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AN APPEAL TO ANGLO-INDIANS.

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BAR,-AT-LAW.

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THE PRESENT STATE OF INDIA.

AN APPEAL TO ANGLO-INDIANS.

A disloyal Parsee is as rare as a black turnip. The reason for this is not far to seek. The prosperity of the Parsees dates from the advent of the British rule in India, and it is feared that it will disappear, if perchance that rule is overthrown. Loyalty in their case is begotten of the instinct of self-preservation and self-advancement. It is firm, genuine and lasting, although at times there is an outburst of resentment on the part of that Community against particular measures of Government. It is, therefore, unnecessary for me to give an assurance that the following remarks have been made in a spirit of loyalty and devotion to the British Raj.

Of late there has been a marked change in the feeling of the people of India towards Government. Instead of contentiment there now seems to provail discontent, and distrust and dissatisfaction appear to have, to a considerable extent, taken the place of confidence, esteem and good-will. The outward screnity is

It is only by freely mixing with the people and encouraging them to speak their minds fearlessly and candidly that one can hope to ascertain the true state of things. I have talked with cultivators, artisans, . tradesmon, and the educated and uneducated masses, and have found a feeling of bitterness and heart-burning pervading them all, with the only difference that the feeling is more strong among the educated than the uneducated people. This is a faithful portraiture, and he who doubts it betrays ignorance and lack of insight. Unfortunately, most of the Indians who have the ears of Government are not representative men of the people at all. Not a few of them, by reason of their wealth and position, are as far remote from the masses as the Rulers themselves. A few of them are too timid to be outspoken for fear of being suspected of disloyalty. Whereas a considerable portion of them are more sychophants and flatterers, who, in their base desire to gain honours or high offices in the State, take care to reflect the views of Government only, and falsely represent to Government that their views have the approbation of the populace. Our Rulers are ordinary mortals after all, and what wonder is there if they show proneness in putting faith in them? A complifient is always more agreeable than unsavoury truth and goes down one's throat readily.

The causes which seem to have led to the present state of discontent may be summarized thus:—

- (a) A disregard of Native sentiment and Native opinion expressed through the medium of the Native Press.
- (b) Contempt and rudonoss shown by Anglo-Indians as a class towards Indians.
- (c) An irrational and at times almost sinful distinction made between Europeans and Natives in Courts of Law and elsewhere.
- (d) Efforts on the part of the Legislature to retrouch the powers of the High Courts.
- (e) The exclusion of Indians from the High Offices of the State.
- (f) Non-recognition of the political aspirations of the Indians.
- (g) Apathy, if not antipathy, shown towards education, especially higher education.
- (h) The impoverished condition of the peasantry de to heavy taxation on land.

- (i) The ruthless sacrifice of the best interests of India at the bid and call of a county like Lancashire, and the ever-growing conviction among the people that even the Mother of Parliaments is apathetic and cannot be trusted where the interests of India conflict with those of even a portion of the Anglo-Saxon race.
- (j) The Administration of Lord Curzon.

Disregard of Native Sentiment and Native Opinion.

First with regard to the Native sentiment and Native Lord Dufferin has said: "There can be no greater mistake than for statesmen to overlook the important part which sentiment plays in the conduct of human affairs. More of the wars which have desolated the earth have been occasioned by outraged sentiment than by the pursuit of material advantage. Nay, even Commerce itself, the most unromantic and sagacious of interests, follows for lengthened periods in the wake of custom, consanguinity, sentiment and tradition. This is one of those truths of which the English people are but imperfectly aware." Lord Dufferin never spoke more truly. America was lost "through the Minister of the day failing to appreciate the force and direction of Colonial sentiment." Yet our Rulers would ignore sentiment in the government of this country. Nowhere in the world does sentiment loom so largely in the routine of every-day life than in India, and Itais •political unwisdom not to pay deference to it. Tako for instance the recent case of the partition of Bengal. Government justified partition on the ground that the

administration was growing too unwieldy for efficient management by a Lieutenant-Governor, and pooli-poolied as absurd and chimerical the idea which had largely gained currency that by this means the Government intended to break up the unity and concord which existed among the Bengalese. I am inclined to accept the Government version, although I believe the Bengal High Court characterized the scheme as a mischievous and retrograde departure. It is, therefore, that the obstinacy shown by Government in carrying out the scheme in the teeth of public opinion seems all the more blameworthy than it would otherwise have been. The Bengalese were united by a common language, a common sentiment and a common tie of brotherhood, and the Government ought not to have ridden roughshod on them. The exigencies of the administration could have been well satisfied by the appointment of a Governor-in-Council. The Bengalese proposed it, but the Government heeded them not. Thus we have the spectagle of a whole province in an uproar, disturbed and this tisfied. The wave of distemper has spread more of less to other parts of India, which, God grant, may not leave its blighting effect in its wake.

On this as on all political questions in the past, the Native Press unerringly voiced the opinion of the people. The Native Press is but a phonograph, which faithfully

opis, or Native sentiment on reproduces matters politicat. It will be a sad mistake to attempt to throttle it or even to clip its wings. At times a portion of it goes into hysterics and says silly things. I concede that some Native journals circulate vile stuff, but happily they are too few and insignificant to be taken notice of. Our Rulers ought to show generosity and forbearance, and remember that the Native Press on the whole has condered and is still rendering very valuable services to the country. It has, to use the language of a distinguished Irish Judge, Chief Baron Woulfe, "created and fostered public opinion and made it racy of the soil." It has expounded the intentions and measures of Government to the people and has very often raised the mist of popular prejudice. It has also revealed to the Government the aims, wishes and aspirations of the people. It is but a most unalloyed fountain of information for Government which, instead of being closed up by the cement of elegislation or hampered by legislative barriers, should be allowed to flow perennially, although it may be that it is formand turbid in some places. I may recount here an incident which impressed me powerfully at the time of its oc-Surrence. During the pendency of the memorable Tilak trial for sodition, I saw one day a motley group of passengers at a local railway station awaiting the arrival

of a train. Some of them were seated on a bench and some had squatted on the floor in a truly Oriental fashion, listening to an intemperate denunciation of Government by one of them, and expressing approbation thereof either by words, nods or frowns. My sitting on the next bench did not deter them, but an Englishman came and directly he took his seat beside me, the vituperative harangue was given a different turn adroitly. I believe they were afraid. There was at that time a wild rumour that Government had their spies abroad.

The above incident illustrates the desirability of encouraging the people to speak their minds openly, instead of in secret. Political cabals and intriguing confederacies are but the offspring of a muzzled press or a tongue-tied people. God grant that they may never blacken the fair face of India by their smutty appearance.

Here a word may be said about the Anglo-Indian Press. However well disposed it may be, it can never adequately represent the people of India. The editors of the Anglo-Indian journals are Europeans, between whom and the Natives there is hardly anything in confmon. The world of those editors is the Anglo-Indian world, and they acquire their thoughts and sentiments

in Anglo-Indian Clubs and Anglo-Indian society. Lt. would be too much to expect them to rise above their Anglo-Indian environments. There is, however, one thing they can and ought to do. They should publish letters from Native gentlemen more readily than at present. I am constrained to observe with regret that such letters are withheld by some of the Anglo-Indian journals, when the views expressed in them run counter to theirs. It is a most reprehensible thing to conduct journals in India on racial lines. The officials who compose the Government read Angle-Indian journals, and naturally they would weigh the contents of such letters, if published. The Anglo-Indian press, on account of its unique position, can exercise a highly beneficent influence on the topics of the day, if it but shows more broad-mindedness, largeness of heart and keenness of vision.

Rudeness towards Nativés.

Now I go to the second of the causes of discontent, viz., the contempt and rudeness shown by Anglo-Indians as a class towards Indians. The proverbial insular pride of Englishmen is one thing and the bumptious insolence of the Anglo-Indians as a community is another thing. I have noticed with sorrow the insulting and insolent attitude of some Anglo-Indians towards Indians. It is not an uncommon thing to hear the Anglo-Indians call the Natives 'niggors.' The epithet is resented not because it implies a blackness of skin. To an Indian mind there is no merit in being white, or humiliation in being black. A coal-black African is as good a man as a snow-white Englishman. Both are creatures of the same God. Surely the Indians show a true Christian spirit on this point. But the opithot is resented by them, because it is used in derision and to convey inferiority and servitade.

Take another instance. Who is not aware of the unscendy collisions and tursels between Angle-Indians and Indians in firstellass carriages and on platforms of railways? Firstellass Indian passengers are, as a

rule, men of aducation and refinement, and it is ifritating to them to be prevented by Anglo-Indians to step into carriages or to be disturbed by them when once in. Very often there is an exchange of angry words and at times of blows. A how-dare-you-come-in look or an angry scowl, which Anglo-Indians manifest on such occasions, are not calculated to promote friendliness between the two races. I must say, in fairness, that some Anglo-Indian passengers are very good, obliging and courteous, and give one the smack of the pleasant days spont by him in England.

