as to whether they were not unduly divesting themselves of a responsibility fixed upon them. A division of departments has, however, to some extent taken place, and the result has been good.

I would recognise this division by law*, and I would carry it out more distinctly.

For this purpose the law should declare that it shall be in the power of the Governor-General to charge each Member of the Council with the direction of such department of the

*In his despatch of August 9, 1861, forwarding the Councils Act, 1861, Sir Charles Wood remarked, "I need hardly impress upon your Lordship the necessity of caution in framing the rules and orders, so as not to exceed the limit of the discretion conferred upon the Governor-General by the Section of this Act (*i.e.*, Section 8 of the Indian Councils Act). The object to be kept in view is the *more convenient transaction of business*. There is nothing in the provision of a nature to detract from the authority or responsibility of the Governor-General or the Council."

Government as he may think fit; and that, subject to any regulations which the Governor-General in Council may lay down, the orders of that Member of the Council should in such department be held to be the orders of the Governor-General in Council.

It is not possible, or desirable, to define by law what questions should be submitted to the whole Council. Subjects constantly arise upon which it is quite right that a Member of the Council should consult the Governor-General, but which it would be a waste of time to bring before every Member of the Council. The practice should be regulated as in the English Cabinet by good understanding and common sense, and by the paramount authority of the head of the Government.

There is no fear that any important questions would be kept from the consideration of the whole Council by such a change.

The change would certainly not diminish the dignity and weight which should attach to a seat in the Governor-General's Council.

SIR CHARLES WOOD'S SPEECH ON THE INDIAN COUNCILS BILL, 1861*

I rise to move for leave to bring in a Bill of the greatest possible importance to our Indian Empire. It modifies to a great extent the Executive Government, and—what is of still greater importance—it alters the means and manner of legislation. I can assure the House that I never felt more responsibility than in venturing to submit to it a proposal of so important and grave a character. It is hardly necessary for me to mention that the power of legislating for 150,000,000 of people, and nearly 50,000,000 whose welfare it indirectly affects, is a matter of the gravest importance, and I am quite sure that to those who have ever studied India; the inherent difficulties of

*Speech of the Secretary of State for India in the House of Commons, June 6, 1861.

the question will be no less apparent. We have to legislate for different races, with different languages, religions, manners, and customs, ranging from the bigoted Mahomedan, who considers that we have usurped his legitimate position as the ruler of India, to the timid Hindoo, who, though bowing to every conqueror, is bigotedly attached to his caste, his religion, his laws, and his customs, which have descended to him uninterruptedly for countless generations. But, added to that, we have English settlers in India differing in almost every respect from the Native population, active, energetic, enterprising, with all the pride of race and conquest, presuming on their superior powers, and looking down in many respects, and I am afraid, violating in others, the feelings and prejudices of the Native population with whom, nevertheless, they must be subject to laws passed by the legislative body in India.

I have always thought that the gravest question in modern times is the relation between civilized and less civilized nations, or between civilized portions and less civilized portions of nations, when they come in contact. The difficulty is seen in America, in Africa, in New Zealand, but nowhere in the widely extended dominions of Her Majesty has it reached such a magnitude as in India. And in this particular case the difficulty is aggravated by the circumstance that the English, who form a portion of those who are to be subjected to this legislation, are not a permanent body. They go there for a time. Officials, when their term of service has expired, and persons engaged in commercial or agricultural pursuits, when they have made a fortune, return to this country, and though the English element in India is permanent as belonging to a nation, it is most transitory when we come to consider the individual who compose it. Such are the circumstances under which we are to legislate, and I regret to say that the recent mutiny has aggravated these difficulties. The unlimited confidence which a few years ago was felt by the European population in the Natives of India has given way to feelings of distrust. Formerly there was, at all events, no feeling of antagonism between the higher portion of official persons and the great mass of the population. The latter looked up to the Government as to a protector, and if

any feeling of antagonism or jealousy existed, it existed only between them and those members of the service or the English settlers who were brought into an antagonistic contact with them. When I heard some time ago that the feeling of antagonism was extending itself lower among the Natives and higher among the officers, I deeply regretted it, as the most alarming symptom of altered circumstances, which must obviously tend to increase the dangers of our position. I do not wish to dwell on this matter, but it would be folly to shut our eyes to the increasing difficulties of our position of India, and it is an additional reason why we should make the earliest endeavour to put all our institutions on the soundest possible foundations.

It is notoriously difficult for any European to make itself intimately acquainted with either the feelings or opinions of the Native population.....Many of the greater mistakes into which we have been led have arisen from the circumstances that we have been, not unnaturally, perhaps, trying for arranging everything according to English ideas. In Bengal we converted the collectors of taxes into the permanent landowners of the country, and left the ryots to their mercy. In Madras, Sir Thomas Munro, from the most benevolent motives, and avoid the evils of the Bengal settlement, introduced the ryotwary system. It is now asserted that a more impoverished population than that of Madras does not exist. When I was at the Board of Control it was said that the system of the North-Western Provinces was perfect. Its consequence of that opinion it was introduced into the newly acquired province of Oudh. We fancied that we were benefiting the population, and relieving them from the oppression of their chiefs, but in the rebellion the ryots of Oudh took part against us and joined their chiefs in the rebellion. Subsequent to the rebellion the Indian Government, profiting by the circumstance, reverted to the old system in Oudh, the happily with the greatest success.....

The House can hardly be aware of the extra-ordinary and inherent difficulties in devising a system applicable to the whole of India. It behoves us to be most careful, as a rash step may

lead to most dangerous consequences. It is easy to go forward. It is difficult to go back, and I confess I am disposed to err on the side of caution and to profit by the warning of one of the ablest Indian officers, Mountsutart Elphinstone, who said, "Legislation for India should be well considered, gradual, and slow."

The measure which I propose to introduce will effect some changes in the Executive Government of India.....

There can be no doubt that the Council of the Governor-General has suffered serious inconvenience from the absence of any Member thoroughly acquainted with the laws and principles of jurisprudence; and Lord Canning, in one of his despatches, points out how desirable it is that a gentleman of the legal profession, a jurist rather than a technical lawyer, should be added to the Council. I propose, therefore, to take powers to send out an additional member of Council. Although it is not so specified, it is intended that he should be a lawyer, and I must endeavour to find a man of high character and attainments, competent to assist the Governor-General and his Council in framing laws.

The main change proposed is, however, in the mode in which laws and regulations are enacted. The history of legislative power in India is very short. In 1773, the Governor-General in Council was empowered to make regulations for the government of India, and in 1793, those regulations were collected into a code by Lord Cornwallis. Similar regulations were applied in 1799 and 1801 to Madras and Bombay, and in 1803 they were extended to the North-West Provinces. The territory of Delhi, however, which was nominally under the sovereignty of the Great Mogul, was administered by officers of the Government of India and with such good effect that in 1815, when Lord Hastings acquired certain provinces, he determined that they should be administered in the same way by Commissioners appointed by the Government. The same system has been applied to the Punjab, Sind, Pegu, and the various acquisitions made in India since that date. The laws and regulations under which they

are administered are framed either by the Governor-General in Council or by the Lieutenant-Governors or Commissioners, as the case may be, and approved by the Governor-General. This difficult mode of passing ordinances for the two classes of provinces constitutes the distinction between the regulation and the non-regulation provinces, the former being those subject to the old regulations, and the latter those which are administered in the somewhat irregular manner which, as I have stated, commenced in 1815. There is much difference of opinion as to the legality of the regulations adopted under the latter system, and Sir Barnes Peacock has declared that they are illegal unless passed by the Legislative Council. The Act of 1833 added to the Council of the Governor-General a member whose presence was necessary for the passing of all legislative measures, and put the whole of the then territory of India under that body, at the same time withdrawing from Madras and Bombay the power of making regulations. Thus the whole legislative power and authority of India were centralized in the Governor-General and Council, with this additional member. So matters stood in 1853, but great complaints had emanated from other parts of India of the centralization of power at Calcutta. The practice was then introduced of placing in the Governor-General's Council members from different parts of India. The tenor of the evidence given before the Committee of 1852-53 was to point out that the Executive Council alone, even with the assistance of the legislative member, was incompetent to perform the increased duties which were created by the extension of territory.....

In consequence of the general evidence to that effect, I proposed, in 1853, a measure adding to the Council of the Governor-General, when sitting to make laws and regulations, members from the different provinces of India, together with the Chief Justice and another Judge of the Supreme Court of Bengal. My intention was, in accordance with the opinions I have cited, to give to the Council the assistance of local knowledge and legal experience in framing laws.

The Council, however, quite contrary to my intention, has

become a sort of debating society, or petty parliament. My own views of its duties is expressed in a letter I wrote to Lord Dalhousie in 1853, in which I said: "I expect the non-official members of your enlarged Legislative Council to be constantly employed as a Committee of Council in working at Calcutta, on the revision of your laws and regulations." It was certainly a great mistake that a body of twelve members should have been established with all the forms and functions of a parliament. They have standing orders nearly as numerous as we have; and their effect has been, as Lord Canning stated in one of his despatches, to impede business, cause delay, and to induce a Council, which ought to be regarded as a body for doing practical work, to assume the debating functions of a parliamentthe objects of the change in the position of the Governor-General's Council, when sitting for legislative purposes, have been most completely fulfilled.....but I think that the general opinion, both in India and England, condemned the action of the Council when it attempted to discharge functions other than those which I have mentioned—when it constituted itself a body for the redress of grievances, and engaged in discussions which led to no practical result. So much has this struck those most competent to form an opinion, that I find that the first Vice-President, Sir Laurence Peel, expresses a very decided opinion against it, and says of the Council, in a short memorandum :

"It has no jurisdiction in the nature of that of a grand inquest of the nation. Its functions are purely legislative, and are limited even in that respect. It is not an Anglo-Indian House of Commons for the redress of grievances, to refuse supplies, and so forth."

These obvious objections were pointed out to me by the Government of India last year, and it was my intention to have introduced a measure upon the subject in the course of that Session. I felt, however, so much difficulty in deciding in what shape the measure should be framed, that I deferred its proposal until the present year; and Lord Canning who was very anxious that such a measure should be passed, consented

to defer his departure from India in order that he, with his great experience of that country, might introduce the change. The present constitution of the Council for legislative purposes have failed, we have naturally to consider what should be substituted and in doing so we must advert to the two extreme notions with regard to legislation which prevail in India. The notion of legislation which is entertained by a Native is that of the chief or sovereign, who makes what laws he pleases. He has little or no idea of any distinction between the executive and legislative functions of Government. A Native chief will assemble his nobles around him in the Durbar, where they freely and frankly express their opinions; but having informed himself by their communications, he determines by his own will they shall be done. Among the various proposals which have been made for the government of India is one that the power of legislation should rest entirely on the Executive, but that there should be a consultative body: that is, that the Governor-General should assemble, from time to time, a considerable number of persons, whose opinions he should hear, but by whose opinions he should not be bound; and that he should himself consider and decide what measures should be adopted. In the last Session of Parliament Lord Ellenborough developed a scheme approaching this in character in the House of Lords; but.....Lord Canning considers this impossible and all the Members of his Government, as well as the Members of the India Council, concur in the opinion that, in the present state of feeling in India, it is quite impossible to revert to a state of things in which the Executive Government alone legislated for the country. The opposite extreme is the desire which is natural to Englishmen wherever they be that they should have a representative body to make the laws by which they are to be governed. I am sure, however, that everyone who considers the condition of India will see that it is utterly impossible to constitute such a body in that country. You cannot possibly assemble at any one place in India persons who shall be the real representatives of the various classes of the Native population of that empire. It is quite true that when you diminish the area over which legislation is to extend, you diminish the difficulty of such a plan. In Ceylon, which is not

more extensive than a large collectorate in India, you have a legislative body consisting partly of Englishmen and partly of Natives, and I do not know that that Government has worked unsuccessfully; but with the extended area with which we have to deal in India, it would be physically impossible to constitute such a body. The Natives who are resident in the town no more represent the resident Native population than a highly educated Native of London, at the present day, represents a highland chieftain or a feudal baron of half a dozen centuries ago. To talk of a Native representation is, therefore, to talk of that which is simply and utterly impossible. Then comes the question to what extent we can have a representation of the English settlers in India. No doubt, it would not be difficult to obtain a representation of their interests, but I must say that of all governing or legislative bodies, none is so dangerous or so mischievous as one which represents a dominant race ruling over an extended Native population. All experience teaches us that where a dominant race rules another, the mildest form of Government is a despotism. It was so in the case of the democratic republics of Greece and the more aristocratic or autocratic sway of Rome; and it has been so, I believe, at all times and among all nations in every part of the world.

...I cannot, therefore, consent to create a powerful body of such a character. It must be remembered, also, that the Natives do not distinguish very clearly between the acts of the Government itself and the acts of those apparently constitute it, namely, the members of the Legislative Council, and in one of Lord Canning's despatches he points out the mischiefs which have on that account arisen from publicity. He says that.....if publicity is to continue, care must be taken to prevent the Natives confounding the measures which are adopted with injudicious speeches which may be made in the Legislative Council.