It is notorious that Native third class passengers are very often treated most shabbily on the railways in India. They are looked upon as a flock of live-stock, although they contribute most to the earnings of the railway companies. If they venture to seek any information from an European or an Eurasian employee they are generally treated by him with the utmost scorn, although the same individual is all politoness and attention when spoken to by an European or an Eurasian for a like purpose.

The fourth illustration is unfortunately of an event of ordinary occurrence. Some Angle-Indian drivers of vehicles 'soear' poor Natives and sometimes lash them for not getting out of their way promptly. Is

that a very dire offence? What right have such drivers to ill-treat those poor follows in that way? They are King's subjects and walk on King's highways, although they are at times a little tiresome on account of their gawky gait.

One day, I saw outside the railway station at Coorla, close to the Court of the Second Class Magistrate of that place, a European swearing hard at a Native and flourishing a sword-stick at him for a very trivial reason. There was a policeman standing near, but he did not interfere, although he was appealed to. The crowd of people which had gathered murmured 'zoolam,' 'zoolam.' I advised the aggrieved person to complain to a Magistrate and offered to give evidence for him, but he shook his head mournfully and said that British Justice was impotent in the case of a 'sahib.' I tried to disabuse his mind on that point, but to no purpose. That poor man whom I had known is now sleeping the eternal sleep, having been shot by a Pathan since.

The next illustration I would give would be an incident which always causes irritation and heart-burning among the educated Indians. It is the slight at times shown to them at public functions or at interviews with Government officials on abusiness.

Sometimes a native gentleman has to wait outside the room of an official for a very long time before he is given an interview. Sometimes he is not offered a chair when he has a right to it by his position and the rules of propriety and etiquette. Sometimes he is spoken to brusquely or sharply. All this is keenly felt. Slight from a servant of the Crown is a bitterer pill to swallow than in the case of a private individual, and the bitterness is intensified by a difference of treatment accorded to an European on a like occasion. Uniformity of rudeness in an officer unmixed by race distinction is perhaps less galling.

I remember a case in which an Anglo-Indian Magistrate in the Mofussil offered a chair to an ordinary Eurasian witness who gave his evidence sitting. There was neither illness nor any other just cause for providing him with a seat. His race secured him the privilege. I am sure such courtesy would not have been shown by that Magistrate to a native higher in position than that Eurasian. I say this because I had appeared before that Magistrate in several cases.

It is common knowledge that very often Government and railway officials do not 'mister' or 'esquire' respectable natives in communications addressed to them, although an European or an Eurasian is always shown that courtesy even if he happens to be a potboy.

It is not necessary to illustrate afurther. Indians will please remember that they are so many atoms constituting the great molecule of Government. The Indian masses look upon them in that light. What is a sahib to them if he is not an embodiment of the great 'Sirkar'? Therefore it will be realized that delinquencies on their part whether committed jointly or severally, and whether in public life or private capacity, will reflect discredit on the illustrious 'Sirkar.' The honour of the British Rule in India to a certain extent depends upon them. .. Moreover, it should be remembered that a conquered people must perforce be sonsitive. Therefore, too great a regard can never be shown for their feelings. In any case, much will be gained and nothing lost by being kind and considerate to the Indians. "Pleasant words are as an honoy-comb sweet to the soul and health to the bones." The Indians have a very responsive heart and will never fail to be grateful in return. Acts of kindness, love and sympathy will always have an enduring place in their hearts, It should further be borne in mind that the educated Indians, who are a product of the English education in India, are highly intelligent and acute. It is not an exaggeration to say that in a fair competition—they will beat hollow many an Anglo-Indian any day,

Indians have venerable traditions and an ancient divilization which they cherish dearly. After all, we all are being revolved on the wheel of Dame Fortune. The Indians were an advanced people when Englishmen were grovelling in darkness. Let there be humility, charity and nobility of soul preached by Jesus Christ, who, be it remembered, was also an Asiatic.

Distinction between Europeans and Indians in Courts of Law.

The third head of grievance in the sequence of order is "An irrational and at times almost sinful distinction made between Europeans and Indians in Courts of Law." The subject is delicate, and I would fain have omitted it for fear of reviving bitter memories. However, on a careful consideration T felt that so prolific a source of angry feeling and resentment on the part of the people could not be omitted without frustrating the object this essay was intended to accomplish. I would however try and touch the subject gently and in a subdued tone. It is a melancholy state of things that most of the Anglo-Indian Judges and Magistrates prefer to believe European witnesses in preference to Native witnesses, without regard to the position and education of the latter. Evidently, different scales are employed for weighing their testimony. The result is that the educated Natives resent this distinction as an unwarranted slur on them, and to avoid the humilistion of being disbelieved by the Court, they show very groat reluctance to appear as witnesses, especially when they come to know that there will be European witnesses

also appearing in the case. The educated Natives are as truthful and honest as the Anglo-Indians or any other people on God's earth, and can and do realize the gravity of telling a falsehood in the witness-box. There may be a few black sheep among the educated Indians, but their exact prototype will be found among the Anglo-Indians in no smaller degree. A witness ought to be judged by the tests known to the law and not by the faulty test of the colour of his skin. Very often great injustice is perpetrated in that way.

Another matter of much greater importance than the last is the attitude of the Anglo-Indian Magistrates and Anglo-Indian jurymen in the cases of Europeans. Where an European is the complainant and a Nativo is the accused, there is generally a predilection in favour of the former, and the latter has a very up-hill work before him, and if found guilty, is punished more severely than he would have been if the complainant had been a Native. On the other hand, where an European is the accused there is much greater probability of his acquittal than conviction, and in the latter event a more lenient punishment would be passed on him than on a Nativo in a similar case. There is a clamour for equality of justice between man and man, and the Natives say that misguided leniency and favour ' thus shown to Anglo-Indian accused persons, encourage

members of that race to take the law into their hands and tyrannize over the Natives. On a few occasions theory of injustice is ill-founded, but it cannot be denied that in the bulk of cases it is real and not funciful, as the records of our Criminal Courts will abundantly Anglo-Indian Judges of sterling independence have very often found themselves handicapped in the proper discharge of their duty on account of the unreasonable attitude of Anglo-Indian jarymen. The jurymen are sworn at the time of impanelment. The oath administered to them is "you shall well and truly try and true deliverance make between our Sovereign Lord the King-Emperor and the Prisoner at the Bar who you shall have in charge and true verdict give according to evidence. So help you God." They bind themselves by that oath, and by kissing the Holy Bible give solem. nity to it. Yet that sacred oath is broken as if it is of no consequence. The Crown is interested in bringing offenders to fustice, and a breach of the oath is a breach of the duty which Anglo-Indians in common with the Indians owe to the Sovereign. The law of God is broken no less than the law of the Realm to propitiate the letish of prestige. It is a false god, whose worship has lod Anglo-Indians astray from the true path many and many a time. The honour of their [race will increase a hundred-fold, and they themselves, will rise

with a tromendous bound in the estimation of the people of India, if they but forsake this false god and do justice between the Natives and their own kith-and-kinimpartially. Justice is the corner-stone of the British Rule in India. Take care not to disturb or damage it. Perhaps the Anglo-Indian Jurymon and Magistrates are afraid to incur the displeasure of their own countrymen in India who would not like an European to be punished for transgressing the law against a Native. say to them Fear not and do your duty. Sir James Mackintosh, a lawyer of great fame and eminence, was the Recorder of Bombay in the early part of the last century. There was no Supreme Court or High Court then. The Anglo-Indian Society was very small, and it required some courage on the part of a Judge to convict an European. Yet Sir James convicted the then Custom Master of Bombay of receiving sums of money as gifts or presents contrary to law. There was an outburst of indignation on the part of the Angle-Indian Community, but Sir James faced it, although as said by him in a letter to a friend a few months after the trial "I was treated in the grossest manner, was no liberal public opinion to support me and no firm Government to frown down indecent reflections on the administration of justice." Truly, Sir James showed British pluck.

The love of Justice flows in the voin of the English people. It is Englishmen's pride, and has largely contributed to make their sea-girt Isle powerful and wealthy. Even in the Medieval ages it existed. Chief Justice Gascoine promptly ordered Prince Honry to be confined in the prison of the King's Bench when he drow his sword on the Judge, angored by the Judge's refusal to release an associate of his. Wild and impotuous as the Prince was, he had the good sense to submit to the punishment, When his father King Honry IV. heard of this incidont, he exclaimed "Happy is the Monarch who possesses a Judge so resolute in the discharge of his duty, and a son so willing to yield to the authority of the law!" Let our Anglo-Indian Judges show the spirit of Gascoine, and let the sense of appreciation of Justice shown by King Henry and the Prince be shown by our Anglo-Indian friends. Lot not the belief of some people that a lamb can drink with a wolf at the fountain of British Justice be slaken, but strongthen it, fostor it, and spread it far and wide among the people, adopting for your motto "Fiat Justitia, ruat colum."

Attempt to Retrench Powers of High Courts,

The fourth grievance is very important. There is a universal feeling of apprehension among the people of India that the Government is highly anxious to retrench the powers of the High Courts. The Government, it is said, find the bit rather too tight, and want to loosen it, if not to snap it asunder. Some people say that Government would, if it could, reduce the High Courts to the status of District Courts, and make the Judges their pawns, wherewith to play their game on the expansive chess-board of India without fear of being checkmated. This is rather an unfair and uncharitable view to take of the Government, which, after all that may be said against it, is benevolent. But I fancy that the Government is growing rather jealous of the High Courts and desire to circumscribe their It will be an ovil day for the British Rule in India to shake the confidence of the people in the potency and greatness of the High Courts. The High Courts have come to be regarded by the populace as the tabornacles of their liberty, the havens of their safety, the towers of their strength and the palladiums

of their freedom. Lord Curzon, in his farewell speech ent the Byenlla Club, said that the Indian peasant "has no politics" and "knows very little of policies." Be that as it may, it is certain that he knows the High Court of his Presidency. He fondly turns to it in his hour of danger or difficulty as the needle turns to the pole, or, to take a vernacular phrase, as the cannol turns his hoad towards Marwar when he is about to dio. Whonever he is dissatisfied with a Mamlatdar, a Magistrate or a Collector, he thinks of the High Court at once, and makes a wry face when he is told that the High Court has no power to interfere in the matter. He cannot believe it, poor He thinks the High Court all powerful, Vorily, the High Court is the chain which has secured fast the Indian ship to the British moorings. the wind-pipe of the British Rule in India, which cannot, without danger to it, be allowed to be inflamed or choked up by the glands of logislative impediments. I will give a recent instance. When Mr. Tilak was prosecuted for perjury and forgary in Poona about two years ago the sympathy of the whole Indian population, including those who were opposed to him politically was aroused by the appointment of a Special Magistrate to try his case. The Government acted somewhat indiscreetly in constituting a Special Court to try an alloged ordinary offence, and engaging the services of a counsel

from Bombay at a large expense and thus squandering public money. But I am not concerned with it, save to show that it caused alarm in the public mind and produced diffidence in the motive of Government. Mr. Tilak was convicted after a long and laborious trial, and the Sessions Court of Poons upheld the conviction in appeal, but reduced the sentence. The High Court was moved, and the Honourable Lawrence Jenkins, Chief Justice, and the Honourable Mr. Justice Batty set aside the conviction and acquitted Mr. Tilak. The news spread like wildfire, and the triumph of British Justice was proclaimed. The people became jubilant over it, and went into ecstacies singing the praise of the High Court of Bombay. Sir Lawrence is a great and good Judge, dignified and courteous, and has won the hearts of the people of this Presidency by his judicial acumen, broad-mindedness and sympathy for them.

The Judges of the High Court should be as free as air and not dependent upon the Government of India for anything. The Judges of the late Supreme Court were, I believe, much more independent in that respect. Who has not heard of the incident between Sir John Malcolm, the then Governor of Bombay, and Sir John Peter Grant, the then only Judge of the Supreme Court, his two colleagues having died of a

foul disease then prevalent in Bombay? Sir Peter Grant issued a Writ of habeas corpus against a person in the Mofnssil. Sir John Malcolm questioned the authority of the Supreme Court to issue the Writ and declared that he would not let it be executed. onraged Sir Peter Grant who closed the Court for some days and wrote his protest in these memorable words:---"Within these walls we own no equal and no superior but God and the King." His magnificent portrait hangs in the Sessions Court of the High Court of Bombay—a gift of the people, bearing the inscription "That all the Natives who see it may have before them the image of their friend and benefactor." I am not prepared to say whether Sir Peter Grant acted discreetly or indiscreetly in the matter, but I do pray that his words may find for ever an ocho in the Court rooms of all the High Courts in India.

I may be permitted to point out the undesirability of a High Court Judge looking forward to a promotion as a member of an Executive Council of Government. Mr. Bagehot, in his English Constitution, has said: "It is of very grave moment that the administration of justice should be kept clear of any sinister temptations." I have very great respect for civilian Judges, but they had better not be exposed to any temptation. Mr. Justice Jardine, I have heard people say, was not.

promoted to the Executive Council of the Government of Bombay, on account of his fearless criticism of Government from the Bench.

The powers of the High Court should be wide and elastic. Every grievance must have a remody, but the Doctor must be a Judge and not a revenue officer of Government. The tendency of recent legislation, however, is in the contrary direction. The High Court is a very great check on the idiosyncracies and snobbishness of the Mofussil Judiciary. As long as there continues to exist the unnatural combination of the judicial and executive functions in India, the wheel of Criminal Justice will not revolve freely and a great deal of hardship will continue to be felt by the Mofussil people. As a rule revenue officers give much greater attention to revenue work than to criminal work, and very often do the latter in a hurried and perfunctory manner. Rightly or wrongly they imagine that their promotion depends upon the efficiency of their revenue work. Moreover, the Mofassil Magistrates as a class are incompetent. Any one who has the least experience of them will testify to this. Their shortcomings and ignorance are amazing. The Subordinate Magistracy is in a still more deplorable condition. It is nothing but a conglomeration of ex-talatis, and quondam clerks of Collectors and Assist-

ant Collectors whose knowledge of law is of a most superficial character. Their metamorphosis is wonderful, but it is not conducive to efficient administration of justice. Fancy a person drawing a salary of about Rs. 80 a month, invested with the powers of sending a King's subject to jail for six mouths and fining him Rs. 200. Well may people shudder at this. Unfortunately, the High Court is generally reductant to interfere with the orders of Magistrates subordinate to it in the exercise of its revisional jurisdiction. wise a great many things would come to light. Legal practitioners in the districts know a great deal about their Magistrates, but they dare not speak about them for fear of ruining their practice and creating a hornot's nest about them. They can, however, tell tales of lamentable miscarriage of justice. However vigilant the High Court may be, which I am afraid it is not, it cannot efficiently cope with, much less oradicate the evil. The combined system of judicial and executive functions is mischievous, and very often makes the same person a Judge and a presecutor not in name only but in all reality. Both Anglo-Indians and Indians of ominence have condemned the system. The Government, I believe, shelved the question of the separation of the Exoculive and Judicial functions on the ostensible ground of increased expenditure,

but that objection has long since lost its force, there having been large surpluses for the last few years in succession. I am afraid the separation is avoided lest the so-called prestige of the Government Officials should suffer. Here again the fetish of prestige has come in the way of the people. Can none of our English knight-errants slay it? There are appended to this essay two letters which I had contributed to the Bombay Gazette in January and February 1904, over the nom-de-plume of "A Lawyer." They give but a faint outline of the grievances. I wish they had been more full.

Exclusion of Indians from High Offices.

The fifth grievance is the exclusion of Indians from the high offices in the State. A few Indian politicians have made speeches by the yard, denouncing Government in the most scathing terms. The bulk of the people do not share their extreme views things exist, a considerable English element is indispensable in the service of the State. No right-thinking Indian grudges it. But there should be some semblance of justice in the dispensation of State patronage. Lord Curzon, in the Government of India Resolution of 24th May 1904, said: "There has been a progressive increase in the employment of Natives and a progressive decline in the employment of Europeans, showing how honestly and faithfully the British Government had fulfilled its pledges and how untruo is the charge which is so often heard of a ban of exclusion against the Natives of the country," 'His Lordship further said: "It is not the fact that the Government of the country has abused its patronage to the benefit of any class or community of persons. On the contrary, as the development of administrative organization has entailed the creation

of fresh appointments, endeavour has consistently been made to share the privileges and responsibilities. of office impartially between class and class." The Hon. Mr. Gokhalo in a carofully compiled table appended to his speech delivered in the Vicerogal Council in March 1905, exposed the fallacy of Lord Curzon's statements. As that table shows the utter disparity between the employment of Natives and the employment of Europeans and Eurasians in the High Offices of the State, I would append it at the end of this pamphlet. According to it the crumbs only go to the Natives, the thickly buttered slices to Europeans. This should not be the case. Lord George Hamilton, the late Secretary of State for India, once said at a meeting: "There are tens of millions of Indians with intellectual capacity fully equal, if not superior, to our own; and in the North are tons of millions equal in fighting power to the best European Nations." His Lordship is not known as a pro-Indian, but I think he spoke the literal truth. How can then such highly intellectual people be expected to bear with complacency their exclusion from the service of the Government of their own country? There is a tendercy to disdain the educated Natives, and speak of them as, a microscopic minority, who, it is alleged, think of none but themselves. But it is for-

gotten that this microscopic minority, which counts over a million souls, possesses the strength of a Hercules and forms the nucleus of the great Indian nation, which, under the ægis of the British Rule, is bound to come into existence, if not to-day or to-morrow, half a century hence. The educated Natives are the warp and the well in the magnificent texture of the British Rule in India, and on their durability will depend its permanence. Let them, therefore, be treated kindly, justly and generously. Very often tried and experienced Indians are passed over in favour of untried and inexperienced Europeans, even at the sacrifice of the efficiency of public service, and even when the liberty of the subjects is jeopardised as in the case of the appointment of raw Europeans as magistrates. Very often square men are placed in round holes, simply because they are Europeans. Natives feel it, resent it, and brood over it. This is not a good thing for the State at all.