The despatches of Lord Canning contain pretty full details of the scheme which he would recommend. Those despatches have been long under the consideration of the Council of India, and with their concurrence I have framed a measure which em-

bodies the leading suggestions of Lord Canning. I propose that when the Governor-General's Council meets for the purpose of making laws and regulations, the Governor-General should summon, in addition to the ordinary members of the Council, not less than six nor more than twelve additional members, of whom one-half at least shall not hold office under Government. These additional members may be either Europeans, persons of European extraction, or Natives. Lord Canning strongly recommends that the Council should hold its meetings in different parts of India. for the purpose of obtaining at times the assistance of those Native chiefs and noblemen whose attendance at Calcutta would be impossible or irksome to themselves. I do not propose that the judges ex-officio shall have seats in the Legislature ; but I do not preclude the Governor-General from summoning one of their number if he chooses. They were useful members of a body meeting as a committee for the purpose of discussing and framing laws, but I think it is inexpedient and incompatible with their functions that they should belong to a body partaking in any degree of a popular character. I propose that the persons nominated should attend all meetings held within a year. If you compel their attendance for a longer period you render it very unlikely that any Natives, except those resident upon the spot, will attend the meetings of the Council. This also is recommended by Lord Canning. Hon. Gentlemen will have noticed the great success which has attended the association with us of the Talookdars of Oudh and of the Sirdars in the Punjab in the duties of administering the revenue and Lord Canning has borne testimony to the admirable manner in which they have performed their duties. I believe greater advantages will result from admitting the Native chiefs to co-operate with us for legislative purposes; they will no longer feel, as they have hitherto done, that they are excluded from the management of affairs in their own country, and nothing, I am persuaded, will tend more to conciliate to our rule the minds of Natives of high rank. I have no intention of doing anything} to make this Council a debating society. I wish, to quote an expression of Sir Laurence Peel, to render them a body for making laws. The Council of the Governor-

General, with these additional members, will have power to pass laws and regulations affecting the whole of India and will have a supreme and concurrent power with the minor legislative bodies which I propose to establish in the Presidencies and in other parts of India. I come now to the power of making laws which I propose to give the Governors and Councils of the other Presidencies. Lord Canning strongly feels that, although great benefits have resulted from the introduction of members into his Council who possess a knowledge of localities the interests of which differ widely in different parts of the country, the change has not been sufficient, in the first place, to overcome the feeling which the other Presidencies entertain against being overridden, as they call it, by the Bengal Council, or, on the other hand, to overcome the disadvantages of having a body legislating for these Presidencies without acquaintance with local wants and necessities. This must obviously be possessed to a much greater extent by those residing on and nearer the spot. And therefore, I propose to restore, I may say, to the Presidencies of Madras and Bombay the power of passing laws and enactments on local subjects within their own territories, and that the Governor of the Presidency, in the same manner as the Governor-General, when his Council meets to make laws, shall summon a certain number of additional members, to be, as before, either European or Native, and one-half of whom at least shall not be office-holders. It is obviously necessary that these bodies should not be empowered to legislate on subjects which I may call of Indian rather than of local importance. The Indian debt, the Customs of the Country, the army of India and other matters, into the details of which it is not necessary that I should enter, belong to a class of subjects which the local legislature will be prohibited from entering upon without the sanction of the Governor-General. I propose that Councils rather differently constituted should be established at Bengal, and, if the Governor-General thinks right, as he obviously does from his despatches, that he shall be empowered hereafter—but not without the sanction of the Secretary of State—to create a Council for the North-West Provinces, or the Punjab, or any other part of India which he may think desirable. It has been represented that the province of Pegu might, perhaps, be consti-

tuted into a separate Government with a Council. I somewhat doubt whether it is at present ripe for such a change; but when it has acquired sufficient importance, no doubt the district will be better administered in that way that it is at present. By this means, while we shall attain a general uniformity of legislation, with a sufficient diversity for the differences of each part of India, we shall, I hope, adapt the system to the wants of particular localities. It is quite clear that the public works may be better dealt with by local bodies than by a central authority; but as each district might be disposed to repudiate liability to maintain its share of the army, on the ground that it would not be first exposed to danger, and as it is highly desirable that the distribution of troops should be in the hands of the central authority, I think that the army, among others, is a subject which should be left to the general Council. The Bill also gives power to the Governor-General in cases of emergency to pass an ordinance having the force of law for a limited period. Questions might arise about the Arms Act, or the press, as to which it would be very injudicious that delay should occur; and we, therefore, propose to empower the Governor-General on his own authority to pass an ordinance having the force of law, to continue for a period of six months, unless disallowed by the Secretary of State or superseded by an Act of the Legislature.

INDIAN COUNCILS ACT OF 1861 (EXTRACTS)

An act to make better provision for the Constitution of the Council of the Governor-General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the event of a vacancy in the office of Governor-General. (1 August, 1861)

Whereas it is expedient that the provisions of former Acts of Parliament respecting the constitution and functions of the Council of the Governor-General of India should be consolidated and in certain respects amended, and that power should be

given to the Governors in Council of the Presidencies of Fort Saint George and Bombay to make laws and regulations for the Government of the said Presidencies, and that provision should be made for constituting the like authority in other parts of Her Majesty's Indian dominions: Be it therefore declared and enacted..... as follows :

3. There shall be five ordinary members of the said Council of the Governor-General, three of whom shall from time to time be appointed by the Secretary of State for India in Council, with the concurrence of a majority of members present at a meeting, from among such persons as shall have been, at the time of such appointment, in the service in India of the Crown, or of the Company and the Crown, for at least ten years; and if the person so appointed shall be in the military service of the Crown, he shall not, during his continuance in office as a member of Council, hold any military command, or be employed in actual military duties; and the remaining two, one of whom shall be a barrister or a member of the Faculty of advocates in Scotland of not less than five years' standing, shall be appointed from time to time by Her Majesty by warrant under her Royal Sign Manual ; and it shall be lawful for the Secretary of State in Council to appoint the Commander-in-Chief of Her Majesty's Forces in India to be an extraordinary member of the said Council, and such extraordinary member of Council shall have rank and precedence at the Council Board next after the Governor-General.

4. The present ordinary members of the Council of the Governor-General of India shall continue to be ordinary members under and for the purposes of this Act; and it shall be lawful for Her Majesty, on the passing of this Act, to appoint by warrant as aforesaid an ordinary member of Council, to complete the number of five hereby established; and there shall be paid to such ordinary member, and to all other ordinary member who may be hereafter appointed, such amount of salary as may from time to time be fixed for members of the Council of the Governor-General by the Secretary of State in

Council, with the concurrence of a majority of members of Council present at a meeting; and all enactments of any Act of Parliament or law of India respecting the Council of the Governor-General of India and the members thereof shall be held to apply to the said Council as constituted by this Act, except so far as they are repealed by or are repugnant to any provisions of this Act.

5. It shall be lawful for the Secretary of State in Council with the concurrence of a majority of members present at a meeting, and for Her Majesty, by warrant as aforesaid, respectively, to appoint any person provisionally to succeed to the office of ordinary member of the Council of the Governor-General, when the same shall become vacant by the death or resignation of the person holding the said office, or on his departure from India with intent to return to Europe, or on any event and contingency expressed in any such provisional appointment, and such appointment again to revoke; but no person so appointed to succeed provisionally to such office shall be entitled to any authority, salary, or emolument appertaining thereto until he shall be in the actual possession of such office.

6. Whenever the said Governor-General in Council shall declare that it is expedient that the said Governor-General should visit any part of India unaccompanied by his Council, it shall be lawful for the said Governor-General in Council, previously to the departure of the said Governor-General, to nominate some member of the said Council to the President of the said Council, in whom, during the time of such visit, the powers of the said Governor-General in assemblies of the said Council shall be reposed, except that of assenting to or withholding his assent from, or reserving for the signification of Her Majesty's pleasure, any law or regulation, as hereinafter provided; and it shall be lawful in every such case for the said Governor-General in Council, by an order for that purpose to be made, to authorize the Governor-General alone to exercise all or any of the powers which might be exercised by the said Governor-General in Council in every case in which

the said Governor-General may think it expedient to exercise the same, except the power of making laws or regulations.

7. Whenever the Governor-General, or such President so nominated as aforesaid, shall be obliged to absent himself from any meeting of Council (other than meetings for the purpose of making laws and regulations, as hereinafter provided), owing to indisposition or any other cause whatsoever, and shall signify his intended absence to the Council, then and in every such case the senior members for the time being who shall be present at such meeting, shall preside thereat, in such manner, and with such full powers and authorities during the time of such meeting, as such Governor-General or President would have had in case he had been present at such meeting: provided always that no act of Council made at any such meeting shall be valid to any effect whatsoever unless the same shall be signed by such Governor-General or President respectively, if such Governor-General or President shall at the time be resident at the place at which such meeting shall be assembled, and shall not be prevented by such indisposition from signing the same: provided always that in case such Governor-General or President, not being so prevented as aforesaid, shall decline or refuse to sign such act of Council, he, and the several members of Council who shall have signed the same, shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner and subject to such regulations and ultimate responsibility as are by an Act of the thirty-third year of King George the Third chapter fifty-two, sections forty-seven, forty-eight, forty-nine, fifty, fifty-one, provided and described in case where such Governor-General shall, when present, dissent from any measure proposed or agitated in the Council.

8. It shall be lawful for the Governor-General from time to time to make rules and orders for the more convenient transaction of business in the said Council; and any order made or act done in accordance with such rules and orders

(except as hereinafter provided respecting laws and regulations) shall be deemed to be the order or act of the Governor-General in Council.

9. The said Council shall from time to time assemble at such place or places as shall be appointed by the Governor-General in Council within the territories of India; and as often as the said Council shall assemble within either of the Presidencies of Fort Saint George or Bombay, the Governor of such Presidency shall act as an extraordinary member of Council; and as often as the said Council shall assemble within any other division, province, or territory having a Lieutenant-Governor, such Lieutenant Governor shall act as an additional councillor at meetings of the Council, for the purpose of making laws and regulations only, in manner hereinafter provided.

10. For the better exercise of the power of making laws and regulations vested in the Governor-General in Council, the Governor-General shall nominate, in addition to the ordinary and extraordinary members above mentioned, and to such Lieutenant-Governor in the case aforesaid, such persons, not less than six nor more than twelve in number, as to him may seem expedient, to be members of Council for the purpose of making laws and regulations only, and such persons shall not be entitled to sit or vote at any meeting of Council, except at meetings held for such purpose ; provided that not less than one-half of the persons so nominated, shall be non-official persons, that is, persons who, at the date of such nomination, shall not be in the civil or military service of the Crown in India, and that the seat in Council of any non-official member accepting office under the Crown of India shall be vacated on such acceptance.

11. Every additional member of Council so nominated shall be summoned to all meetings held for the purpose of making laws and regulations, for the term of two years from the date of such nomination.

12. It shall be lawful for any such additional member of

Council to resign his office to the Governor-General and on acceptance of such resignation by the Governor-General such office shall become vacant.

13. On the event of a vacancy occurring by the death, acceptance of office, or resignation accepted in manner aforesaid, of any such additional member of Council, it shall be lawful for the Governor-General to nominate any person as additional member of Council in his place, who shall exercise the same functions until the termination of the term for which the additional member so dying, accepting office, or resigning was nominated : provided always, that it shall not be lawful for him by such nomination to diminish the proportion of non-official additional members hereinafter directed to be nominated.

14. No law or regulation made by the Governor-General in Council in accordance with the provisions of this Act shall be deemed invalid by reason only that the proportion of non-official additional members hereby provided was not complete at the date of its introduction to the Council of its enactment.

15. In the absence of the Governor-General and of the President nominated as aforesaid, the senior ordinary member of the Council present shall preside at meetings of the Council for making laws and regulations; and the power of making laws and regulations vested in the Governor-General in Council shall be exercised only at meetings of the said Council at which such Governor-General or President, or some ordinary member of Council, and six or more members of the said Council (including under the term 'members of the Council' such additional members as aforesaid), shall be present; and in every case of difference of opinion at meetings of the said Council for making laws and regulations, where there shall be an equality of voices, the Governor-General, or in his absence the President, and in the absence of the Governor-General and President, such senior ordinary member of Council there presiding, shall have two votes or the casting vote.

17. It shall be lawful for the Governor-General in Council from time to time to appoint all other times and places of meeting of the Council for the purpose of making laws and regulations under the provisions of this Act, and to adjourn, or from time to time to authorize such President, or senior ordinary member of Council in his absence, to adjourn any meeting for the purpose of making laws and regulations from time to time and from place to place.

18. It shall be lawful for the Governor-General in Council to make rules for the conduct of business at meetings of the Council for the purpose of making law and regulations under the provisions of this Act, prior to the first of such meetings; but such rules may be subsequently amended at meetings for the purpose of making laws or regulations, subject to the assent of the Governor-General; and such rules shall prescribe the mode of promulgation and authentication of such laws and regulations: provided always, that it shall be lawful for the Secretary of State in Council to disallow any such rule, and to render it of no effect.

19. No business shall be transacted at any meeting for the purpose of making laws and regulations, except as last hereinbefore provided, other than the consideration and enactment of measures introduced into the Council for the purpose of such enactment ; and it shall not be lawful for any member or additional member to make or for the Council to entertain any motion, unless such motion be for leave to introduce some measures as aforesaid into Council, or have reference to some measure actually introduced thereinto : provided always, that it shall not be lawful for any member or additional member to introduce, without the previous sanction of the Governor-General, any measure affecting,—

- (i) The Public Debt or public revenues of India, or by which any charge would be imposed on such revenues :
- (ii) The religion or religious rights and usages of any class of Her Majesty's subjects in India :

- (iii) The discipline or maintenance of any part of Her Majesty's Military or Naval Forces :
- (iv) The relations of the Government with foreign princes or states.

20. When any law or regulation has been made by the Council at a meeting for the purpose of making laws and regulations as aforesaid, it shall be lawful for the Governor-General, whether he shall or shall not have been present in Council of the making thereof, to declare that he assents to the same or that he withholds his assents to the same, or that he reserves the same for the signification of the pleasure of Her Majesty thereon; and no such law or regulation shall have validity until the Governor-General shall have declared his assent to the same, or until (in the case of a law or regulation so reserved as aforesaid) Her Majesty shall have signified her assent to the same to the Governor-General, through the Secretary of State for India in Council, and such assent shall have been duly proclaimed by the said Governor-General.

21. Whenever any such law or regulation has been assented to by the Governor-General, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, her disallowance shall make void and annul such law from or after the day on which the Governor-General shall make known, by proclamation or by signification to his Council, that he has received the notification of such disallowance by Her Majesty.

22. The Governor-General in Council shall have power at meetings for the purpose of making laws and regulations as aforesaid, and subject to the provisions herein contained, to make laws and regulations for repealing, amending, or altering any laws or regulations whatever, now in force or hereafter to be in force in the Indian territories now (or hereafter) under the dominion of Her Majesty, and to make laws and regulations for all persons, whether British or Native, foreigners or others, and for all courts of justice whatever, and for all places and

things whatever within the said territories, and for all servants of the Government of India within the dominions of princes and states in alliance with Her Majesty; and the laws and regulations so to be made by the Governor-General in Council shall control and supersede any laws and regulations in any wise repugnant thereto which shall have been made prior thereto by the Governors of the Presidencies of Fort St. George and Bombay respectively in Council, or the Governor or Lieutenant-Governor in Council of any Presidency or other territory for which a Council may be appointed, with power to make laws and regulations, under and by virtue of this Act : provided always, that the said Governor-General in Council shall not have the power making any laws or regulations which shall repeal or in any way affect any of the provisions of this Act :

Or any of the provisions of the Acts of the third and fourth years of King William the Fourth, chapter eighty-five, and of the sixteenth and seventeenth years of Her Majesty, chapter ninety-five, and of the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, which after the passing of this Act shall remain in force :

Or any provisions of the Act of the twenty-first and twenty-second years of Her Majesty, chapter one hundred and six, entitled, "An Act for the Better Government of India"; or of the Act of the twenty-second and twenty-third years of Her Majesty, chapter forty-one, to amend the same :

Or of any Act enabling the Secretary of State in Council to raise money in the United Kingdom for the Government of India :

Or of the Acts for punishing mutiny and desertion in Her Majesty's Army or in Her Majesty's Indian Forces respectively, but subject to the provision contained in the Act of the third and fourth years of King William the Fourth, chapter eighty-five, section seventy-three, respecting the Indian Articles of War :

Or any provisions of any Act passed in this present session

of Parliament, or hereafter to be passed, in any wise affecting Her Majesty's Indian territories, or the inhabitants thereof :

Or which may affect the authority of Parliament, or the constitution and rights of the East India Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the Crown over any part of the said territories.

23. Notwithstanding anything in this Act contained, it shall be lawful for the Governor-General, in cases of emergency, to make and promulgate, from time to time, ordinances for the peace and good Government of the said territories or of any part thereof, subject, however, to the restrictions contained in the last preceding section; and every such ordinance shall have like force of law or regulation made by the Governor-General in Council, as by this Act provided, for the space of not more than six months from its promulgation, unless the disallowance of such ordinance by Her Majesty shall be earlier signified to the Governor-General by the Secretary of State for India in Council, or unless such ordinance shall be controlled or superseded by some law or regulation made by the Governor-General in Council at a meeting for the purpose of making laws and regulations as by this Act provided.

24. No law or regulation made by the Governor-General in Council (subject to the power of disallowance by the Crown, as hereinbefore provided), shall be deemed invalid by reason only that it affects the prerogative of the Crown.

25. Whereas doubts have been entertained whether the Governor-General of India, or the Governor-General of India in Council, had the power of making rules, laws, and regulations for the territories known from time to time as "Non-Regulation Provinces," except at meetings for making laws and regulations in conformity with the provisions of the said Acts of the third and fourth years of King William the fourth, Chapter eighty-

five, and of the sixteenth and seventeenth years of Her Majesty, chapter ninety-five, and whether the Governor, or Governor in Council, or Lieutenant-Governor of any Presidency or part of India had such power in respect of any such territories: Be it enacted, that no rule, law, or regulation which prior to the passing of this Act shall have been made by the Governor-General or Governor-General in Council, or by any other of the authorities aforesaid, for and in respect of any such non-regulation province, shall be deemed invalid only by reason of the same not having been made in conformity with the provisions of the said Acts, or of any other Act of Parliament respecting the constitution and powers of the Council of India or of the Governor-General, or respecting the powers of such Governors, or Governors in Council, or Lieutenant-Governor as aforesaid.

26. It shall be lawful for the Governor-General in Council, or Governor in Council of either of the Presidencies, as the case may be, to grant to an ordinary Member of Council leave of absence under medical certificate, for a period not exceeding six months; and such member, during his absence, shall retain his office, and shall, on his return and resumption of his duties, receive half of his salary for the period of such absence; but if his absence shall exceed six months, his office shall be vacated.

27. If any vacancy shall happen in the office of an ordinary Member of the Council of the Governor-General, or of the Council of either of the Presidencies, when no person provisionally appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such vacancy shall be supplied by the appointment of the Governor-General in Council, or the Governor in Council, as the case may be; and until a successor shall arrive the person so nominated shall execute the office to which he shall have been appointed, and shall have all the powers thereof and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office during the continuance therein, every such temporary Member of Council forgoing all salaries and allowances by him held and enjoyed at the time of his being appointed

such office; and if any ordinary Member of the Council of the Governor-General, or of the Council of either of the Presidencies, shall, by any infirmity or otherwise, be rendered incapable of acting or of attending to act as such, or if any such member shall be absent on leave, and if any person shall have been provisionally appointed as aforesaid, then the place of such member, absent or unable to attend, shall be supplied by such person; and if no person provisionally appointed to succeed to the office shall be then on the spot, the Governor-General in Council, or Governor in Council, as the case may be, shall appoint some person to be a temporary Member of Council; and until the return of the member so absent or unable to attend, the person so provisionally appointed by the Secretary of State in Council, or so appointed by the Governor-General in Council, or Governor in Council, as the case may be, shall execute the office to which he shall have been appointed, and shall have all the powers thereof and shall receive half the salary of the Member of Council whose place he supplies, and also half the salary of his office under the Government of India, or the Government of either of the Presidencies, as the case may be, if he hold any such office, the remaining half of such last named salary being at the disposal of the Government of India, or other Government as aforesaid: provided always, that no person shall be appointed a temporary Member of the said Council who might not have been appointed as hereinbefore provided to fill the vacancy supplied by such temporary appointment.

28. It shall be lawful for the Governors of the Presidencies of Fort Saint George and Bombay, respectively, from time to time to make rules and orders for the conduct of business in their Councils, and any order made or act done in accordance with such directions (except as hereinafter provided respecting laws and regulations) shall be deemed to be the order or act of the Governor in Council.

29. For the better exercise of the power of making laws and regulations hereinafter vested in the Governors of the said Presidencies in Council respectively, each of the said Governors shall, in addition to the members whereof his Council now by

law consists, or may consist, termed herein ordinary members, nominate to be additional members the Advocate-General of the Presidency, or officer acting in that capacity, and such other persons, not less than four not more than eight in number, as to him may seem expedient, to be members of Council, for the purpose of making laws and regulations only; and such members shall not be entitled to sit or vote at any meeting of Council, except at meetings held for such purpose; provided that not less than half of the persons so nominated shall be non-official persons, as hereinbefore described; and that the seat in Council of any non-official member accepting office under the Crown in India shall be vacated on such acceptance.

30. Every additional member of Council so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years from the date of such nomination.

31. It shall be lawful for any such additional member of Council to resign his office to the Governor of the Presidency; and on acceptance of such resignation by the Governor of the Presidency, such office shall become vacant.

32. On the event of a vacancy occurring by the death, acceptance of office, or resignation accepted in manner aforesaid, of any such additional Member of Council, it shall be lawful for the Governor of the Presidency to summon any person as additional Member of Council in his place, who shall exercise the same functions until the termination of the term for which the additional member so dying, accepting office, or resigning, was nominated: Provided always, that it shall not be lawful for him by such nomination to diminish the proportion of non-official members hereinbefore directed to be nominated.

33. No law or regulation made by any such Governor in Council in accordance with the provision of this Act shall be deemed invalid by reason only that the proportion of non-official additional members hereby established was not complete at the date of its introduction to the Council or its enactment.

34. At any meeting of the Council of either of the said Presidencies from which the Governor shall be absent, the senior civil ordinary Member of Council present shall preside ; and the power of making laws and regulations hereby vested in such Governor in Council shall be exercised only at meetings of such Council at which the Governor or some ordinary Member of Council, and four or more Members of Council' (including under the term 'Members of Council' such additional members as aforesaid) shall be present ; and in any case of difference of opinion at meetings of any such Council for making laws and regulations, where there shall be an equality of voices, the Governor, or in his absence the senior member then presiding, shall have two votes or the casting vote.

* * *

36. It shall be lawful for every such Governor to appoint all subsequent times and places of meeting of his Council for the purpose of making laws and regulations under the provisions of this Act, and to adjourn or from time to time to authorize such senior ordinary Member of Council in his absence to adjourn any meeting for making laws and regulations from time to time and from place to place.

37. Previously to the first of such meetings of their Councils for the purpose of making laws and regulations under the provisions of this Act, the Governors of the said Presidencies in Council respectively shall make rules for the conduct of business at such meetings, subject to the sanction of the Governor-General in Council; but such rules may be subsequently amended at meetings for the purpose of making laws and regulations, subject to the assent of the Governor : Provided always, that it shall be lawful for the Governor-General in Council to disallow any such rule, and render the same of no effect.

38. No business shall be transacted at any meeting of the Council of either of the said Presidencies for the purpose of making laws and regulations (except as last hereinbefore provided), other than the consideration and enactment of measures introduced into such Council for the purpose of such enactment;

and it shall not be lawful for any member or additional member to make, or for the Council to entertain, any motion, unless such motion shall be for leave to introduce some measure as aforesaid into Council, or have reference to some measures actually introduced thereinto : Provided always that it shall not be lawful for any member or additional member to introduce, without the previous sanction of the Governor, any measure affecting the public revenues of the Presidency, or by which any charge shall be imposed on such revenues.

39. When any law or regulation has been made by any such Council at a meeting of the purpose of making laws and regulations as aforesaid, it shall be lawful for the Governor, whether he shall or shall not have been present in Council at such meeting, to declare that he assents to, or withholds his assent from, the same.

40. The Governor shall transmit forthwith an authentic copy of every law or regulation to which he shall have so declared his assent to the Governor-General; and no such law or regulation shall have validity until the Governor-General shall have assented thereto, and such assent shall have been signified by him to and published by the Governor : Provided always, that in every case where the Governor-General shall withhold his assent from any such law or regulation, he shall signify to the Governor in writing his reason for so withholding his assent.

41. Whenever any such law or regulation shall have been assented to by the Governor-General he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, her disallowance of such law or regulation, and such disallowance shall make void and annul such law or regulation from or after the day on which such Governor shall make known by proclamation, or by signification to the Council, that he has received the notification of such disallowance by Her Majesty.

42. The Governor of each of the said Presidencies in

Council shall have power, at meetings for the purpose of making laws and regulations as aforesaid, and, subject to the provision herein contained, to make laws and regulations for the peace and good government of such Presidency and for that purpose to repeal and amend any laws and regulations made prior to the coming into operation of this Act by an authority in India, so far as they affect such Presidency : Provided always, that such Governor in Council shall not have the power of making any laws or regulations which shall in any way affect any of the provisions of this Act, or of any other Act of Parliament in force, or hereafter to be in force, in such Presidency.

43. It shall not be lawful for the Governor in Council of either of the aforesaid Presidencies, except with the sanction of the Governor-General, previously communicated to him, to make regulations or take into consideration any law or regulation for any of the purposes next hereinafter mentioned; that is to say.

1. Affecting the Public Debt in India, or the customs duties, or any other tax or duty now in force and imposed by the authority of the Government of India for the general purposes of such Government :

2. Regulating any of the current coins, or the issue of any bills, notes, or other paper currency :

3. Regulating the conveyance of letters by the post office or messages by the electric telegraph within the Presidency :

4. Altering in any way the Penal Code of India, as established by Act of the Governor-General in Council, No. 42 of 1860 :

5. Affecting the religion or religious rites and usages of any class of Her Majesty's subjects in India :

6. Affecting the discipline or maintenance of any part of Her Majesty's Military or Naval Forces :

7. Regulating patents or copyright :

8. Affecting the relations of the Government with foreign princes or states :

Provided always, that no law, or provision of any law or regulation which shall have been made by any such Governor in Council, and assented to by the Governor-General as aforesaid, shall be deemed invalid only by reason of its relating to any of the purposes comprised in the above list.

44. The Governor-General in Council, as soon as it shall appear to him expedient, shall, by proclamation, extend the provision of this Act touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St. George and Bombay to the Bengal Division of the Presidency of Fort William, and shall specify in such proclamation the period at which such provisions shall take effect, and the number of councillors whom the Lieutenant-Governor of the said division may nominate for his assistance in making laws and regulations ; and it shall be further lawful for the Governor-General in Council, from time to time and in his discretion, by similar proclamation, to extend the same provisions to the territories known as the North-Western Provinces and the Punjab respectively.

45. Whenever such proclamation as aforesaid shall have been issued regarding the said division or territories respectively, the Lieutenant-Governor thereof shall nominate, for his assistance in making laws and regulations, such number of councillors as shall be in such proclamation specified; provided, that not less than one-third of such councillors shall in every case be non-official persons, as hereinbefore described, and that the nomination of such councillors shall be subject to the sanction of the Governor-General; and provided further, that at any meeting of any such Council from which the Lieutenant-Governor shall be absent, the member highest in official rank among those who may hold office under the Crown shall preside; and the power of making laws and regulations shall be exercised only at meetings at which the Lieutenant-Governor, or some member

holding office as aforesaid, and not less than one-half of the members of Council so summoned as aforesaid, shall be present; and in any case of difference of opinion at any meetings of such Council for making laws and regulations, where there shall be an equality of voices, the Lieutenant-Governor, or such member highest in official rank as aforesaid then presiding, shall have two votes or the casting vote.

46. It shall be lawful for the Governor-General, by proclamation as aforesaid, to constitute from time to time new provinces for the purposes of this Act, to which the like provisions shall be applicable; and further to appoint from time to time a Lieutenant-Governor to any province so constituted as aforesaid, and from time to time to declare and limit the extent of the authority of such Lieutenant-Governor, in like manner as is provided by the Act of the seventeenth and eighteenth years of Her Majesty, chapter seventy-seven, respecting the Lieutenant-Governors of Bengal and the North-Western Provinces.

47. It shall be lawful for the Governor-General in Council, by such proclamation as aforesaid, to fix the limits of any presidency, division, province, or territory in India for the purposes of this Act, and further by proclamation to divide or alter from time to time the limits of any such presidency, division, province, or territory for the said purposes: Provided always, that any law or regulation made by the Governor or Lieutenant-Governor in Council of any presidency, division, province, or territory shall continue in force in any part thereof which may be severed therefrom by any such proclamation, until superseded by law or regulation of the Governor-General in Council, or of the Governor or Lieutenant-Governor in Council of the presidency, division, province, or territory to which such parts may become annexed.

48. It shall be lawful for every such Lieutenant-Governor in Council thus constituted to make laws for the peace and good Government of his respective division, province, or territory; and except as otherwise hereinbefore specially provided, all the provisions in this Act contained respecting the nomina-

tion of additional members for the purpose of making laws and regulations for the Presidencies of Fort Saint George and Bombay, and limiting the power of the Governors in Council of Fort Saint George and Bombay for the purpose of making laws and regulations, and respecting the conduct of business in the meetings of such Councils for that purpose, and respecting the power of the Governor-General to declare or withhold his assent to laws or regulations made by the Governor in Council of Fort Saint George and Bombay, and respecting the power of Her Majesty to disallow the same, shall apply to laws or regulations to be so made by any such Lieutenant-Governor in Council.