I may here refer to a universal belief in India that Lord Curzon issued a confidential circular for the exclusion of Natives from posts above Rs. 200. It exercised the native mind a great deal and spread dissatisfaction. It was an act of short-sighted and misguided statesmanship, to say nothing about its unjust, ungenerous and un-English character. May the

Government of Lord Minto remove this cancer of sore discontent by withdrawing the circular or by announcing to the public that the popular belief was errongous.

Olosely allied to the last subject is the non-recognition of the political aspirations of the educated Indians to take part in the Government of the country. A great statesman, I believe, Lord Cromer, said twenty years ago: " No one who watches the signs of the times in India with even moderate care can doubt that we have entered upon a period of change. The spread of education, the increasing influence of a free press, the substitution of legal for discretionary administration, the progress of railways and telegraphs, the casier com munication with Europe and the more ready influx of European ideas are beginning to produce a marked offect upon the people. New ideas are springing Now aspirations are being called forth. The power public opinion is growing daily. Such a condition affairs is one in which the task of Government, at especially of a despetic Government, is beset with difficu ties of no light kind. To move too fast is danger to but to lag behind is more dangerous still. The probl is how to deal with this new-born spirit of prog

caw and superficial as in many respects it is, so as to direct it into the right course, and to derive from it all the benefits which its development is capable of altimately conferring upon the country, and at the same time to prevent it from becoming, through blind indifferance or stupid repression, a source of serious political flanger." These are words of wisdom and are more true now than they were when spoken twenty years The Indians cannot walk alone as some people fancy, but they have outgrown their long clothes long since, and have arrived at the state of adolescence. It is but natural that they should aspire to put their finger in the pie of the administration of their own country. They would be belieing human nature if they did otherwise. Englishmen ought to encourage rather than discourage their political aspirations, and take them into partnership with themselves in the great Imperial Firm of India. Sir William Hunter has written: " I mot believe that a people numbering one-sixth of the lole inhabitants of the globe, and whose aspirations se been nourished from the earliest youth on the rong food of English liberty can be permanently mied a voice in the government of their country. I not believe that races into whom we have instilled maxim of 'no taxation without representation' as 4 indamental right of a people can be permanently

excluded from a share in the management of their finances." Why should our Rulers then attempt to do an impossibility? Indians cannot be excluded for ever. Better, therefore, extend the right hand of fellowship to them now when it will be seized with warmth and gratitude. It is political wisdom to do a thing gracefully and condescendingly than to do it in obedience to a popular clamour when it becomes dangerous. I do not say that the Government should give them all that they want, but it cannot be denied that some of their demands are highly reasonable and moderate. instance, the expansion of the Imperial Legislative Council based on elective principle and the appointment of some Indians in the Council of the Secretary of State for India. The Secretary of State, although he is as a rule a politician of great experience and judgment, has no Indan experience, and is naturally guided to a very large extent by his Council, which is composed of ex-Anglo-Indian bureaucrats. It is, therefore, of supreme importance that he should have some Indian Councillors in his Council to represent the Indian view. The Hon. Mr. Gokhale, in his speech delivered at the Cambridge Union Society on the 31st October 1905, after advocating the above reforms said "that half-a-dozon Topkesentatives of India should be elected members of the British Parliament." This raises a great constitutional

question, and I am not sure that Englishmen will approve of such innovation. However that may be, it will not be desirable to allow Indian Members to speak or vote upon questions other than those directly affecting India. Otherwise they may be absorbed by the two great political parties in England, and swayed by party prejudices and considerations.

India has now been under the British Rule for over a hundred years, but her children have not been accorded one-fourth of the rights and privileges which America has accorded to the Filipinos. President McKinley onco said: "The Philippines are ours not to exploit but to develop, to civilize, to educate, to train in the science of self-government. This is the path of duty which we must follow or be recreant to a mighty trust committed to us." These words were not mere empty words intended to remain on parchment only as a sham and mockery in deference to the civilized world, but were intended to be carried out in right earnest. The Filipinos have been given great deal already, and a great deal still more will be given to them in future. Well may Indians complain that Queen Victoria's gracidus proclamation of 1858, which they have come to regard as the Magna Charta of their country, has remained unfulfilled.

Apathy towards Education.

The next grievance relates to the apathy, if not antipathy, shown towards education, especially higher education. Mount Stuart Elphinstone, who was more of a statesman than an official, in his memorable minute on education dated March 1824, said: "It is difficult to imagine an undertaking in which our duty, our interest and our honour are more immediately concerned. It is now well understood that in all countries the happiness of the poor depends in a great measure on their education. It is by means of it alone that they can acquire those habits of prudence and self-respect from which all other good qualities spring; and if ever there was a country where such habits are required it is this."

"The dangers to which we are exposed from the sensitive character of the religion of the Natives and the slippery foundation of our Government, owing to the total separation between us and our subjects, require the adoption of some measure to counteract them, and the only one is, to remove their prejudices and to-sommunicate our own principles and opinions by the diffusion of a rational education."

that we have subverted the states of the East and shut up all the sources from which the magnificence of the country was derived, and that we have not ourselves constructed a single work either of utility or splendour. It may be alleged with more justice that we have dried up the fountains of native talent, and that from the nature of our conquest not only all encouragement to the advancement of knowledge is withdrawn, but even the actual learning of the nation is likely to be lost, and the productions of former genius to be forgotten. Something should surely be done to remove this represent."

"It seems desirable gradually to introduce them into offices of higher rank and emoluments, and afterwards of higher trust. I should see no objection to a native member of a board, and I should even wish to see one district committed experimentally to a native Judge and another to a native Collector."

Elphinstone's said minute on education is a very long one, and nobody who reads it will fail to be 'impressed by the breadth of view and prescionce of that great statesman. Unfortunately, it finds no response in the present administration of the country. Whereas our Government spend about 29 erores of rupees on the

Army and the defence works out of the annual total revenue of about Rs. 86 crores, they spend a comparatively paltry sum of about 24 crores of rupees on education, which is a much more important armament for the stability of the British Rule in India than maxim guns and like weapons of brute savagery. Nobody wants the efficiency of the army to suffer, but the military expenditure has mounted up by leaps and bounds beyond endurance. However that may be, education ought not to be neglected and starved. In almost all civilized countries the State supports education liberally, and in some of them education has been made compulsory. In India, which is a very poor country and where education is needed most, it is regrettable that the Government should be remiss. There is an impression gaining strongth every day that a considerable portion of the Angle-Indians look upon the spread of education in India as a source of danger to the State and wish to repress it. Alas I that there should be such short-sighted men. Education can never imporil the British Rule. It will, on the contrary, make it permanent and everlasting. It is quite probable that as education increases the people may clamour for more rights and privileges, claim an equality with the Europeans and encroach upon the preserves of the Bureaucracy. But that will only be a fulfilment of

England's great mission in this country, and will redound to her honour and greatness for ever and ever. Moreover, it is puorile for any one to think of repressing education in India. No Government will succeed if it try. England is the mistress of India and not Russia, and Englishmen who have wafted the banner of freedom, liberty and enlightenment whorever they have been, will never tolerate any such inhumane policy. Further, the people of India have acquired a very great love for learning, and it is now almost impossible to wean them of it. Great Anglo-Indian statesmen in the past tapped the spring of education in India with a view to promote her happiness and welfare. That spring has now expanded into a magnificent river flowing majestically onward, ever widening, ever deepening and spreading its ramifications far and wide. Legislature may create barriers like the Universities Act, but the water will only eddy for a while and leap over such barriors defiantly, rippling forth a peal of triumph in its onward course.

The Universities Act has caused a great deal of dissatisfaction. One does not like to speak about it in strong language, but it is a retrograde measure, which has to a considerable extent made the universities a department of the State, and taken away from the Senates their freedom of action. The Native Press with an almost complete unanimity condefined the measure, the people called meetings against it, and the three older universities opposed it strongly. There was a chorus of disapproval everywhere. Why should it have been so? Had the Indians gone mad so as not to discriminate between good and bad? This could not be. They were upset because they thought that the education of their children was in danger.

The Hon. Mr. Raleigh, in introducing the Universities Bill, said: "My Lord, the question is sometimes raised, whether English education has been a blessing or a curse to the people of India. In point of fact it has been both; but much more, I believe, a blessing than a curse. We note every day the disturbing effects of a new culture, imposed upon bearers who are not always prepared to receive it; but still, it is a great achievement to have opened the mind of the East to the discoveries of Western science and the spirit of English law. To the Schools and Colleges under our administration we own some of the best of our fellow-workers, able Judges, useful officials and teachers who pass on to others the benefit which they have received. To them also we owe the discoutented B. A., who has carried away from his college a scant modicum of learning and an entirely exaggerated estimate of his own capacities—and the great army of

failed candidates, who beset all the avenues to subordinate employment. Can we do anything to increase the gain, and to diminish the drawback? In other words, can we do anything to improve the methods of teaching and examination which produced these mixed results." With due deserence to Mr. Raleigh, I must say that education has proved an unalloyed blessing. If there are discontented B. A.'s, education is not to blame for it. The cause of the malady has not been properly diagnosed. As sure as the Earth revolves on its axis, discontented B. A.'s will not diminish, much less disappear, under the new Act. However, let us hope that there may be the very least interference on the part of the Government with the work of the senates, and that things may progress harmoniously for the good of the country.

Here a word may be said about technical education. Unfortunately, the avenues open to the Indian intellect are very limited. It ought to be diverted in other channels also. The indigenous industry has died out, or is breathing the agonizing sobs of death. The mortal hand of flesh and bone cannot fight the gigantic hand of steam and iron. There ought to be a first-rate technical education planted in our country. And who can best take up that all-important and beneficent

work? Government and Government only. It is idle to expect people to do it. They are very poor and mustalook to Government for help. Money spent in this direction will fructify a hundred-fold, and will bring to Government a plentiful harvest in the shape of contentment and happiness of the people.

Abject Poverty of the Reasant.

Next in the order of grievances comes the abject poverty of the Indian peasantry. The population of India is 300 millions, of which 200 millions live on agriculture. India is a very poor country, and its fabulous wealth is a talk of the past. The annual average income of her people is about Rs. 30 or £2, whereas that of the people of England is about Rs. 675 or £45. The Indian peasants are in a most deplorable condition. They live in squalid poverty and do not get even one hearty meal in a day. During a famine they perish like flies. It is said that during the last 10 years about 20 millions of them died of starvation. That means a population a little less than one-half of the population of the United Kingdom. What Britisher is there who will not feel a thrill of shudder at the bare contemplation of the dissemination of nearly one-half of the population of his country? Yet India has lost millions of her children. She is mock, gentle and forbearing, but her heart bleeds and she sheds silont toars of anguish. It is said that the Indian peasants are thoughtless and improvident, and are the makers of their own misfortune. It is an unfounded and uncharitable accusation. I should like to see their accusers

perform the miracle of extravagant and laxurious living upon a daily income of 3 annas or 3d, a day. The average daily income of the head of an Indian peasant family is about 3 annas. What an absurdity it is then to expect him to lay by something out of this wretched pittance, which is hardly sufficient to keep his body and soul together? Mr. Donald Smeaton, C.S.I., formerly a member of the Viceroy's Conneil, in the course of a lecture delivered in Scotland last year said: "The Indian famines are not, in reality, food famines at all. They are money famines; and here we come to close quarters with the most deadly disease—the most besetting sin—of our Indian Administration. There has never been a so-called famine when there was not within the four frontiers of India ample food for the people. The scarcity has never been a scarcity of food, but of the money wherewith to buy it. An extraordinary fact is it not? It is accounted for in this way. First and foremost the taxation of the people amounts to nearly 3 Rs. per head, equivalent to over 18s. per household. Now mark this. The average yearly income of 200 millions of the Indian people has been estimated by authority at £1 3s. per lead. So that you have 40 million families living-that is, fooding and clothing themselves—on 92s, per annum or 3d. per day. Can you conceive of any man, the head of a

family, saving out of an income of 3d. per day? They have really less than a bare subsistence at the best of times when food is not abnormally dear; and observe, their average income has been steadily decreasing, for at least 30 years, whereas the prices of food and other necessaries have nearly doubled; every year the cost of living is appreciably increased, and taxation grows, but the income of these submerged 200 millions remains stationary. Is it then to be wondered at that, as has been remarked by a high authority, 'many millions have barely food enough for eight months out of twolve, and for the remaining four months must exist as best they can by begging, borrowing, or stealing ? Is it to be wondered at that the death-rate in India has risen from 21 per 1,000 in 1880 to an average of 32 per 1,000, during the last decade, rising to 40 per 1000 in 1900 !-nearly double in 20 years?" Mr. Smeaton has described the condition of the Indian peasantry correctly. Mr. J. E. O'Conor, the late Director-General of Statistics in India, in spite of a natural bias in favour of the officialdom to which he once belonged," was constrained to acknowledge the squalid poverty of the Indian peasantry in a paper read by him before the Indian section of the Society of Arts in May last year. He described India "as an extremely poor country, judged by any European standard needing that her resources should be carefully husbanded and made the most of by a thrifty and

prudent. administration. In India sooner than any country in the world are the works of the reckless and shortsighted financiers likely to do irreparable evil." About the present agrarian policy of the Government he said: "It is doubtful whether the efforts now being made to take the cultivating out of the hands of the monoy-lender will have much effect, or, even if they have the fulfest effect, that they will materially improve the cultivator's position until a larger share of the produce of the soil is left in his hands, and he is protected against enhanced assessment by Government officials and against enhanced rent by private landlords." Mr. O'Conor, while alive to the good which might result from extensive irrigation and the introduction of new plants and implements of husbandry, expressed as his opinion that the roduction of the land revenue by 25 or 30 per cent. was needed to improve the unhappy lot of the cultivator. I think he hit the right nail there. No stop-gap, tinkering or half-hearted measures will do. The land assessment in India is crushing. It is about 15 or 20 per cent. of the gross produce—a thing unheard of in any civilized country.

Lord Curzon in his post-prandial speech at the banquet held in his honour at the Byoulla Club said: "It is the Indian poor, the Indian peasant, the patient,

humble, silent millions, the 80 per cent. who subsist by agriculture, who know very little of policies, but who profit or suffer by their results, and whom men's eyes, even the eyes of their countrymen too often forget-to whom I refer. He has been in the background of every policy for which I have been responsible, of every surplus of which I have assisted in the disposition. We see him not in the splendour and opulence, nor even in the squalor of great cities: he reads no newspapers for as a rule, he cannot read at all: he has no politics. But he is the bone and sinew of the country, by the sweat of his brow the soil is tilled, from his labour comes one-fourth of the national income, he should be the first and final object of every Viceroy's regard." These are noble sentiments, but it is wrong to say that the Indian peasant has not a very prominent place in the hearts or in the minds of his countrymen. The Indian politicians of all the schools have spoken times out of number about his abject and helpless condition, and condemned the agrarian policy of Government as killing and ruinous. The salvation of the peasant lies in the reduction of the land assessment, and that boon can be conferred upon him" by Government alone. Let us, however, hope that he may be "the first and the final object of every Viceroy's regard" in future. Hitherto the tax-

gatherer has applied to him the lancet a great deal too much and unrelentingly. Lord Curzon laid unction to his soul by stating, in the course of his speech, "it was for him (the peasant) in the main that we have twice reduced the salt-tax, that we remitted land revenue in two years amounting to nearly 21 millions sterling: for him that we are assessing the land revenue at a progressively lower pitch, and making its collection elastic. It is to improve his credit that we have created co-operative credit societies, so that he may acquire capital at easy rates and be saved from the usury of the moneylender. He is the man whom we desire to lift in the world, to whose children we want to give education, to rescue whom from tyranny and oppression we have reformed the Indian police, and from whose cabin we want to ward off penury and famine." I am afraid his Lordship has rather overdrawn the picture. Be that as it may, we all feel grateful to him for the reduction of the salt-tax, the remission of land revenue and the creation of co-operative credit societies. But these measures after all were more stop-gap measures. They were like a drop of water poured down the parched throat of a thirsty soul on the point of expiry. The budget was bumper, there were surpluses for a succession of years, and the peasantry was so very much stricken down by famine and plague that the hands of .

Government were practically forced to take those monsures. Let it not be supposed that I wish to detract from their merits. During the recent famines the Government, through its servants, acted heroically. Lacs and lacs of people, it is true, perished of starvation, but their number would have been immeasurably augmented if Government had not risen to the occasion and acted generously, promptly, and assiduously. In spite of all this, one cannot say that Government have done their duty sufficiently towards the meek, helpless, and wee-begone peasant. The soil is impoverished, and the peasant has no coin to buy manure for it. From year's end to year's end there is not a glimpse of hope or a rey of prosperity to cheer his heart. He lives in a dark-and dingy hovel with a low thatched roof and testic walls plastered with earth and cow-dung, redelent with the nauscating smell of extreme poverty. The floor is ever damp, and is a breeding place for fever bacilli during the monsoon. He has no furniture, no plate or oreckery. There are a few earthen chatties, a couple of brass platters, a brass goblet and a grinding store at which his wife at break of dawn grinds corn, singing in plaintive voice some primitive song, keeping time as it were with the monotonous rumbling of the grinding stone. He has no mattress to lie on, but stretches his wearied limbs on the naked floor wrapping himself in a

sheet or a blanket. His wardrobe is simple. He has a couple of dhoties, one or two jackets and a turban. He needs no emploard. A line or a cord hung in a corner of the hut serves his purpose just as well. He goes about with a piece of cloth round about his loins, sometimes with a jacket on and sometimes without it. Dis wife has a paraphernalia of two suries and two chowlies (bodices), which she wears alternately after a bath at the village well. In the cold season be keeps off the cold by covering himself with a coarse blanket, which has perhaps rendered service for years. His troop of children go about as naked as when they came out of their mother's womb. He lives on the coarsest food imaginable. Boiled rice or bread and chutney with card or some vegetable to break the monotony constitutes his staple food. Even this he does not get sufficiently, poor man. The luxury he generally regales in is the smoking of a chelum or a biddi. His lot is hard, his sufferings are great, but he bears his cross patiently, because he has full faith in Providence.