49. Provided always, that no proclamation to be made by the Governor-General in Council under the provisions of this Act for the purpose of constituting any Council for the presidency, division, provinces or territories hereinbefore named, or any other provinces, or for altering the boundaries of any presidency, division, province, or territory, or constituting any new province for the purpose of this Act, shall have any force or validity until the sanction of Her Majesty to the same shall have been previously signified by the Secretary of State in Council to the Governor-General.

50. If any vacancy shall happen in the office of Governor General of India when no provisional successor shall be in India to supply such vacancy, then and in every such case the Governor of the Presidency of Fort Saint George or the Governor of the Presidency of Bombay, who shall have been first appointed to the office of Governor by Her Majesty, shall hold and execute the said office of Governor-General of India and Governor of the Presidency of Fort William in Bengal until successor shall arrive, or until some person in India shall be duly appointed thereto; and every such acting Governor-General shall during the time of his continuing to act as such, have and exercise all rights and powers of Governor-General of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor-General foregoing the salary and allowances appertaining to the office of Governor to which he stands

appointed; and such office of Governor shall be supplied for the time during which such Governor shall act as Governor-General, in the manner directed in section sixty-three of the Act of the third and fourth years of King William the Fourth, chapter eighty-five.

51. If, on such vacancy occurring, it shall appear to the the Governor, who by virtue of this Act shall hold and execute the said office of Governor-General necessary to exercise the powers thereof before he shall have taken his seat in Council, it shall be lawful for him to make known by proclamation his appointment, and his intention to assume the said office of Governor-General; and after such proclamation, and thenceforth until he shall repair to the place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the powers which might be exercised by the Governor-General in Council, except the power of making laws and regulations ; and all acts done in the exercise of the said powers, except as aforesaid, shall be of the same force and effect as if they had been done by the Governor-General in Council ; provided that all acts done in the said Council after the date of such proclamation, but before the communication thereof to such Council, shall be valid, subject nevertheless to revocation or alteration by such Governor who shall have so assumed the said office of Governor-General; and from the date of the vacancy occurring until such Governor shall have assumed the said office of Governor-General, the provisions of section sixty-two of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, shall be, and the same are declared to be, applicable to the case.

52. Nothing in this Act contained shall be held to derogate from or interfere with (except as hereinbefore expressly provided) the rights vested in Her Majesty, or the powers of the Secretary of State for India in Council, in relation to the Government of Her Majesty's dominions in India, under any law in force at the date of the passing of this Act; and all things which shall be done by Her Majesty, or by the Secretary of State as aforesaid, in relation to such Government, shall have the same force and validity as if this Act had not been passed.

LIBERALISATION OF ADMINISTRATION

VICEROY RIPON ON
LOCAL SELF-GOVERNMENT, 1882*

No one who watches the signs of 'the times in this country with even moderate care can doubt that we have entered upon

* Memorandum to Secretary of State for India, December 25, 1882.

Lord Ripon had at one time meditated the possibility of introducing an elective element into the Imperial and Provincial Legislative Councils. This idea he abandoned later on for the policy of local self-government, which, in his view, offered a far wider educative scope. He wrote to Lord Hartington on July 13, 1882, "From an early period after my arrival here I turned my attention to the subject of Local Self-government." He was supported and assisted by Barings to whom he wrote on November 7, 1881, "The credit is yours.....I feel convinced that you have laid the foundations of a system of Municipal Self-government which will confer increasing benefits." He wrote to Tom Hughes on June 12, 1882, "I am inclined to think that election by caste or occupations would in many cases be more consonant with the feelings of the people than direct election, and more likely to lead to the right sort of men coming forward as candidates.....As regards the extent of the suffrage.....I do not think that India is yet fit for a low suffrage; should therefore, generally speaking, keep it moderately high at present. What I want to secure by the extension of Local Self-government is not a representation of the people of an European Democratic type, but the gradual training of the best, most intelligent, and most influential men in the community to take an interest and an active part in the management of their local affairs.....If the Boards are to be of any use for the purpose of training the natives in their own affairs, they must to be overshadowed by the constant presence of the *Birra Sahib*.....; they must be left gradually more and more to run

a period of change : the spread of education, the existing and increasing influence of a free Press, the substitution of legal for discretionary administration, the progress of railways, telegraphs, etc., the easier communication with Europe, and the more ready influx of European ideas, are now beginning to produce a marked effect upon the people; new ideas are springing up; new aspirations are being called forth; the power of public opinion is growing and strengthening from day to day; and a movement has begun which will advance with greater rapidity and force every year. Such a condition of affairs is one in which the task of Government, and especially practically despotic Government, is beset with difficulties of no light kind; to move too fast is dangerous, but to lag behind is more dangerous still; and the problem is how to deal with this new-born spirit of progress, raw and superficial as in many respects it is, so as to direct it into a right course, and to derive from it all the benefits which its development is capable of ultimately conferring upon the country, and at the same time to prevent it from becoming, through blind indifference or stupid repression, a source of serious political danger. Considerations such as these give great importance to measures which, though small in themselves, are calculated to provide a legitimate outlet for the ambitions and aspirations which we have ourselves created by the education, civilization, and material progress which we have been the means of introducing into the country; such measures will not only have an immediate effect in promoting gradually and safely the political education of the people, which is in itself a great object of public policy, but will also pave the way for further advances in the same direction, as that education becomes fuller and more widespread. It is only what ought to

alone, although watched from without by the Executive Authorities and checked if they run out of the right course. Unless a certain freedom of action is allowed to them, the best men are not likely to wish to be upon them, and they will be filled with a less reliable sort of persons, or will be, as they so often are now, mere shams." See Lucien Wolf, *Life of Ripon*, Vol. II, Chapter XIX.

be expected by every thoughtful man that after 50 years of a free Press and 30 years of expanding education, with European ideas flowing into the country on every side, and old, indigenous customs, habits, and prejudices breaking down all around, as caste is breaking down through the instrumentality of railways and other similar influences, 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 broken to pieces by forces which they have themselves called into being, but which they have failed to guide and to control. And even if there were no such necessity as the present circumstances of the country create for meeting the needs and providing for the aspirations of a time of change and progress, it would always be an aim worthy of the English Government in India to train the people over whom it rules more and more as time goes on to take an intelligent share in the administration of their own affairs. Among the political objects attainable in India, I see at present none higher. The credit of having set that object before the Government of India belongs to a Conservative, not a Liberal statesman*; but it surely behoves the friends of liberal principles in the wide, not in any narrow party sense of the words, not to let Lord Mayo's policy become unfruitful in their hands, nor to allow it to be stifled beneath the stolid indifference or the covert hostility of men who cannot understand its meaning or appreciate its wisdom. There are, of course, always two policies lying before the choice of the Government of India. The one is the policy of those who have established a free Press**, who have promoted education,

*Lord Mayo's Resolution of 1870 runs as follows : "Local interest, supervision and care are necessary to success in the management of funds devoted to education, medical aid, charity and local public works. The operation of this Resolution in its full meaning and integrity will afford opportunities for the development of Self-Government, for strengthening Municipal Institutions and for the association of Natives and Europeans to a greater extent than heretofore in the administration of local affairs."

**Lord Ripon repealed the Vernacular Press Act passed by Lord Lytton.

who have admitted natives more and more largely to the public service in various forms, and who have favoured the extension of self-government; the other is, that of those who hate the freedom of the Press*, who dread the progress of education, and who watch with jealousy and alarm everything which tends, in however limited a degree, to give the Natives of India a larger share in the management of their own affairs. Between these two policies we must choose; the one means progress, the other means repression. Lord Lytton chose the latter. I have chosen the former, and I am content to rest my vindication upon a comparison of the results.

VICEROY DUFFERIN'S VIEW ON POLITICAL ASPIRATIONS OF INDIANS**

In the earlier stages of England's connection with India, and even after the force of circumstances had transmuted the East India Company of merchants into an Imperial Executive, the ignorance and the disorganization of the peninsula consequent upon the anarchy which followed the collapse of the Mahomedan regime necessitated the maintenance of a strong uncompromising despotism, with the view of bringing order out of chaos, and a systematized administration out of the confusion and lawlessness which were then universally prevalent. But such principles of government, however necessary, have never been congenial to the instincts or habits of the English people. As soon as the circumstances of the case permitted, successive statesmen, both at home and in India itself, employed

*In a Minute dated May 16, 1835, Sir Charles Metcalfe observed, "His Lordship (Lord William Bentinck).....sees further danger in the spread of knowledge and the operations of the Press. I do not, for my own part, anticipate danger as a certain consequence from these causes. I see so much danger in the ignorance, fanaticism and barbarism of our subjects that I rest on the spread of knowledge some hope of greater strength and security. Then will he better be able to appreciate the good and evil of our rule.....It is our duty to extend knowledge whatever may be the result; and spread it would even if we impeded it "

**Speech at St. Andrews's Dinner given by Scotchmen in Calcutta, November 30, 1885.

themselves from time to time in softening the severity of the system under which our dominion was originally established, and strenuous efforts were repeatedly made, not only to extend to Her Majesty's subjects in India the same civil rights and privileges which are enjoyed by Her Majesty's subjects at home, but to admit them, as far as was possible, to a share in the management of their own affairs. The proof of this is plainly written in our recent history. It is seen in our legal codes, which secure to all Her Majesty's subjects, without distinction of race or creed or class, equality before the law. It is found in the establishment of local legislative councils a quarter of a century ago, wherein a certain number of leading natives were associated with the Government in enacting measures suitable to local wants. It lies at the basis of the great principle of decentralized finance, which has prepared the way for the establishment of increased local responsibility. It received a most important development in the municipal legislation of Lord Northbrook's administration. It took a still fuller and more perfect expression during the administration of my distinguished predecessor, in the Municipal and Local Boards Act; and it has acquired a further illustration in the recommendation of the Public Service Commission, recently sent home by the Government of India, in accordance with which more than a hundred offices hitherto reserved to the Covenanted Service would be thrown open to the Provincial Service, and thus placed within the reach of our native fellow-subjects in India. And now, gentlemen, 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 only reached by slow degrees and through the discipline of many centuries of preparation. The ideal 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 organization of battalions of native militia and volunteers for the internal and external defence of

the country is the next arrangement suggested, and the first practical result to be obtained would be the reduction of the British army to one-half of its present numbers. Well, gentlemen, I am afraid that the people of England will not readily be 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. In the first place, the scheme is eminently unconstitutional; for the essence of constitutional government is that responsibility and power should be committed to the same hands. The idea of irresponsible councils, whose members could arrest the march of Indian legislation, or nullify the policy of the British executive in India, without being liable to be called to account for their acts in a way in which an opposition can be called to account in a constitutional country, must be regarded as an impracticable anomaly. Indeed, so obviously would be the application of any such system in the circumstances of the case, that I do not believe it has been seriously advocated by any native statesman of the slightest weight or importance. I have come into contact, during the last four years, with, I imagine, almost all the distinguished persons in India. I have talked with most of them upon these matters, and have I never heard a suggestion from one of them in the sense I have mentioned. But if no native statesman of weight or importance, capable of appreciating the true interests of England and of India, is found to defend this programme, who are those who do? Who and what are the persons who seek to assume such great powers—to tempt the fate of Phaeton, and to sit in the chariot of the Sun? Well, they are gentlemen of whom I desire to speak with the greatest courtesy and kindness, for they are, most of them, the product of the system of education which we ourselves have carried on during the last thirty years. But thirty years is a very short time in which to educate a self-governing nation from its primordial elements. At all event, let us measure the extent of educated assistance upon which we could call at this moment; let us examine the degree of proficiency which the educated classes of India have attained, and the relation of their numbers to the rest of the population.

Out of the population of British India, which may be put at 200 millions in round numbers, not more than five or six per cent, can read and write while less than one per cent has any knowledge of English. Thus, the overwhelming mass of the people, perhaps one hundred and ninety out of the two hundred millions, are still steeped in ignorance, and of the ten or twelve millions who have acquired education, three-fourths have attained to merely the most elementary knowledge. In our recent review of the progress of education, it was pointed out that ninety-four and a half per cent, of those attending our schools and colleges were in the primary stage, while the progress made in English education can be measured by the fact that the number of students who have graduated at the universities since their establishment in 1857—that is, during the course of the last thirty-one year—is under eight thousand. During the last twenty-five years probably not more than half a million students have passed out of our schools with a good knowledge of English, and perhaps a million more with a smattering of it. Consequently, it may be said that, out of a population of 200 millions there are only a very few thousands who may be considered to possess adequate qualifications, so far as education and an acquaintance with Western ideas or even Eastern learning are concerned, for taking an intelligent view of those intricate and complicated economic and political question affecting the destinies of so many millions of men which are almost daily being presented for the consideration of the Government of India. I would ask, then, how any reasonable man could imagine that the British Government would be content to allow this microscopic minority to control their administration of that majestic and multiform empire for whose safety and welfare they are responsible in the eyes of God and before the face of civilization ? It has been stated that this minority represents a large and growing class. I am glad to think that it represents a growing class, and I feel very sure that, as time goes on, it is not only the class that will grow, but also the information and experience of its members. At present, however, it appears to me a groundless contention that it represents the people of India. If they had been really re-

representatives of the people of India—that is to say, of the voiceless millions—instead of seeking to circumscribe the incidence of the income tax, as they desired to do, they would probably have received a mandate to decouple it. Indeed, is it not evident that large sections of the community are already becoming alarmed at the thought of such self-constituted bodies interposing between themselves and the august impartiality of English rule? These persons ought to know that in the present condition of India there can be no real or effective representation of the people, with their enormous numbers, their multifarious interests, and their tessellated nationalities. They ought to see that all the strength, power, and intelligence of the British Government are applied to the prevention of one race, of one interest, of one class, of one religion, dominating another; and they ought to feel that in their peculiar position there can be no greater blessing to the country than the existence of an external, dispassionate and immutable authority, whose watchword is Justice, and who alone possesses both the power and the will to weld the rights and status of each separate element of the empire into a peaceful, coordinated and harmonious unity. When the Congress was first started, I watched its operation with interest and curiosity, and I hoped that in certain fields of useful activity it might render valuable assistance to the Government. I was aware that there were many social topics connected with the habits and customs of the people which were of unquestionable utility, but with which it was either undesirable for the Government to interfere, or which it was beyond their power to influence or control. For instance, where is there a population whose rise in the scale of social comfort and prosperity is more checked and impeded by excessive and useless expenditure on the occasion of marriages and other similar ceremonies than that of India? Or in what country is the peasant more hampered in the pursuit of his agricultural industry, than is the Hindu or Mahomedan ryot, by chronic indebtedness to the money-lenders? Where is there a more crying need for sanitary reform than amongst those who insist on bathing in the tanks from which they obtain their drinking-water, and where millions of men, women, and children die yearly, or what is even worse, become the victims of chronic

debility, disease and racial deterioration, from preventible causes. What system could be named more calculated to cause greater searchings of the heart than some of the domestic arrangements so ruthlessly insisted upon by Hindu society? Above all, what land is exposed to such imminent danger by the over-flow of the population of large districts and territories whose inhabitants are yearly multiplying beyond the number which the soil is capable of sustaining?.....

Well, gentlemen, as I have already observed, when the Congress was first started, it seemed to me that such a body, if they directed their attention with patriotic zeal to the consideration of these and cognate subjects, as similar Congresses do in England, might prove of assistance to the Government and of great use to their fellow-citizens; and I cannot help expressing my regret that they should seem to consider such momentous topics, concerning as they do the welfare of millions of their fellow-subjects, as beneath their notice, and that they should have concerned themselves instead with matters in regard to which their assistance is likely to be less profitable to us. It is a still greater matter of regret to me that the members of the Congress should have become answerable for the distribution—as their officials have boasted—amongst thousands and thousands of ignorant and credulous men of publications animated by a very questionable spirit, and whose manifest aim is to excite the hatred of the people against the public servants of the Crown in this country. Such proceedings as these no Government could regard with indifference, nor can they fail to inspire it with misgivings, at all events with regard to the wisdom of those who have so offended. Nor is the silly threat of one of the chief officers—the principal secretary, I believe—of the Congress, that he and his Congress friends hold in their hands the keys not only of a popular insurrection but of a military revolt, calculated to restore our confidence in their discretion, even when accompanied by the assurance that they do not intend for the present to put these keys into the locks. But, gentlemen, though I have thought it my duty in these plain terms to point out what I consider the misapprehension of the Congress party as to the proper direction in which their energies

should be employed, I do not at all wish to imply that I view with any thing but favour and sympathy the desire of the educated classes of India to be more largely associated with us in the conduct of the affairs of their country. Such an ambition is not only very natural, but very worthy, provided due regard be had to the circumstances of the country, and to the conditions under which the British administration in India discharges its duties. In the speech which I delivered at Calcutta on the occasion of Her Majesty's Jubilee, I used the following expression :—"Wide and broad, indeed, are the new fields in which the Government of India is called upon to labour, but no longer, as of aforetime, need it labour alone. Within the period we are reviewing, education has done its work, and we are surrounded on all sides by native gentlemen of great attainments and intelligence, from whose hearty, loyal, and honest co-operation we may hope to derive the greatest benefit. In fact, to an administration so peculiarly situated as ours, their advice, assistance, and solidarity are essential to the successful exercise of its functions. Nor do I regard with any other feelings than those of approval and good-will their natural ambition to be more extensively associated with their English rulers in the administration of their own domestic affairs; and glad and happy should I be if, during my sojourn amongst them, circumstances permitted me to extend and to place upon a wider and more logical footing the political status which was so wisely given a generation ago by that great statesman Lord Halifax, (Sir Charles Wood) to such Indian gentlemen as by their influence, their acquirements, and the confidence they inspired in their fellow-countrymen, were marked out as useful adjuncts to our Legislative Councils." To every word which I then spoke I continue to adhere; but surely the sensible men of the country cannot imagine that even the most moderate constitutional changes can be effected in such a system as ours by a stroke of the pen, or without the most anxious deliberations, as well as careful discussions in Parliament. If ever political organization has existed where caution is necessary in dealing with those problems which affect the adjustment of the administrative machine, and where haste and precipitancy are liable to produce deplorable results, it is that which holds together

our complex Indian Empire; and the man who stretches forth his hand towards the ark, even with the best intentions, may well dread lest his arm should shrivel up to the shoulder. But growth and development are the rule of the world's history, and from the proofs I have already given of the way in which English statesmanship has perpetually striven gradually to adapt our methods of government in India to the expanding intelligence and capacities of the educated classes amongst our Indian subjects, it may be confidently expected that the legitimate and reasonable aspirations of the responsible heads of native society, whether Hindu or Mahomedan, will in due time receive legitimate satisfaction. The more we enlarge the surface of our contact with the educated and intelligent public opinion of India, the better; and although I hold it absolutely necessary, not merely for the maintenance of our own power, but for the good Government of the country, and for the general content of all classes, and especially of the people at large, that England should never abdicate her supreme control of public affairs, or delegate to a minority or to a class the duty of providing for the welfare of the diversified communities over which she rules, I am not the less convinced that we could, with advantage, draw more largely than we have hitherto done on native intelligence and native assistance in the discharge of our duties. I have had ample opportunities of gauging and appreciating to its full extent the measure of good sense, of practical wisdom, and of experience which is possessed by the leading men of India, both among the great nobles on the one hand, and amongst the leisured and professional classes on the other, and I have now submitted officially to the Home authorities some personal suggestions in harmony with the foregoing views.

LORD DUFFERIN ON THE INDIAN LEGISLATURES

I*

...Now I think it is desirable that the Government should make up its mind as soon as possible in regard to the policy it is determined to pursue, for evidently India is not a country in which the machinery of European democratic agitation can

1. Observations recorded in 1886.

be applied with impunity. My own inclination would be to examine carefully and seriously the demands which are the outcome of these various movements; to give quickly and with a good grace whatever it may be possible or desirable to accord; to announce that these concessions must be accepted as a final settlement of the Indian system for the next ten or fifteen years; and to forbid mass meetings and incendiary speechifying. Putting aside the demands of the extremists...the objects even of the more advanced party are neither very dangerous nor very extravagant...But it must! always be remembered that though common sense and a certain knowledge of affairs and of the world may limit the programme of the leaders to what they think they have a chance of getting, the ideal in the minds of the major part of their followers is an India in which the British Army shall ward off invasion from without and preserve them from tyranny and usurpation of the native princes within, while they themselves shall have free scope to a minister their domestic affairs untrammelled by the interference of white men, except perhaps in the person of a Viceroy and a limited number of high officials.

Undoubtedly the most vital and important of the notions started by the reforms is the change they propose in the Legislative Councils. I confess that soon after my arrival in the country it occurred to me that improvement might be possible in this direction, and personally I should feel it both a relief and an assistance if in the settlement of many Indian administrative questions affecting the interests of millions of Her Majesty's subjects, I could rely to a larger extent than at present upon the experience and counsels of Indian coadjutors. Amongst the natives I have met there are a considerable number who are both able and sensible, and upon whose loyal co-operation one could undoubtedly rely. The fact of their supporting the Government would popularize many of its acts which now have the appearance of being driven through the legislature by force; and if they in their turn had a native party behind them, the Government of India would cease to stand up, as it does now, an isolated rock in the middle of a tempestuous sea, around whose base the breakers dash themselves simultaneously

from all the four quarters of the heavens.

* * *

In spite of the serious array of arguments which I have adduced against the change, my instincts rather propel me in the opposite direction, at all events so far as to try the experiment of liberalizing, if not the supreme, at least the subordinate Legislative Councils. Now that we have educated these people, their desire to take a larger part in the management of their own domestic affairs seems to be a legitimate and reasonable aspiration, and I think there should be enough statesmanship amongst us to contrive the means of permitting them to do so without unduly compromising our Imperial supremacy.

II*

Having regard to the relation in numbers, in condition, in status, and in qualifications for government of what may be called the Europeanized or educated section of the Indian people, as compared with the masses that constitute the bulk of the nation, I am convinced that we should be falling into a great error if, miscalculating the force and value of the Congress movement and the influence of its supporters and advocates, whether in the press or elsewhere, we were to relax in the slightest degree our grasp of the supreme administration of the country. On the other hand, as long as we hold firmly to this principle, and remain fully alive to our own Imperial responsibilities, I believe that both with safety and advantage we can give full play to the legitimate and praiseworthy ambition of the loyal, patriotic, and educated classes in India, who are desirous of taking a larger share than hitherto in the transaction of the public business of their respective provinces....

Fortunately, whilst the Government of India has been occupying itself in framing proposals for reconstituting its Provincial Legislative Councils, it has also, at the suggestion and with the approval of the Secretary of State, been perfecting very important arrangements for the still further decentralization

*This Minute of Lord Dufferin was sent to the Secretary of State along with a despatch on reforms from the Government of India.

of our financial system, and for handing over to the Provincial Governments a more complete and independent control of the provincial revenues. At the same time certain powers of supplementing and increasing the local funds by provincial taxation is to be attributed to them. Thus the Provincial Councils will be admitted to a very large and important field of provincial administration, and ample scope and opportunities will be given to its members, both native and English (amongst whom an adequate number of representatives of the British mercantile interests should be certainly included), to display their statesmanship and their ability to provide for the wants and interests of the extensive communities over which their influence and jurisdiction will extend...

In two respects I should desire procedure in the Governor-General's Council to be amended. Under the existing law it is only when a new tax is to be imposed that the Finance Member is required to submit his financial proposals to the Legislative Council, or that any opportunity is given to members of that body to make observations in regard to them. When there is no new taxation the Finance Member merely publishes his budget in the form of a pamphlet. For my part, I think that a yearly financial discussion in the Viceroy's Legislative Council would prove a very useful and desirable arrangement, and a very convenient preliminary to the subsequent debate which takes place of Indian finances in the House of Commons later in the year. I do not by this mean that votes should be taken in regard to the various items of the budget, or that the heads of expenditure should be submitted in detail to the examination of the Council, but simply that an opportunity should be given for a full, free, and thorough criticism and examination of the financial policy of the Government...

The second change in the procedure of the Supreme Legislative Council which I am inclined to recommend is, that, proper restrictions to be laid down by the Viceroy, its members should be permitted to ask questions in reference to current matters of domestic, as distinguished from those of Imperial, interest that may have attracted public attention...

Under existing circumstances the Government of India has no adequate medium through which it can explain its policy, correct a wrong impression, or controvert a false statement, and, though up to the present time the consequences of the evils I have indicated may not have become very serious or widespread, they contain the germs of incalculable danger. Consequently it would prove as great an advantage to the Administration as it would frequently be a satisfaction to the members of the Council and the public at large, if reasonable opportunities were afforded of communicating to those interested the exact facts in regard to any questionable matter.

III*

It now appears to my colleagues and to myself that the time has come for us to take another step in the development of the same liberal policy, and to give, to quote my own words, 'a still wider share in the administration of public affairs to such Indian gentlemen as by their influence, their acquirements, and the confidence they inspire in their fellow-countrymen are marked out as fitted to assist with their counsels the responsible rulers of the country'. But it is necessary that there should be no mistake as to the nature of our aims, or of the real direction in which we propose to move. Our scheme may be briefly described as a plan for the enlargement of our Provincial Councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalization of their general character as political institutions. From this it might be concluded that we were contemplating an approach, at all events as far as the provinces are concerned, to English parliamentary Government, and an English constitutional system. Such a conclusion would be very wide of the mark; and it would be wrong to leave either the India Office or the Indian public under so erroneous an impression. India is an integral portion, and it may be said one of the most important portions, of the mighty British Empire. Its destinies have been confided to the guidance of an alien race, whose functions it is

*Dufferin's observations on liberalisation of Indian administration.

to arbitrate between a multitude of conflicting or antagonistic interests, and its government is conducted in the name of a monarch whose throne is in England. The executive that represents her *imperium* in India is an executive directly responsible, not to any local authority, but to the Sovereign and to the British Parliament. Nor could its members divest themselves of this responsibility as long as Great Britain remains the paramount administrative power in India. But it is of the essence of constitutional government, as Englishmen understand the term, that no administration should remain at the head of affairs which does not possess the necessary powers to carry out whatever measures or policy it may consider to be 'for the public interest'. The moment these powers are withheld, either by the Sovereign or Parliament, a constitutional executive resigns its functions and gives way to those whose superior influence with the constituencies has enabled them to overrule its decisions, and who consequently become answerable for whatever line of procedure may be adopted in lieu of that recommended by their predecessors. In India this shifting of responsibility from one set of persons to another is, under existing circumstances, impossible; for if any measure introduced into a legislative council is vetoed by an adverse majority, the Governor cannot call upon the dissentients to take place of his own official advisers, who are nominated by the Queen-Empress on the advice of the Secretary of State. Consequently the vote of the Opposition in an Indian Council would not be given under the heavy sense of responsibility which attaches to the vote of a dissenting majority in a constitutional country; while no responsible executive could be required to carry on the Government unless free to inaugurate whatever measures it considers necessary for the good and safety of the State. It is, therefore, obvious for this and many other reasons, that no matter to what degree the liberalization of the Councils may now take place, it will be necessary to leave in the hands of each Provincial government the ultimate decision upon all important questions, and the paramount control of its own policy. It is in this view that we have arranged that the nominated members in the Council should outnumber the elected members, at the same time that the Governor has been empowered to overrule his Council when-

ever he feels himself called upon by circumstances to do so.

But, though it is out of the question either for the supreme or for the subordinate Governments of India to divest themselves of any essential portion of the Imperial authority which is necessary to their very existence as the ruling power, paramount over a variety of nationalities, most of whom are in a very backward state of civilization and enlightenment, there is no reason why they should not desire to associate with themselves in Council in very considerable numbers such of the natives of India as may be enabled by their acquirements..... Nor can it be doubted that these gentlemen, when endowed with ample and unrestricted powers of criticism, suggestion, remonstrance, and inquiry, will be in a position to exercise a very powerful and useful influence over the conduct of provincial and local public business which alone it is proposed to entrust to them. As inhabitants of the country, as intimately associated with its urban and rural interest, as being in continual contact with large masses of their fellow-countrymen, as the acknowledge representatives of legally constituted bodies, or chosen from amongst influential classes, they will always speak with a great weight of authority; and as their utterances will take place in public, their opinions will be sure to receive at the hands of the press whatever amount of support their intrinsic weight or value may justify. By this means the field of public discussion will be considerably enlarged, and the various administrations concerned will be able to shape their course with the advantage of a far more distinct knowledge of the wishes and feelings of the communities with whose interests they may be required to deal than has hitherto been the case—for those wishes and feelings will be expressed, not, as at present, though self-constituted, sets nominated and therefore, untrustworthy, channels, but by the mouths of those who, will be the legally constituted representatives, of various interests and classes, and who will feel themselves in whatever they do or say, responsible to enlightened and increasing sections of their own countrymen.