Nothing short of a considerable reduction in the landtax will improve the lot of the peasant. The land-tax should be reduced by about 40 per cent. The survey should be held at a much longer interval than at present, and the survey officer should held the survey in a district not alone, but in co-operation with about a dozen well-known men selected from that district. This will to a very great extent guarantee the correctness of the revised assessment, and obviate the cry one often hears of the inexperience or over-zeal of the survey officer. Moreover, in case of a difference of opinion between the survery officer and the 'punch' Government will have before it sufficient materials from which to gather the true state of things. The statesman, who will accomplish this and bring prosperity to the door of the peasant, will earn for himself the countless blessings of the teeming millions of this country. Under the British Rule large towns and cities have fastened and prospered remarkably, but the rural districts have grown lanky and emaciated.

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Apathy of Parliament.

I shall now deal with the question of injustice frequently done to India by the Ministers of the Crown either in the name of or with the active or passive consent of the British Parliament. It is said that the Parliament is in decadence. There are now no statesmen of the type of Pitt, Fox and Burke, Peel and Palmerton, Cobden and Bright, Disraeli and Gladstone, who could rise high in the othereal atmosphere of true statesmanship, making a comprehensive survey of the political horizon and evoking admiration of the civilized world by their high ideal, loftiness of purpose, great prescience and wisdom. Unfortunately, the race of statesmen who made the name of England great and illustrious is now extinct. We have now only second-rate and third-rate politicians in the service of the Crown,* wielding the destiny of England's mighty Empire. The Opposition is composed of men equally feeble. In spite of this, the Parliament of Great Britain is still a dynamo of freedom, liberty and justice. Unfortunately, in the

^{*}This was written one day before the news of the resignation of the Balfour Ministry arrived in India.

multitude of their engagements our British legislators do not pay attention to Indian questions. This should not be the case. Indians naturally look to them for the redress of their grievances. Let not their faith be shaken. That will be a bad angury for the British Rule in India.

Some years ago the Government of India was obliged, on account of the low obb of the Indian finance, to reintroduce import duty on piece-goods arriving in the country. This impost affected the interests of Lancashire. Directly a hue and cry was raised in England, and in deference to it the ministers of the Crown forced the hands of the Government of India to lovy a countervailing duty on the cloth manufactured in India. This was simply outrageous. Rather than lose their power, the ministers of the day yielded to the clamour of the Lancashire manufacturers and inflicted a great wrong on the textile industry of India. Suppose the exigencies of the finance of Great Britain had necessitated the levy of an import duty on wheat or any other stuff imported into England from India, and the Indians had demanded a contervailing duty on the indigenous wheat or stuff, would not Englishmen have characterised the domand as impudent and unjust? Yet India was forced to do what Englishmen would never have done, in spite of their much talked-of imperialistic conscience.

Take a very recent case. In the military controversy between Lord Curzon and Lord Kitchener, Lorde Kitchener came off victorious. Lord Curzon fought valiantly, but he was hit below the belt by a weak Secretary of State who was but the mouth-piece of an equally weak Ministry. Lord Kitchener was a very great favourite with the British public, and to thwart him in his wishes appeared to the Balfour Ministry as the sounding of their own funeral knell. The Ministry was afraid to face the avalanche of public resentment in England which might have been aroused if Lord Kitchener had resigned his office of Commander-in-Chief in India. Therefore, rather than be submerged the Ministry bent their knees readily before Lord Kitchener, in spite of the masterly protest of Lord Curzon. Thus India's best interests were shamefully sacrificed, and a deadly blow was administered to her constitution. As stated by the Times of India "the differences between the Viceroy and Commander-in-Chief nominally centred round the question the Military Member and the Military whother Department should be retained, though shorn of some of their powers; but the actual issue at stake was whether Lord Kitchener should obtain complete and unfellered control of Military administration and Military exponditure, unchecked by any of those safeguards which in

all civilized countries are invariably associated with constitutional Government." Lord Curzon resigned his office of Viceroy of India. He fought bravely for a great constitutional question, but the Indian public, although in complete accord with his view, did not make any public demonstration of their feelings as they did on a much less important occasion of the Ilbert Bill during the memorable administration of Lord Ripon. The Indians had come to regard Lord Curzon's Viceroyalty as a piece of bad luck for them, and breathed a sigh of relief at the intelligence of his resignation.

Although the Curzon-Kitchener controversy involved a question of vital importance for the welfare of India, the British Parliament looked at it with supreme indifference, as if it did not concern them at all. This is to be deeply regretted. That a great legislative body should slumber on such an occasion betrays lack of true conception of its duty. Let us, however, hope that Parliament will shake off its apathy under the newly-formed Bannerman Ministry, and do away with this portentous evil, which is bound to eat up the vitals of the finance of India.

Another grievance of considerable magnitude may be dealt with here. It is the refusal of England to contribute towards the up-keep of the Army in India. The Indian Army is not for India only, but is always at

the command of England for Imperial purposes. It has served in Malta, China, Egypt, Arabia and Africa, and England has only to order it to go to any part of the world in future. Why should India be saddled with the whole of its cost then? Is it just or aquitable to do so? There are not a few politicians in Great Britain who have imperialism on their minds, imperialism on their lips," but, I regret, no imperialism at their hearts. Would Englishmen have ever dared to accord such an unfair treatment to Canada or Australia? No fearly But India is weak, and therefore can be ridden hard. There is a proverh in Gujerati that a low plum tree gets the most shaking at the hands of the fruit-gatherer. India is poor. England is rich. There can be no comparison between the two countries. It is said that the wealth of the United Kingdom is about 15,000 millions sterling and that of India about 600 hundred millions sterling only. India is already greaning under the overpowering weight of the Military expenditure. One-third of her revenue is swallowed up by it. India therefore appeals to the Parliament of Great Britain to show her justice, if not generosity and sympathy which are her dues as a member of the worldwide Empire of England.

Administration of Lord Curzon,

The administration of Lord Curzon comes next. It is a vast subject, and can be dealt with but very briefly here. Lord Curzon wound up his great speech at the Byculla Club with the words "Let India be my judge." India has judged his Lordship, and has pronounced her verdict against him.

On the day their Royal Highnesses the Prince and Princess of Wales landed in Bombay, one was struck by the studious silence of the natives when Lord Curzon drove from the Government House to the Apollo Bunder to receive the Royal guests. The streets were thronged with spectators, the windows of houses and every available vantage-ground were packed with men, women and children of different castes and creeds, all anxiously awaiting to bid a loyal and a most enthusiastic welcome to their future King and Queon. But Lord Curzon was not cheered, although it was very well known that his viceroyalty was about to close within a few days. A short time after his Lordship drove past, the multitudes saw Sir Pherozshah Mehta driving, and gave him cheers. Why should it have been so? Why should warmth have been shown towards. an ordinary subject of the King and coldness towards .

the King's representative in this country? The people of Bombay are known for their extreme moderation and sobricty of views. The reason was that the people were dissatisfied with Lord Curzon. Other parts of the country did not show enthusiasm either. Lord Curzon had no place in the hearts of the people. It is true that Anglo-Indian Associations like the Chambers of Commerce, a few Princes and Chiefs, and a handful of Native Associations presented addresses or spoke culogistically of Lord Curzon. For obvious reasons I do not take into account the Anglo-Indian bodies. About the Native Chiefs and Princes it is wisdom to say nothing. Moreover, they do not constitute the people of India. As regards the few Indian Associations I believe they were not important or influential bodies. However, I will assume that they were important and influential. Their extremely small number only proves the universality of the feeling of dissatisfaction felt towards Lord Curzon. The Anglo-Indian panegyrists of his Lordship extolled him to the seventh heaven; the Indians on the other hand decried him. Why should there have been such a strange phenomenon? The Indians are known for their gratitude. Show them a little kindness and they will lick your hand fondly and caressingly. The explanation is that Lord Curzon, in spite of his marvellous capacity and great intellectual

powers, was consumed by egotism and pedantry. He rendered some very valuable services to the country, but he was domineering and disdainful towards the natives. He was an able administrator but not a statesman. His unhappy convocation speech and his speech delivered in council on the occasion of the Universities Validating Bill will not soon be forgotten by the people of India.

The Indians fully appreciated the boon conforred upon them by Lord Curzon by the reduction of the salttax, the remission of land revenue, the creation of Co-operative credit societies and the extension of works of irrigation, and by his efforts to bring European assailants of Indians to justice. It is said that Lord Curzon was forced to adopt those measures by the exigencies of the time, the large surpluses which occurred year after year, and the alarming poverty of the peasants, who had lost their live-stock, seed and almost all that they possessed during the famine. However it would be unfair not to thank Lord Curzon for those acts of kindness. Against them might be placed in the opposite scale the pageantry of the Delhi Darbar, the Tibet Expedition, the Universities Act, the State Secrets Act, the Partition of Bengal and Lord Curzon's inordinate passion for centralisation and his efforts to exclude natives from the higher offices of the State.