INDIAN COUNCILS ACT, 1892

I*

The object of this Bill is to widen the basis and expand the functions of the Government of India, to give further opportunities than at present existed to the non-official and native element in Indian society to take part in the work of Government, and in that way to lend official recognition to that remarkable development both in political interest and capacity which had been visible among the higher classes of Indian society since the Government was taken over by the Crown in 1858. In form this Bill was one to amend the Indian Councils Act of 1861.....

The Act of 1861 constituted three Legislative Councils in India—the Supreme Council of the Viceroy and the Provincial Councils of Madras and Bombay.....Since the passing of the Act of 1861, Legislative Councils had also been called into existence in Bengal and in the North-Western Provinces..... This system had undoubtedly worked well. It had justified itself and the anticipation of its promoters. Operating to a very large extent through the agency of sub-committees, composed of experts, it had proved to be an efficient instrument for the evolution of law. The publicity which had attended its proceedings had had a good effect, a number of native gentlemen of capacity and public spirit had been persuaded to come forward and lend their services, and undoubtedly the standard of merit in these Council had been high.

At the same time these Councils had been subject to restrictions and limitations which were intentionally, and he thought widely, imposed upon them. In the first place, they were in no

*Speech of Lord Curzon, the Under-Secretary of State for India, in the House of Commons, March 28, 1892.

sence of the term Parliamentary bodies. They were deliberative bodies with a comparatively narrow scope, inasmuch as they were assembled for the discussion of the immediate legislation which lay before them and were not permitted to travel outside that very circumscribed area. Under these circumstances it had been felt that there was wanting to the Government an opportunity for replying to hostile criticism or attack, and at the same time that there was also wanting to the non-official element—to those who might legitimately call themselves the guardians of the public interest—an opportunity of asking for information, of stating their grievances, and of becoming acquainted with the policy of the Government. These feelings had been expressed in many memorials that had been addressed, over a large number of years, to the Govt. of India by important public bodies and associations throughout the country. Lord Dufferin, in February, 1887, the occasion being the celebration of the Queen's Jubilee, spoke of the desirability of reconstituting the Supreme Legislative Council of the Viceroy on a broader basis and of enlarging its functions ; and in November of the following year he sent home a despatch in which he recommended, in the first place, an early financial discussion in the Supreme Legislative Council of the Budget of the year. Lord Dufferin said in that despatch that he did not mean that votes should be taken in regard to the various items of the Budget, or that the heads of expenditure should be submitted in detail to the Council, but simply that the opportunity should be given for a full, free, and thorough criticism and examination of the financial policy of the Government. In the same despatch Lord Dufferin suggested that questions should be asked in the Supreme Legislative Council on matters dealing with native as opposed to Imperial interest.

In 1888 Lord Dufferin left India, and early in the following year he was succeeded by the eminent statesman who now holds the office of Viceroy. Since his accession to the Viceroyalty Lord Lansdowne had signified his approbation of the annual discussion of the Budget in the manner suggested, and also of the right of addressing questions to the Government on matters of public interest. Both these propositions were treated of in a

despatch by the Secretary of State (Lord Cross) in August, 1889, and he dealt with them in relation to the Legislative Council of the Viceroy and also to the Provincial Councils. In the same despatch the noble Lord signified his desire for the enlargement of the representation of the public in India by an addition to the number of members of the Council and by some extension of the present system of nomination. Inasmuch as this could not be carried into effect without legislation, the noble Lord had enclosed in the despatch a draft Bill, upon which he invited the opinions of the Central and the Provincial Governments of India. These and other criticisms and suggestions were found to be eminently favourable to the contemplated measure, and from these germs sprang the Indian Councils Bill.....

A few words as to the Parliamentary history of the measure. It had been in no ordinary degree the victim of Parliamentary vicissitudes, and up to the present its career had been one of mingled success and disappointment. It was introduced for the first time in the House of Lords in 1890, and a most important discussion—a model of what such a discussion should be—took place on the second reading. In Committee a number of important and valuable amendments were made by noble Lords who had experience in the government of India. So amended, the Bill passed and came down to the House of Commons, where it did not succeed in getting beyond the first reading. In 1891 it was introduced in the House of Commons and fell a victim to hardship of fortune or the immoderate interest displayed by the Opposition in other topics of Parliamentary interest. In the present year the Bill was again introduced into the House of Lords in its amended form of 1890, and it had passed through its various stages without alteration, but supported by expressions of strong approval from several noble Lords. The delay in passing the Bill had naturally been a source of regret to the Government at home, and regret had been equally felt in India, where there was a good deal of disappointment at the tardy arrival of a long-promised reform and at the apparent willingness of this House to postpone the consideration of a non-controversial and constitutional change for India for the perennial and unprofitable discussion of constitutional changes of a

highly controversial character for other parts of the United Kingdom nearer home*, which, from an Indian point of view, were infinitesimally small and comparatively unimportant. This disappointment in India had been legitimate, and undoubtedly it had been felt by the present Viceroy, who, having inaugurated his term of office by signifying his hearty approval of this Bill, had naturally looked forward to being able to carry it into execution before his term of office expired. These feelings were shared by members of the House.....In July of last year the British Committee of the Indian National Congress, who might be supposed to represent the more extreme views on this subject, addressed a letter to the Secretary of State, in which they expressed their deep regret at the withdrawal of the Bill, which would cause such bitter disappointment in India. In the present year Lord Kimberley, who had been Secretary of State for India, had spoken in the same sense, adding :

“I echo most sincerely the hope that this measure will be pressed by Her Majesty’s Government and will pass into law. It is really a misfortune that a measure of this kind should be hung up Session after Session. However important to us may be our domestic legislation, let us not forget that we have an immense responsibility in the government of that great Empire in India, and that it is not well for us to palter long with questions of this kind. And I am the more desirous that this measure should be dealt with because I have observed with great pleasure that in India the tone has much moderated in dealing with this subject, and that very sensible views have been expressed at meetings held in India; and there is now a reasonable promise that there will be an agreement as to a tentative and commencing measure upon this subject. We must not look for it all at once; but if we can make a beginning I believe we shall lay the foundation for what may be a real benefit and a real security to our Indian Empire.”

It was a legitimate inference from these expressions of opinion that the Bill would be welcomed on both sides of the House, and that even those who held advanced views would faci-

* The reference is to the Irish Home Rule Movement.

litate its passing. The changes which it was proposed to make by the Bill were, broadly speaking, three in number. The first was the concession of the privilege of financial criticism in both the Supreme and the Provincial Councils; the second was the concession of the privilege of interpellation; the third was the addition to the number of members in both classes of Councils. First as regarded financial discussion,.....under the existing law this was possible only when the Finance Minister proposed a new tax. At other times the Budget in India was circulated in the form of a pamphlet, and no discussion could take place upon it. During the 30 years since the Councils Act of 1861 there had been 16 occasions upon which new legislation had been called for and such discussion had taken place and there had been 14 on which there had been no discussion at all. By this Bill power would be given to discuss the Budget annually in both the Supreme and the Provincial Councils. It was not contemplated, as the extracts read from the despatch of Lord Dufferin would show, to vote the Budget in India item by item, as was done in that House, and to subject it to all obstacles and delay Parliamentary ingenuity could suggest; but it was proposed to give opportunity to the members of the Councils to indulge in a full and free criticism of the financial policy of the Government, and he thought that all parties would be in favour of such a discussion. The Government would gain, because they would have the opportunity of explaining their financial policy, of removing misapprehension, and of answering criticism and attack; and they would profit by criticism delivered on a public occasion with a due sense of responsibility and by the most competent representatives of unofficial India. The native community would gain, because they would have the opportunity of reviewing the financial situation independently of the mere accident of legislation being required for any particular year, and also because criticism upon the financial policy of the Government, which now found vent in anonymous and even scurrilous papers in India, would be uttered by responsible persons in a public position. Lastly, the interests of finance would gain by this increased publicity and the stimulus of a vigorous and instructive scrutiny. These discussions could have no other result than to promote sound economical administra-

tion in India. It was now 20 years since Lord Mayo, that wise and enlightened Viceroy, first proposed the submission of Provincial Budgets to Provincial Councils. At that time he was overruled by the Government at home, which he believed was one of the Governments of the right hon. gentlemen opposite (Gladstone); at any state he hoped both sides of the House would now co-operate in making a change which spoke for itself. The second change introduced by the Bill was the concession of the right of interpellation or of asking questions. It was produced to give to members of both Councils, the Supreme and the Provincial Councils, the right of asking on matters of public interest. But both this privilege and the one to which he had previously alluded would be subject, under the terms of the Act, to such conditions and restrictions as might be prescribed in rules made by the Governor-General or the Provincial Governors. The merits of the proposal, he thought, were obvious. It was desirable, in the first place, in the interests of the Government, which at the present moment was without the means of making known its policy or of answering criticisms or animadversions or of silencing calumny. And it was also desirable in the interests of the public of India who, in the absence of official information, were apt to be misled, to form erroneous apprehensions, and to entertain unjust ideas. The third proposal was to add to the number of members upon the Councils. The Supreme Legislative Council consisted at present, in addition to its ex-officio members, who number 7, of a minimum of 6 and a maximum of 12 nominated members; under the Bill the minimum would be raised to 10 and the maximum to 16. The Madras and Bombay Councils consisted, in addition to their 4 ex-officio members, of a minimum of 4 and a maximum of 8 nominated members, of whom half were non-official; under the Bill the minimum would be 8 and the maximum 20. The Council of Bengal consisted at present of 12 nominated members, of whom one-third were non-official; under the bill the number would be increased to 20. The Council of the North-Western Provinces at present consisted of 9 nominated members, of whom also one third must be non-official; under the Bill they would be raised to 15. The object these additions was easily stated and would be as easily under-

stood. It was simply, by extending the area of selection in each case, to add to the strength and representative character of the Councils.....

Every year most fortunately the number of native gentlemen who were both qualified and willing to take part in the work of Government was increasing, and every year the advantage of their co-operation in Government increased in the same ratio. More especially in the case of the Provincial Councils had it been thought that more effectual means were wanted to reinforce in those Councils unofficial and native opinion. The Government believed that the moderate extension of the numbers which they proposed would have the effect which they contemplated, and at the same time would be compatible with efficiency. Coming to the concluding question, the mode in which those additional members were to be appointed, he noticed that the hon. member for North Manchester had on the paper an amendment declaring that no reform of the Indian Councils which did not embody the elective principle would prove satisfactory. But the Bill, he had to point out, did not exclude some such principle, be the method election, or selection, or delegation, or whatever particular phrase they liked to employ.....

Lord Kimberley himself had elsewhere, in an earlier stage of this Bill, expressed himself with reference to this clause* as follows :

“I am bound to say that I express my own satisfaction because I regard this as, to a certain extent, an admission of the elective principle.....I myself believe that under this clause it would be possible for the Governor-General to make arrangements by which certain persons may be presented to him, having been chosen by election, if the Governor-General should find that such a system can be established.”

Mr. Maclean : Does the Government accept that view of Lord Kimberley ?

*Sub-section 4, Clause 1.

Mr. Curzon : Undoubtedly, Sir, the opinions expressed by Lord Kimberley are also shared by the Secretary of State. Under this Act it would be in the power of the Viceroy to invite representative bodies in India to elect or select or delegate representatives of themselves and of their opinions to be nominated to those Houses, and thus by slow degrees, by tentative measures—and measures like this could not be otherwise than tentative—they should perhaps approximate to the ideal which the hon. member of Manchester had in view. He might mention as indicating and nothing more—the character of the bodies and associations to which he alluded, such bodies as the association of the Zemindars of Bengal, the Chambers of Commerce of India, the municipalities of the great cities, the Universities, and perhaps the various great religious denominations in that country. He could not conceive anything more unfortunate than that this House should draw up and send out to India a hard and fast elective scheme within the four walls of which the Government of that country should find itself confined, and which, if at some future period it proved inadequate or unsuitable, it would be impossible to alter without coming back to this House, and experiencing all the obstacles and delays of Parliamentary government in this House. He was well aware the proposal of the Government might not altogether suit those hon. gentlemen on the other side whose ideas of political progress had been formed in the breathless atmosphere of our life in the West and who were perhaps unable to accommodate their mood to the slower movement of life in the East. The hon. member opposite for instance, was anxious to have the elective principle more clearly defined and more systematically enforced. He had put an amendment on the paper in which he asked the House to express the opinion that no reform of the Indian Councils which does not embody the elective principle will prove satisfactory to the Indian people or will be compatible with good Government of India. The amendment was vitiated by a two-fold fallacy. It affected to speak on behalf of the Indian people, and it ignored the primary conditions of Indian life. When the hon. member presumed to be the mouthpiece of the people of India we must, with all respect, decline to accept his credentials on that point. No system of representation ever devised, no system of representation that

the ingenuity of the hon. member could suggest, no system of representation which would bear 24 hours' test of operation, could possibly represent the people of India. The people of India were voiceless millions, who could neither read nor write their native tongue, who had no knowledge whatever of English, and who were not perhaps universally aware that the English were in their country as rulers. The people of India were ryots and peasants, and the plans and policies of the Congress party in India would leave this amorphous residuum absolutely untouched. He did not desire to speak in any other than respectful terms of the Congress party, which contained a number of intelligent, capable and public-spirited men. They undoubtedly represented that part of the Indian population which had profited by the educational advantages we had placed at their doors; but constituencies the Congress party represented could not be described otherwise than as a minute, and microscopic minority of the population. According to the last census the population of British India was 221 millions, and of that total it was calculated that not more than three or four per cent could read or write in any of their native tongues, and only one-fourth or one-third percent, could read or write in English. It appeared to him that we could a slittle judge of the feelings and political aspirations of the people of India—if, indeed they had any aspirations outside the more material needs of their existence—from the plans and policies of the Congress party as we could judge of the physical configuration of a country which was wrapped in the mists of the early morn; though all its top-most peaks might happen to be touched by the sun. To propose an elaborate system of representation for people in this stage of development might be at least premature and unwise; and even with such a scheme to speak of the representation; of the people of India would be a misuse of terms. The Government assumed the responsibility of stating that in their opinion the time had not come when representative insitutions, as we understood the term, could be extended to India. The idea of representation was alien to the Indian mind. We had overselves only arrived at it by slow degrees, and it was only in the last 25 years that we had in this country entered into the full enjoyment of that system. While it was impossible so

to remodel the Indian Councils as to give them the character of representative chambers, he would be sorry to deny the importance of criticism by gentlemen representing the native society in India. At present the sole vent available for that opinion was in the native Press and in organized meetings, such as the Indian National Congress. Everybody agreed that this knowledge and activity might be better utilized, and the Government believed that sub-section 4 of Clause I would provide means by which representatives of the most important sections of native society would be appointed to the Councils. The Bill was, perhaps, not a great or an heroic measure, but at the same time it marked a decisive step, and step in advance. As such it had been welcomed by every living Viceroy of India. It was foreshadowed by Lord Dufferin, it was earnestly asked for by Lord Lansdowne, and it had received the emphatic approval of Lord Northbrook not less than of Lord Ripon. There were two main objects which the House was entitled to require is new legislation for India—that it would in no sense impair the efficiency of government and that it should also promote the interests of India. It was because he believed the measure would promote both these ends that he commended the Bill to the sympathetic attention of the House.

II*

As far as controversy about the Bill is concerned, I hope that this debate may be compressed within narrow limits. My hon. friend the member for Manchester has asked the House by his amendment to declare that, in its opinion, no reform of the Indian Councils can be satisfactory which does not embody the elective principle. Looking at the Bill and the amendment. I have to ask myself whether there is between them such a difference of opinion and principle as to make me desirous of going to an issue on that difference. Undoubtedly, looking at the Bill standing by itself, I am disposed to agree with my hon. friend that its language is insufficient and unsatisfactory in as far as it is ambiguous. But the Under-Secretary of State

*Speech of Gladstone on the Bill in the House of Commons.

(Curzon) has introduced the Bill in a comprehensive and lucid speech, and if I were to criticize any portion of that speech it would be that portion of it in which the hon. gentlemen addressed himself to the amendment before the House, because it appeared to be his object to put upon the amendment the most hostile construction it would bear. I, however, desire to put upon the speeches I have heard, and upon the Bill itself, the least controversial construction of which they are fairly susceptible. While the language of the Bill cannot be said to embody the elective principle, it is very peculiar language, unless it is intended to pave the way for the adoption of that principle. I believe it was suggested by a nobleman in the House of Lords, who is friendly to the elective principle in India, that, unless it had been intended to leave room for some peculiarities not yet introduced into the Indian system in the appointment of the members of the Councils under this Bill, it would have been a very singular form of speech to provide not simply that the Governor-General might nominate, but that he might make regulations as to the conditions under which such nominations should be made either by himself or by the Government in Council. It is plain that those who have adopted that language have in view something beyond mere nomination. Then I come to the speech of the Under-Secretary, which distinctly embodied something which I confess appears to me to be not very different from the assertions of my honourable friend, except in the important point that the Under-Secretary proposes to leave everything to the discretion, judgment and responsibility of the Governor-General and the authorities of India. With that limitation the speech of the Under-Secretary appears to me to embody the elective principle in the only sense in which we should expect it to be embodied. My construction of the Under-Secretary's speech is that it implies that a serious effort should be made to consider carefully those elements which, in the present condition of India, might furnish material for the introduction into the Councils of the elective principle. If that serious effort is to be made, by whom is it to be made? I do not think that it can be made by the House of Commons except through the medium of empowering provisions.....It is our business to give to those representing Her Majesty's Government

India ample information as to what we believe to be sound principles of government. It is the function of this House to comment upon any case in which we think the authorities in India have failed to give due effect to those principles; but the discharge of their high administrative functions, or as to the choice of means, there is no doubt that that should be left in their hands. It is evident that the great question—and it is one of great and profound interest—before the House is that of the introduction of the elective element into the government of India. That question overshadows and absorbs everything else. It is a question of vital importance; but it is at the same time of great difficulty. No more difficult office has ever been entrusted to a Governor-General than that of administering a Bill such as that which is now before the House in a manner that shall be honourable and wise. I am not disposed to ask of the Governor-General, or of the Secretary of State, that they shall at once produce large and imposing results. What I wish is that their steps shall be of a genuine nature and that whatever scope they give to the elective principle shall be real.

There are, of course, dangers in their way. There is the danger of subserviency. There is the danger of having persons who represent cliques, classes, or interests, and who may claim the honour of representing the people of India... What we want is to get at the real heart and mind, the most upright sentiments, and the most enlightened thoughts of the people of India, but it is not an easy matter to do that. I think, however, that upon this point we are justified in being a little more sanguine than the Under-Secretary has been in his speech. The honourable member, however, did not venture to indicate where the materials for the elective element in India are to be found. Undoubtedly, as far as my own prepossessions go, I should look presumptively with the greatest amount of expectation and hope to the municipal bodies of India, and to the local authorities, in which the elective element is already included in that country..... Her Majesty's Government ought to understand that it will be regarded as a most grave disappointment if, after all the assurance we have received that an attempt will be made to bring into operation this powerful engine of Government, there should not be some such result as we anticipate

from their action. I do not speak of its amount, I speak more of its quality. In an Asiatic country like India, with its ancient civilization, with its institutions so peculiar, with such a diversity of races, religions and pursuits, with such an enormous extent of country, and such a multitude of human beings as probably, except in the case of China, were never before under a single Government, I can understand that there should be difficulties in carrying what we desire to see accomplished; but great as the difficulties are, the task is a noble task, and will require the utmost prudence and care in conducting it to a successful termination. But after the assurance we have had from persons of the highest capacity, and the greatest responsibility, I believe we are justified in looking forward, not merely to a nominal, but to a real living representation of the people of India. The great nation to which we belong has undoubtedly had to do most difficult tasks in the government and in the foundation of the institutions of extraneous territories. But all the others parts of the British Empire have presented to us a simple problem in comparison with the great problem presented to us by India. Its magnitude, its technicality, is such that the task of Great Britain in this respect is far greater than that which any other country has attempted, and far greater than that which it has itself attempted beyond the sea in any of the dependencies of the Empire. I rejoice to think that a great and real advance has been made, both before and especially since the direct transfer of the Indian Government to the immediate superintendence of the Executive at home and to the authority of the Imperial Legislature. The progress thus made has been made by the constant application to the government of India of the minds of the able men acting under a strong sense of duty, and also a strong sense of political responsibility. All these things induce us to look forward cheerfully to a that great future for India, and to expect real success will attend the genuine application to the Government of that vast and almost immeasurable community. If this attempt be successful, it will be the accomplishment of a task to which it would be difficult to find a parallel in history... I certainly could not take part in any division hostile, or apparently hostile, to the Bill...It would be well that the people of India should under-

stand that united views on this question substantially prevail in this House. My persuasion is that those views are united, and that they are such as tend to the development of an enlightened and not only a liberal but a free system of Government.

THE INDIAN COUNCILS ACT, 1892*

An Act to Amend the Indian Councils Act, 1861

1. (1) The number of additional members of Council nominated by the Governor-General under the provisions of Section 10 of the Indian Councils Act, 1861, shall be such as to him may seem from time to time expedient, but shall not be less than ten nor more than sixteen and the number of additional members of Council nominated by the Governors of the Presidencies of Fort St. George and Bombay respectively under the provisions of Section 29 of the Indian Councils Act, 1861, shall (besides the Advocate-General of the Presidency or officer acting in that capacity) be such as to the said Governors respectively may seem from time to time expedient, but shall not be less than eight, nor more than twenty.

(2) It shall be lawful for the Governor-General in Council by proclamation from time to time to increase the number of Councillors whom the Lieutenant-Governors of the Bengal Division of the Presidency of Fort William and of the North-Western Provinces and Oudh respectively may nominate for their assistance in making laws and regulations :provided always, that not more than twenty shall be nominated for the Bengal Division, and not more than fifteen for the North-Western Provinces and Oudh.

(3) Any person resident in India may be nominated an additional member of Council under Sections 10 and 29 of the Indian Councils Act, 1861, and this Act, or a member of the Council of the Lieutenant-Governor of any province to which

*This Act was mainly based on the deliberations of a committee (appointed by Lord Dufferin), in the work of which Sir George Chesney, Sir Charles Aitchison and Mr. Westland took a prominent part.

the provisions of the Indian Councils, Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable.

(4) The Governor-General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor-General, Governors, and Lieutenant-Governors respectively, and prescribe the manner in which such regulations shall be carried into effect.

2. Notwithstanding any provision in the Indian Councils Act, 1861, the Governor-General of India in Council may from time to time make rules authorising, at any meeting of the Governor General's Council for the purpose of making laws and regulations, the discussion of Annual Financial Statement of the Governor-General in Council and the asking of questions, but under such conditions and restrictions as to subject or otherwise as shall be in the said rules prescribed or declared : and notwithstanding any provisions in the Indian Councils Act, 1861, the Governors in Council of Fort St. George and Bombay respectively, and the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching, the making of laws and regulations, have been or are hereafter extended or made applicable, may from time to time make rules for authorising, at any meeting of their respective Councils for the purpose of making laws and regulations, the discussion of the Annual Financial Statement of their respective local Governments, and the asking of questions, but under such conditions, and restrictions, as to subject or otherwise, as shall in the said rules applicable to such Councils respectively be prescribed or declared. But no member at any such meeting of any Council shall have power to submit or propose any resolution, or to divide the Council in respect of any such financial discussion, or the answer to any such financial discussion, or the answer to any question asked under the authority of this Act or the rules made under this Act provided that any rule made under this Act by a Governor in Council, or by a Lieutenant-

shall be submitted for and shall be subject to the sanction of the Governor-General in Council, and any rule made under this Act by the Governor-General in Council, shall be submitted for and shall be subject to the sanction of the Secretary of State in Council : provided also that rules made under this Act shall not be subject to alteration or amendment at meeting of the purpose making laws and regulations.

3. It is hereby declared that in the twenty-second section of the Indian Councils Act, 1861, it was and is intended that the words 'Indian territories now under the dominion of Her Majesty', should be read and construed as if the words 'or hereafter', were and had at the time of the passing of the said Act been inserted next after the word "now" : and further, that the Government of India Act, 1833, and the Government of India Act, 1858, respectively, shall be read and construed as if at the date of the enactment thereof respectively, it was intended and had been enacted that the said Acts respectively should extend to and include the territories acquired after the dates thereof respectively by the East India Company, and should not be confined to the territories at the dates of the said enactments respectively in the possession and under Government of the said Company.

4. Sections 13 and 32 of the Indian Councils Act, 1861, are hereby repealed, and it is enacted that—

(1) If any additional member of Council, or any member of Council of a Lieutenant-Governor, appointed under the said Act or the Act, shall be absent from India or unable to attend to the duties of his office for a period of two consecutive months, it shall be lawful for the Governor-General, the Governor, or the Lieutenant-Governor, to whose Council such additional member or members may have been nominated (as the case may be), to declare, by a notification published in the Government Gazette that the seat in Council of such person has become vacant.

(2) In the event of a vacancy occurring by the absence from India, inability to attend to duty, death, acceptance of office,

or resignation duly accepted, of any such additional member or member of the Council of a Lieutenant-Governor, it shall be lawful for the Governor-General, for the Governor, or for the Lieutenant-Governor, as the case may be, to nominate any person as, additional member or members, as the case may be, in his place; and every member so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years from the date of such nomination : provided always that it shall not be lawful by such nomination, or by any other nomination made under this Act, to diminish the proportion of non-official members directed by the Indian Councils-Act, 1861, to be nominated.

5. The local legislature of any province in India may from time to time, by Acts passed under and subject to the provisions of the Indian Councils Act, 1861, and with the previous sanction of the Governor-General, but not otherwise, repeal or amend as to that province any law or regulation made either before or after the passing of this Act by any authority in India other than that local legislature: provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of the Indian Councils Act, 1861, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this section.

6. In this Act the expression "local legislature" means:

- (1) The Governor-in-Council for the purpose of making laws and regulations of the respective provinces of Fort St. George and Bombay; and
- (2) The Council for the purpose of making laws and regulations of the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws or regulations have been or are hereafter extended or made applicable :

The expression "Province" means any presidency, division, province, or territory over which the powers of any local legislature for the time being extend.

7. Nothing in this Act shall detract from or diminish the powers of the Governor-General in Council at meetings for the purpose of making laws and regulations.

OBSERVATIONS OF VICEROY LORD LANSDOWNE

I*

The rules for the discussion of the Financial Statement are of the briefest and simplest character. They merely lay down that—

- (i) the statement shall be explained in Council every year and a printed copy given to each Member; that
- (ii) after the explanation has been made, each Member shall be at liberty to offer any observations, he may wish to make on the Statement; and that
- (iii) the Financial Member shall have the right of reply, and the discussion shall be closed by the President¹ making such observations, if any, as he may consider necessary.

The rules for the discussion of the Financial Statement in the Local Legislatures are framed upon the same lines, and I need not further refer to them.

The privilege thus conferred upon the Legislative Councils is, I venture to think, one of great importance. I have, more than once, expressed in this room my strong opinion that the present practice, under which the Council has been allowed

* Speech of Viceroy on Indian Councils Act, 1892 in the Imperial Legislature Council on 2 February, 1892.

1. The Governor General

an opportunity of criticising the financial policy of the Government of India only upon those occasions when financial legislation was resorted to, could not be defended. The right to criticise the financial administration of a Government is one of which it is impossible to over-estimate the value, and I have never concealed my opinion that it was improper as well as illogical that the right should be frequently denied merely upon the technical ground that no Bill upon which a financial debate could be originated happened to be before the Council. The right to discuss, and to criticise, is one which should be either altogether withheld, or altogether conceded. The present arrangement, under which it has been exercised one year and held in abeyance the next, is altogether indefensible. These financial discussions will now take place with regularity, and not upon sufferance, and I feel no doubt that both the public and the Government of India will gain, the one by the wider knowledge and insight into public affairs which it will obtain, the other by the increased opportunity which will be given to it of explaining its position, and defending its policy.