The pageantry of the Dolhi Darbur was vain and idle. Lacs of rupees were thrown away on it. From twenty to thirty thousand people were dying weekly of plague, and the country had not quite emerged from the throos of famine at the time of the Delhi Darbar. A more inopportune time could not have been selected for the purpose. The people freely said that Lord Curzon desired to play the role of an Emperor. I do not think he wished that; but there was evidently a great deal of vanity blended with a desire to make the people think that England was all powerful in India. Nobody disputed that fact, and there was no necessity to prove what was a self-evident proposition. The people loved King Edward dearly, and their firm conviction was that if the true condition of India had been represented to his Majesty, he would have vetoed the squandering of lacs of rupees on an empty pageant.

Lord Curzon's Anglo-Indian admirers see nothing harmful about the Universities Act, the State Secrets Act and the Partition of Bengal." They are not monuments of statesmanship, but are monuments of folly. Anglo-Indians have no idea how the hearts of the Indians have been lacerated by these measures and by the unkind and insulting language of Lord Curzon towards them. The Anglo-Indians do not mix with the Indians and cannot know their feelings. It is difficult

to foretell what may not happen to the British Rule in India, if half a dozen men like Lord Curzon come to India as Viceroy in succession. Every loyal Inflian, who is genuinely attached to the British Rule in India, feels that Lord Curzon in his over-zeal to make the British foothold firmer in India has unwittingly plunged a dagger in its bowels. This may appear incredible or ridiculous to Anglo-Indians, bitt it is none the less true. It is unfortunate that Anglo-Indians although they live in the midst of Indians, by their exclusiveness know little or next to nothing about their feelings. Let us all, however, fervently pray that Lord Minto may heal the lacerated feelings of the people by the soothing balm of justice, kindness and sympathy.

Conclusion.

With the

I have tried in this brochure only to focus the attention of Englishmen and Anglo-Indians on a few of the salient grievanees of the people of India. I hope they will think over them. India is the most lustrous gem in the Crown of England. It is a continent in itself, and contains one-fifth of the human race. It is a grand mosaic work of Providence, tessellated by variegated colours of its people and the still more variegated hues of their garments. Here are to be found snow-peaked mountains and barren plains scorched

by the sultry heat of the sun. Green valleys of superb beauty and grandour and deserts replete with wild animals and reptiles equally nestle in its bosom, The cold bleak wind of Europe blows in its face side by side with the hot wind of Africa, and there are entombed in its bowels rich veins of untapped minerals. India is the cynosure of the world. Without it England would be like a man with his nose and right hand and leg cut off. Let not our Anglo-Indian follow-subjects ever disfigure or amputate themselves by their folly. Remember the proverb that 'as we sow so shall we reap.' Unfortunately, there are not a few Angle-Indians who seem to imagine that the best way to rule India is to keep the Hindu and Mohamedan at arm's length from each other. It is a very shortsighted policy. It may succeed for a while, but not always. Imagine a man trying to cut into halves the water of a river. Directly he plunges his sword into the water, there will be a splash and a ruffling of the surface, but the water will unite again and run on placidly hugging closely together for fear of a further division. The best way to rule India is to make her people happy and contented. Treat them all your fellow-subjects and not inferiors; look upon them as your partners and not rivals; be kind and courteous to them and do unto them as you would be done by others.

The foundation of the British Rule in India should ever be what lawyers would say justice, equity and good conscience. Any foundation of greed, selfishness and vanity will be like a foundation of quicksand. India is sincerely grateful to England for the blessings she has already conferred upon her, but still much remains to be done.

It has pained all the well-wishers of the British Rule in this country that Mr. Fuller, the Lieutenant Governor of the newly made Province, should have talked of blood-shed and threatened people with the military. A man who has done this is searcely a proper person to be the head of a Province. Statesmanship demands a cool and collected head and a sympathetic and generous heart.

There has been unnecessary distrust and disfavour shown to the Swadeshi movement in some quarters. Even some of those who profess! to be in its favour appear to be afraid of it. It is not an archangel of evil; it is not a Fenian or a Nihilist movement, but it is a most praiseworthy movement, which, when carried on by constitutional means, ought to be supported by Government. In it one sees the dawn of India's prosperity and the expansion of her trade, commerce and manufactures. It will teach Indians self-denial, self-reliance and self-respect. It is immaterial what has

brought it about. The project is grand, majestic and noble, and Indians ought to persevere in it by all constitutional means, and even at a great pecuniary sacrifice and personal discomfort.

At this juncture India seems to be at the parting of the ways. May God of all nations show to our Rulers the true path—the path of wisdom, forbearance, mananimity and justice—which may lead to the union of hearts between the rulers and the ruled and the overlasting floating of the Union Jack from the Indian bastions.

Nowhere in the British Empire is the throne of England held in so much reverence as in India. Any disparaging remark about the Sovereign will be felt more keenly in India than elsewhere. The Indians love the Sovereign truly. There is no mock-show or humbugging about them. The late Queen Victoria was loved and venerated, and when she died the mourning was deep and universal in India. When King Edward was taken ill a little before his Coronation the people of India manifested genuine anxiety, and fervently prayed for his speedy recovery. They love King Edward no less than they loved Queen Victoria. Even the Prince of Wales has a very warm corner in their hearts. Their Royal Highnesses the Prince and Princess of Wales are in India in the midst of a most loyal

subject. The people of Bombay accorded to them a most enthusiastic welcome. The town was gargeously bedeeked and sumptuously illuminated. Bombay looked fascinating and bewitching in her heliday-attire, and smiled a most radiant smile to greet the royal guests. Months ago when it was announced that the ince and the Princess would visit India, the hearts of the people throbbed with joy, and it was decided to give a right royal velcome to the royal son of a royal father, in spite of the foar that their lavish hospitality might be misconstrued by the Prince into a token of opulence.

His Royal Highness will be pleased not to gauge the prosperity of India by the magnificence of the reception he has received in large towns and will receive hereafter during his sojourn. The rural population which is eighty per cent. of the population of India, is on the brink of starvation and penury. Still, the prince and peasant, the rich and poor, the artisan and tradesman, the high and low, all sincorely unite in wishing their Royal Highnesses a most pleasant and enjoyable time in India and a safe return home in the best of health.

The devotion of the people of India to the person of the Sovereign is a great political asset which ought to be made the best use of. India's intellect is keen, her

soil is rich and her resources are vast. A skilful potter will turn out of these materials a pot of great utility and of exquisito beauty and splendour. India can be made to produce and will produce the best of statesmon, the best of soldiers, the best of jurists, and in fact the best of anything and everything. This may cause some Anglo-Indian lips to quiver with a smile, and may seem the vision of a visionary. But look at Japan! Thirty years ago if anybody had said that Japan would defeat Russia, and would take a prominent place in the council of the civilized nations of the world his sanity would have been questioned. Who could have thought ten years ago that the mighty arms of Russia would be vanquished and that she herself would be paralysed by an internecine feud! Tyranny, oppression and bad Government sowed the seed of revenge and hatred in the hearts of the people of Russia. The bayonet was always ready to plunge into the entrails of the people and the sword ready for the same nefarious purpose. The people chafed, but bided their opportunity. The Russo-Japanese war broke out and lighted the smouldering spark into a hugo conflagration. The fire is still raging and bucketfuls of human blood are being poured over it in the vain hope of extinguishing it. History repeats itself in Russia as it has

repeated itself in other countries in the past. Unfortunately men learn history, but do not take its wholesome lesson to heart. The law of God is inexorable, but monarchs and statesmen in their limited wisdom defy it and thus court destruction. Righteousness exalteth a Government, and tyranny is the precursor of its fall. Let this be remembered in every country and every clime. Russia is now gathering the harvest of her misrule. The Indians have always looked upon her as their greatest enemy, and thank their stars that they are not under her tyrannical and inhumane sway but are under the freedom-loving, humane and protecting wings of Great Britain. India loves the British Rule, in spite of its shortcomings, and no wonder. Sho has passed through many vicissitudes and changes. No country in the world has passed through hor ordeals. Her bow was cruelly lashed by the foaming billows and tempestuous winds of invasion and her sides were split by internecine fend. Providence has now placed her under the skilful captaincy of John Bull, who, it is hoped, will steer her to her cherished goal amid the acclamations of the world.

It is said that the East will be East, and the West will be West, never to unite with each other. Let our Angle-Indian fellow-subjects and statesmen belie this

by joining hands with the Indians and working arm in arm with them for the good of this country, and to the glory and renown of the mighty Empire of Great Britain.

APPENDIX A.

The Failings of Mofussil Magistrates.

TO THE EDITOR OF THE "BOMBAY GAZETTE."