I will now pass to that portion of the new regulations which has reference to the asking of questions under Section 2 of the Councils Act of last year. The main point which we found ourselves called upon to consider had reference to the conditions and restrictions under which the newly conferred right should be exercised. We propose that at least six days' notice shall ordinarily be given in writing to the Secretary in the Legislative Department of any questions which an Hon'ble Member intends to ask; but that the President may, if he thinks fit, allow a question to be asked with shorter notice, or may require a longer notice, should the circumstances demand it.

We have laid down that questions must be so framed as to be merely requests for information, and must not be put in an argumentative or hypothetical form or in defamatory language. No discussion will be permitted in respect of an answer given to a question. These two restrictions are substa-

ntially identical with those under which questions may be put to Her Majesty's Government in the British House of Commons. A question, of which notice has been given by one Member, may, if he so desires, be asked by another Member on his behalf.

There remains one point of the utmost importance. We had to consider whether it was desirable to specify certain subjects with regard to which questions should be inadmissible. It is obvious that there are some matters with regard to which no Government can allow itself to be publicly interpellated, such matters, for example, as military preparations at a time when hostilities are in progress or in contemplation, or matters of financial policy involving the premature disclosure of information affecting the market. The conclusion to which we came was that it was better, at all events in the early days of the new procedure, not to commit ourselves to any such specification of subjects. The impropriety of a question may be due quite as much to the time and circumstances under which it is asked as to the subject-matter, and although we believe that experience may possibly enable us to lay down rules of the kind suggested, we are of opinion that, for the present, it will be desirable to content ourselves with taking power for the President to disallow a question upon the ground that it cannot be answered consistently with public interests. The reformed Councils will, I have no doubt, show a proper appreciation of the limits within which the right of interpellation can be exercised without injury to public interests, and I have every hope that it will very rarely be found necessary to resort to the veto of the President. I may add that in this case also the rule adopted is similar to that in force in the House of Commons.

The rules as to questions asked in the Local Legislatures are conceived in the same spirit, but they contain two special and important restrictions. Under the first of these, Members of Council are precluded from asking questions with regard to matters or branches of the administration other than those

under the control of the Local Government. The second restriction is this, that in matters which are, or have been, the subject of controversy between the Governor-General in Council, or the Secretary of State, and the Local Government, no question shall be asked except as to matters of fact, while the answer must be confined to a statement of the facts. The necessity of both these restrictions is, I think, so obvious that I need not take up the time of the Council by defending them.

... even if the changes which we have been able to introduce were to stop short with those which I have now explained . . . a very material advance will have been made in the direction of increasing the usefulness of the Legislative Councils. Their functions have, until now, with the solitary exception to be found in those occasional discussions of the Budget which I have just mentioned, been strictly and narrowly limited to those of assisting the Government of India in the work of legislation. They have been absolutely precluded from asking for information, or inquiring into matters of public interest. In advising Her Majesty's Government to allow us to exceed these limits, we feel that we have taken a very serious and far-reaching step. We have taken it under a deep sense of the responsibility which we have assumed; we are fully aware that we are effecting a radical change in the character of these Legislatures; but we are profoundly convinced that the time has come when it is desirable to bring them into closer touch with the rest of the community, and that the reform which we are about to introduce is one which will be for the advantage of the Government as well as of the people of this country.

II*

These maximum numbers were fixed after much consultation with Her Majesty's Government, and with the Local Governments concerned. It is, I think, clear that no one can take upon himself to lay down confidently that, in the case

Viceroy's Speech in the Imperial Legislature Council on 16 March, 1893.

of Legislative Bodies like these, any one particular number is exactly appropriate. Our communications with the Local Governments, to which I have just referred, disclosed a certain amount of variety of opinion, although the divergence was within comparatively narrow limits. I may, however, say that when the question was first taken up—and Hon'ble Members will recollect that this Bill has been before Parliament for at least three Sessions—we found a complete consensus of opinion on the part of all the Local Governments consulted in favour of the view that the Councils might, with advantage, be enlarged, and that it was desirable to increase their authority, and to give them a constitution under which they would be able to afford to the Provincial Governments a larger measure of assistance and support.

There was another point upon which the consensus of opinion of the Local Governments was equally noticeable. It was felt by all of them that what was desirable was to improve the present Councils rather than to attempt to put in their place bodies comprising a large number of persons, and possessing the attributes of Parliamentary assemblies of the European type. It is a little remarkable that, although the measure was, as I said just now, during three successive Sessions before Parliament, no serious attempt was, to the best of my belief, made to substitute largely increased numbers for those which are mentioned in the present Act and in the Bills introduced in preceding Sessions.

Another provision of the Act which requires to be specifically considered, in addition to those which have reference to the numbers of the Additional Members, is the provision which has reference to the manner in which they are to be nominated . . .

. . . the responsibility for these nominations remains with the Governor-General and the heads of the Local Governments concerned, and the Secretary of State, in forwarding the Act to us officially, was careful to point out that "the ultimate nominating authority still rests with those to whom it was entrusted by the statute of 1861, and that the responsibility

attaching to the careful exercise of this authority by no means diminishes as the number of non-official Members increases, and as the scope of their attributes is enlarged.”

It was, however, clearly understood, throughout the discussion of the measure, that, subject to this ultimate responsibility, the authority upon whom the duty of making the nomination was thus cast should be encouraged to avail himself, as far as the circumstances permitted, of the advice and assistance of any public bodies whose character and position rendered it likely that they could be consulted with advantage. I will read to the Council the words in which this part of the subject was dealt with by the Secretary of State. Writing on the 30th June, 1892, he says :

“It appears to me probable, nevertheless, that the diffusion in the more advanced Provinces of education and enlightened public spirit, and the recent organisation of Local Self-Government, may have provided, in some instances, ways and means of which the Governments may appropriately avail themselves in determining the character that shall be given to the representation of the views of different races, classes and localities. Where Corporations have been established with definite powers upon a recognised administrative basis, or where Associations have been formed upon a substantial community of legitimate interests, professional, commercial, or territorial, your Excellency and the Local Governors may find convenience, or advantage, in consulting, from time to time, such bodies, and in entertaining at your discretion an expression of their views and recommendations with regard to the selection of Members in whose qualifications they may be disposed to confide.”

. . . the Government of India, ever since I have had the honour of being connected with it, while it has insisted upon the ultimate responsibility of the Government for these nominations, has constantly urged that any Bill which might be passed should render it possible for the Governor-General, and for the heads of the Local Governments, to have recourse to the advice of what, for the want of any more convenient expression, I will describe as ‘suitable constituencies.’

I will venture to quote to the Council one extract from a Despatch sent home by us as long ago as the 24th December, 1889, in which we placed on record our opinion that it would be "well that the measure about to be laid before Parliament should not absolutely preclude us from resort to some form of election where the local conditions are such as to justify a belief that it might be safely and advantageously adopted."

We went on to say that "we should have been glad if the Bill had reserved to us authority to make rules from time to time for the appointment of Additional Members by nomination or otherwise, and we should have considered it sufficient if the consent of your Lordship in Council had been made a condition precedent to the validity of such rules. Such an enactment would have provided for the gradual and tentative introduction of a carefully guarded mode of electing Additional Members."

I am glad to have had the opportunity of referring to what we said upon this occasion, because I have seen it not unfrequently stated that the Government of India had strenuously opposed the introduction of anything approaching to the elective principle into the Bill, and that we had accepted it reluctantly and under pressure.

These, then, are the conditions under which we are called upon to frame Regulations for the appointment of Additional Members. I think the first observation which it would occur to any one to make would be that, given Legislative Bodies of the dimensions prescribed for us, or of any dimensions approaching to those laid down in the Act, it would be altogether hopeless to attempt the introduction of a representative system in the sense in which the words are understood in Western communities. How, for instance, would it be possible in a province like that of Bengal, with a population of 70 millions, to allot the handful of seats at our disposal so as to divide the country, either in respect of geographical areas, or in respect of the different communities which inhabit it, in such a manner as to distribute the representation

equitably, or to make it really effectual? And I am bound to admit that to the best of my belief even those who are credited with opinions of the most advanced type upon Indian political questions have carefully guarded themselves against being supposed to claim for the people of India any system of representation closely imitating the Parliamentary system of Western Europe.

We are met, moreover, with this difficulty that, in many parts of India, any system of election is entirely foreign to the feelings and habits of the people, and that, were we to have recourse to such a system, the really representative men would probably not come forward under it.

Upon a careful review of the whole matter, and of the contents of the Act, as well as of the circumstances under which it had been introduced and passed into law, it appeared to us that the mandate under which we were called upon to act might be summarised in the four following propositions : —

- (1) It is not expected of us that we shall attempt to create in India a complete or symmetrical system of representation.
- (2) It is expected of us that we shall make a *bona fide* endeavour to render the Legislative Councils more representative of the different sections of the Indian community than they are at present.
- (3) For this purpose we are at liberty to make use of the machinery of election wherever there is a fair prospect that it will produce satisfactory results.
- (4) Although we may to this extent apply the elective principle, it is to be clearly understood that the ultimate selection of all Additional Members rests with the Government, and not with the electors. The function of the latter will be that of recommendation only, but of recommendation entitled to the greatest weight, and not likely to be disregarded except in cases of the clearest necessity.

It is in this light that the question has been considered and discussed by us with the Local Governments. We do not believe that the seats placed at our disposal can be distributed according to strict numerical proportion, or upon a symmetrical and uniform system. We do not believe, to use Mr. Gladstone's words, that, under the Act, "large and imposing results" are to be at once obtained, but we do believe that by having resort to sources other than the unassisted nomination of the Government, we shall be able to obtain for these Councils the services of Members who will be in the truest sense representative, but who will represent types and classes rather than areas and numbers.¹

We believe that it should not be beyond our power to secure in this manner for the Government the advice and assistance of men connected with different parts of the country, thoroughly aware of the interests and wishes of their countrymen, and able to judge the extent to which those interests are likely to be affected by any measures of legislation which may be proposed. If we can obtain men of this description, not by selecting them ourselves, but by allowing the great sections of the community a voice in the matter we believe that the persons selected will bring to our deliberations a very much greater weight of authority than they would have possessed, had we been content to rely upon nomination alone.

1. A deputation representing the Central Mahomedan Association waited on Lord Lansdowne on January 22, 1894, and presented a farewell address, in which it was stated, "... .. the most important administrative reform with which Your Excellency's name will ever be associated, and which will also secure for it a permanent place in the grateful remembrance of the people, has been the extension of the Legislative Councils on a wider representative basis, — a measure the full benefit of which, though yet derived almost exclusively by one community, will, we hope, in time, lead to a fair representation of our people also in the Councils." In this reply Lord Lansdowne said, "You have expressed a hope that your people may not be denied a fair share of representation upon the enlarged Councils. As to that, I may tell you that it has, from the first, been our intention to secure them a reasonable number of seats" *Speeches of Lord Lansdowne*, Vol. II, pp. 646-649.

It is, however, further provided that the Lieutenant-Governor may nominate to such of the remaining seats as shall not be filled by officials, in such a manner as shall, in his opinion, secure a fair representation of the different classes of the community, and that one seat shall ordinarily be held by a representative of the great landholders of the Province. It was in our belief absolutely necessary that a part of the seats at our disposal should be reserved in this manner, and filled up by nomination pure and simple. Only by such a reservation was it possible to provide for the representation of those sections of the community which, although sufficiently important to claim a voice in our deliberations, happen to be in a minority, and therefore unable to secure by means of their votes the return of a Member acceptable to themselves. Members thus nominated, although not owing their nomination to the suffrages of their fellow-citizens, will, we hope, be regarded as distinctly representative of the class from which they are taken.

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The Government of India has, from the first, held that the reform of the Viceroy's Council must, to some extent, be dependent upon, and subsequent to that of the Local Councils. It seemed to us that, if the difficulty of obtaining an effectual system of representation was great in the case of the Local Councils, it must, *a fortiori*, be greater still in the case of a Council entrusted with the duty of legislating for the whole of India, and, in our belief, the strongest argument in favour of dealing, in the first instance, with the Local Legislatures was that we were likely to find in them, when they had been strengthened and reformed, the most convenient electoral bodies for the purpose of choosing a part at all events of the Additional Members who will be appointed to the Legislative Council of the Viceroy.

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We have made a proposal of this kind to the Secretary of State. The maximum number of Additional Members who can be nominated to the Governor-General's Council is sixteen. Of these at least eight must, under the Act, be non-officials. We have recommended that there shall be ten non-officials.

We have suggested that four of these might be selected and recommended to us by the Local Legislatures of the four Provinces having local Councils, that one at least would be required to represent the interests of Commerce, and that one might perhaps be chosen from the Calcutta Bar. We propose that the discretion of the Viceroy with regard to the sources from which the remaining four might be obtained should be interfered with as little as possible. There may be found in those Provinces which do not possess Legislative Councils certain classes and sections of the community so far accustomed to collective action in the promotion of their common interests that they would be qualified to unite in submitting a recommendation in respect of any seat which the Governor-General may desire to fill up from a particular Province, and we have been in communication with the Governments of these Provinces upon this subject. It is, however, clear that whatever arrangement may be made with this object should be as elastic as possible. We might, for example, find from time to time that the consideration of some particular measure requires the presence in this Council of a Member specially conversant with the subject, or with the territories which the contemplated legislation will affect, and this contingency must certainly be provided for in the case of those Provinces which have no Local Legislatures, and for which such legislation as is required must be undertaken in the Council of the Governor-General. We do not, therefore, in the case of the Provinces see any necessity for such detailed Rules for the submission of recommendations as have been proposed for the Local Councils. We shall, however, endeavour as far as possible, in the event of a Member being required for this Council from any of the four Provinces not having local Councils, to give that Member, by resorting as far as possible to the system of recommendation, a more representative character than would attach to him if he were arbitrarily selected by the head of the Government.

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It is not unlikely that our proposals will disappoint the expectations of those who would gladly see us travel further and faster along the path of reform. We claim, however, for

the changes which we have been instrumental in procuring that they will, beyond all question, greatly increase the usefulness and the authority of these Legislative bodies. We are able to show that the number of Additional Members has been materially increased; that we have considerably widened the functions of the Councils by the admission of the right of Interpellation and the discussion of the Financial Statement; and, finally, that we shall no longer rely on nomination, pure and simple, for the selection of additional Members. These are all substantial steps in advance. . . .

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