Sin,—Great hardship is being caused to those who happen to appear in a magisterial court in the mofus-sil either as lawyers, parties or witnesses. They attend the court at 11 a.m. in obedience to its order. However on reaching it, oftener than not they find the magistrate not arrived there. It is a known fact that a magistrate in the mofussil comes to court at all sorts of hours, varying with his convenience and caprice. Even after his arrival, if he happens to be an executive officer also, he takes up the revenue work first, and then the criminal work, or reverses the order as it suits his whim. When the revenue work is taken in hand first, woe be to the lawyers and the parties engaged in a criminal case. They are obliged to wait for hours together under conditions, which people unaccustomed

to the mofussil courts can hardly conceive. The magistrate doing the revenue work declares that the room in which he transacts business is his private room, and the fact that he hears criminal cases in it, does not change its character. The poor lawyers are, therefore, obliged to spend their time as best as they can, in a verandali or some such place. There is no wonder if they secretly anathematico the magistrate after wearisome waiting. The treatment accorded to the litigants and witnesses is worse still. Lest they should make a noise and disturb the tranquillity of his Worship's mind, his pattawalla does not allow them to stay in the verandah or any place close by. They are obliged, therefore, either to sit on the ground under a tree, or walk about aimlessly until their legs are tired out. You may well imagine their sufferings when the weather is inclement. The hardship is very much intensified when the magistrate is on tour. At times his tent is pitched miles away from a railway station or a town. As ho exercises jurisdiction over a large area of land, people from distant places are obliged to go to his itinerary court. They sometimes leave their homes a day previously and sometimes before the break of dawn of the day fixed for the hearing of the case. Near the tent they can get nothing to eat, and even for a drink of water they have to coax a pattawalla, or look to the

benevolence of others. In the hottest season they have to beguile the wearisome hours beneath a tree before the magistrate at his sweet will takes up the case. I know of instances in which magistrates did not begin magisterial work until nearly 5 p. m. Whether at headquarters or while on tour, it is essential for the convenience of the litigants, their lawyers and witnesses that criminal work should be begun at 11 o'clock in the forenoon and stopped at 5 o'clock in the afternoon. Once in a way, in an emergent case, it may be right for a magistrate to continue the hearing of a case until after 5 o'clock, but it is certainly not right for him to begin with a case at that hour, when the reople should be returning homewards after the day's worry and trial, A magistrate in the mofussil fancies himself supreme, and thinks that he has power to hold his court at any time and on any day including even a gazetted holiday. He does not seem to care a rap for the hardship which may be caused by his action to the litigants and the lawyers appearing before him. I can recall to mind instances in which the magistrates even when, at headquarters, had, by their dilatoriness in taking up cases, caused the litigants and witnesses to spend a night away from their homes to seek shelter as best as they. could get it in a strange place.

The hardship to the litigants does not end here. In fact their tale of wee will be incomplete without taking into account the pecuniary losses which they are obliged to bear. They must pay the piper. I mean they must pay the lawyers well in order to induce them to bear with the inconvenience and annoyance. They must also treat their witnesses and spend money on them in addition to the bhata money paid for them to Government. Also, they are obliged to humour and supplicate their witnesses who, very naturally, are leathed to incur fatigue and bother. When called against their will the witnesses very often assume a defiant attitude and wilfully damage the cause of the side calling them to give evidence.

The above is but brief and feeble portraiture of the hardships to which the litigants in a magistrate's court in the mofussil are liable. It is a melanchely reflection that their said grievances are very largely the creation of the European magistrates, whose bad example is imitated by their clerks, when under the most objectionable system in vogue, they in the course of time become magistrates. It is both amusing and aggrayating to behold these native magistrates giving themselves airs without possessing the redeeming virtues of the European magistrates.

Sir, the Judges of his Majesty's High Court at Bombay take their seats on the Bench at 11 a.m. and stop work at 5 p.m., with an hour or three quarters of an hour's recess at noon. Why should not the magistrates in the mofussil conform to the same rule? It is true that some of them have to do revenue work in addition to magisterial work. But that is no excuse for delaying the magisterial work till 4 or 5 o'clock in the afternoon and later. The best thing for them to do is to attend to the magisterial work first for some hours of the day, and then take up the revenue work. If that be not feasible—and I don't see why it should not be—then the next best thing for them to do is to take up criminal work always from 2 to 5, never later and vary the time of attendance in the summons and subpœnes accordingly.

With reference to the magistrates, who are not burdened with revenue work they have not a ghost of excuse for holding their courts later than 11 a.m. and sitting up till after 5. p.m. I know of some of these magistrates not closing their court till 8 o'clock at night, to the great annoyance of the parties and lawyers concerned, although the cases they were engaged in hearing were of a trivial character. I also know instances in which magistrates had held their courts at half-past seven in the morning. I will wind up this

Itonorable the Chief Justice and Judges of the High Court will be pleased to bestow their consideration on the subject—Yours, etc.

A LAWYLR.

January 11.

APPENDIX B.

Mofussil Magistrates.

TO THE EDITOR OF THE "BOMBAY GAZETTE,"

SIR,—In continuation of my letter published in your issue of the 12th ultimo under the heading of "Tho Failings of Mofussil Magistrates," I beg to offer a few remarks on the selection of native magistrates in the Mofussil. As a rule most of them are quondam clerks of the sub-divisional and district magistrates. Their metamorphosis is wonderful. From ordinary clerks drawing Rs. 15 to 20 a month they blossom forth into third class magistrates, and later on, as occasions ariso, attain the position of second and first class magistrates. Their employment as magistrates cannot be deprecated too strongly. They are both by training and education ill qualified for magisterial work. We constantly hear complaints of such clerks displaying a fondness for tips. In the course of time, this failing becomes so very much ingrained into their nature that one may be pardoned for feeling sceptical as to the capacity of many of them, if not of all, to completely get over the failing when appointed magistrates and exposed to much greater temptation. Moreover, having been nurtured in the murky atmosphere of cringing and flattery during their long clerkship, without accopting or expecting any gratification, they are liable to succumb to the cajolery and importunities of friends and caste-people, some of whom, by this means, secure their private ends.

It is common knowledge that the pay of the second and third class magistrates is generally too poor to enable them to withstand temptation. Some of the former do not get more than Rs. 80 per menth, and the latter draw salaries much smaller than that. It is most dangerous, irrespective of the class from which the magistrates are selected, to invest so very poorly paid men with considerable power over the liberty of the King's subjects. Under the Criminal Procedure Code magistrates of the second class are empowered to award imprisonment for a term of six menths and a fine of Rs. 200 in addition to whipping if specially empowered for that purpose; those of the third class have their powers limited to one menth's imprisonment and a fine of Rs. 50.

With regard to the education of these magistrates I may say that it is of a very inferior order. It is true that they always pass the lower and in very many cases the higher grade examinations. Still, I submit that as magistrates the majority of them are a failure, whatever they may be as revenue officers. Their general culture is of a limited character, and, although they

show some familiarity with the various sections of the Penal and Criminal Procedure Codes, they do not know sufficiently how and where to apply them. Their knowledge of the law of evidence is very superficial, and they fail to discriminate between relevant and irrelevant, and primary and secondary, evidence. They very often misuse the extensive power given to thom under section 165 of the Evidence Act; and thereby frustrate the purpose for which the same was enacted. They are often found to be completely at sea even when the most elementary questions of the different branches of law incidentally crop up in the cases before thom, their knowledge of the law being limited to a superficial acquaintance with its criminal branch only. It is, I think, essential for the efficient administration of justice that magistrates should possess ordinary knowledge of the various branches of the law, and should have practised at the Bar before their elevation to the Bench, Government before appointing sub-judges should insist upon these conditions being fulfilled, and I fail to see why they do not do so in the case of magistrates, whose powers directly affect the liberties of the subjects. TYours, &c.

A LAWYER.

APPENDIX. C.

The Table compiled by the Hon. Mr. Gokhale .--

(1) TELEGRAPH:-

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Rs. 300-400	***			72	•••	4,
Rs. 400-600				50	***	2

There are 37 appointments in this department carrying salaries ranging from Rs. 600 to Rs. 3,500 which are held exclusively by Europeans.

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119 other higher posts in this department carrying salaries ranging from Rs. 900 to Rs. 3,000 are held by Europeans and Europeans exclusively.

(3) Post Office:-

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Note.—The only Indian who held in 1903 a post in the grade of Rs. 2,000—2,500 was a member of the Covenanted Civil Service, and is no longer in the Postal Department.

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Total		9		•	25		29+4	. :
Europeans	+++	***	***	***	22	***	27+5	
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Hindus	***		4,44	***	*3	***	$^{2+1}$	•
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		UBLIO	Works	l.,	•			
Total	***	***	, 17 020,200	• • • •	135		40431	٠.
Europeans		•••	•		361		322-39	
Eurasians	***	***			20	•••	23+3	,
Hindus	***	***	***	•••	52		57 + 5	٠.
Mahometan	B	•••	***	***	2	•••	2	
N.B.—Over Rs.	1,200 a	month	, 1897,	40;1	908,	61,	all Euro-	i ·
berna.								
		Orr	UM.					
Total	***		****		32		14+14	
Europeans	***	•••	114		31	***	41 + 10	
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Maliometan	18 ···		4.4	***	· G		1+1	
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Total	. ***:	***	***		9		16+7	:
Europeans	***	444	• • •	174	9	•••	16+7	
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· .		Po	LICE.	. •	•	∕ C	•	
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Total	• • •		. #+4	***	14	***	14	
Europeans	•••	+15	***	***	14	*	14	
		M	***	***	0	***	0	
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ANIMAR .