

ENGLAND'S WORK IN INDIA

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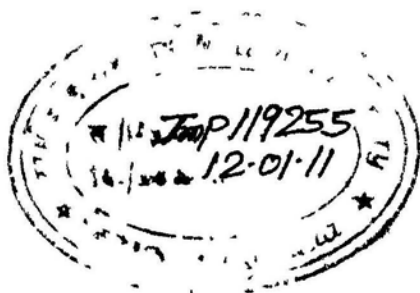
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CONTENTS.

PART I

PROGRESS OF INDIA UNDER BRITISH RULE.

	PAGE.
CHAPTER I.	
PRINCIPLES OF BRITISH RULE :	
EARLIEST DECLARATIONS ...	1—13
CHAPTER II.	
THE WORK OF CONSERVATION ...	14—22
CHAPTER III.	
POLITICAL PROGRESS ...	23—36
CHAPTER IV.	
SUPPRESSION OF SOCIAL ABUSES ...	37—50
CHAPTER V.	
EDUCATIONAL WORK ...	51—66
CHAPTER VI.	
ECONOMIC PROGRESS ...	67—79
CHAPTER VII.	
MATERIAL PROGRESS ...	80—97
CHAPTER VIII.	
CIVIC RIGHTS ...	98—107

CHAPTER IX.

GENERAL CHARACTER AND RESULTS OF THE ADMINISTRATION	108—114
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PART II

ADMINISTRATION OF INDIA.

CHAPTER I.

INTRODUCTORY	119—121
--------------	-----	-----	---------

CHAPTER II.

THE MILITARY ADMINISTRATION...	...	122—130
--------------------------------	-----	---------

CHAPTER III.

THE HIGHER EXECUTIVE AND THE LEGISLA- TURE	131—140
---	-----	-----	---------

CHAPTER IV.

THE SUBORDINATE EXECUTIVE	141—148
---------------------------	-----	-----	---------

CHAPTER V.

THE JUDICIARY	149—154
---------------	-----	-----	---------

CHAPTER VI.

REVENUE AND FINANCE	155—164
---------------------	-----	-----	---------

CHAPTER VII.

THE NATIVE STATES	165—168
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PART I

**PROGRESS OF INDIA UNDER
BRITISH RULE**

CHAPTER I.

PRINCIPLES OF BRITISH RULE; EARLIEST DECLARATIONS.

Introductory—Difficulties of Administration—Policies which might have been adopted—Policy which has been adopted—Conservation and Reform—Magnitude of the Empire—Population—Diversity of language—Diversity of race and religion—One rule—Common Rights and Duties—A uniform Political Status—Declaration of principles of British rule—Measures of Protection—Measures of reform—The Queen's Proclamation.

England, in governing India, has had to face a problem of rare and indeed unique difficulty. It is always difficult for one country to rule another from a distance, and the difficulty is greatly increased when the country to be governed is great in extent and is inhabited by a large population consisting of elements which differ from each other and from the ruling nation in race, religion, language and life. In the early days of British rule the area to be governed was smaller, the population less numerous, and the concerns of life simpler and less varied than they are now; but communication between England and India, and between different parts of India, was not so swift and easy as it is now, the country was less known to the rulers, the rulers less known to the people, the governing body was much smaller, and there was the inevitable difficulty attendant on the beginnings of a new system of administration. The task of government, there-

fore, if it has become more difficult in some respects, has become more easy in others.

The English, when they found themselves possessed of ruling functions, might have adopted one or other of several policies. They might have established one law for themselves and another for the people of this country, reserving to themselves privileges in regard to taxation, trade, appointments, and the like, and subjecting the people to disabilities of various kinds. They might, as between the different races and sects of India, have established laws and institutions of ~~the~~ diverse character intending to favour some and depress others. To save themselves the trouble of thinking out new systems, they might have sought to introduce wholesale the laws and institutions of their own country, abolishing whatever they found in existence. With the same object they might have abstained from interference altogether and let everything remain as it was, thinking that institutions though repugnant to their own ideas were good enough for the people among whom they had grown. Or, if they permitted themselves to be carried away by ideas of symmetry and ideal excellence, they might, in disregard of the laws and institutions of this country and their own, have introduced a novel system which they considered perfect, and might have made it prevail in every part of their possessions, in entire ignorance or contempt of what was in existence, or what might be suited to different conditions. The policy which they adopted,—and no doubt this was one of the alternatives open to them—was neither one of wholesale revolution nor one of indiscriminate retention; it was inspired neither by ideas of abstract perfection, nor by a

strong prejudice in favour of the institutions of their own land or against those of this country. It was a cautious policy of conservation and reform ; of slow, gradual, watchful adaptation and development. English rulers from the earliest days have aimed not so much at symmetry or uniformity as at practical usefulness. They have not scrupled to change every thing which they found to be morally wrong or practically useless or injurious, but they have made no innovations otherwise than on grounds of practical necessity. Certain general principles of justice and good government they have recognised as applicable to the entire country. Local laws and the details of the administrative system have been determined in different parts of the country by their varying needs. In a word, wherever possible, they have shown respect for indigenous ideas and institutions and have retained and sought to develop much that is old. At the same time, in obedience to their own ideas of progress and out of a desire to advance the best interests of the country, they have sought to introduce western ideas into schemes of legislation and administration and to engraft western institutions on the country as far as practicable. The progress of India under British rule has been accomplished by such preservation and such adaptation ; and the story of the progress will be fully told by noting the points on which, first, British rulers have maintained an unbroken continuity of Indian tradition, and on which, secondly, they have sought to re-fashion old institutions, and, where necessary, introduce absolutely new ones of a western type.

An idea of the extent of the Indian Empire may be formed from the fact that it contains 1,766,597 square

miles of country, and is therefore greater by 12,100 square miles than the whole of Europe, excluding Russia proper; Poland and Finland. The provinces under British administration comprise 1,087,204 square miles, or 61·5 per cent of the whole, the aggregate area of the Native States being 679,393 square miles, or 38·5 per cent. The largest British Provinces are Burma (236,738 square miles), somewhat smaller than Austria-Hungary; Beñgal (189,837) and Bombay (188,825), both a good deal larger than Sweden; and Madras (151,695), about the same size as Prussia and Denmark taken together.*

The population according to the latest census is 294,361,056, of whom 231,899,507 are enumerated in British territory and 62,461,549 in the Native States. The Native States, therefore, while embracing more than one-third of the area of the Empire, support considerably less than a quarter of the population. By far the most populous province is Bengal which contains nearly seventy-eight and a half millions of people. Next in order come the United Provinces of Agra and Oudh with forty-eight millions and a half, and Madras with nearly forty-two millions and a half. Bombay and the Punjab rank lowest among the large provinces and have each less than one-third of the population of Bengal.†

No less than 147 distinct languages have been recorded as vernacular in the Indian Empire. Most of these may be grouped under three large Families. The Indo-Chinese languages are found in the Himalayas, Burma, and North-

* Census of India, 1901. Vol. I. pp. 12 and 13.

† Census of India, 1901 Vol. I. p. 13. In this paragraph and the last, 'Bengal' is taken to include Eastern Bengal.

Eastern India; the Dravido-Munda ones mainly in the south and centre of the Peninsula; and the Indo-European on the North-Western Frontier, in the Punjab, Bombay, Bengal, Assam, and the country between the State of Hyderabad and the Himalaya.*

The people of the Indian Empire have been classified, from an ethnological point of view, into seven main physical types, or, roughly speaking, races.† The religions they profess have been classified under ten broad heads.‡ The types as well as the religions admit of numerous sub-divisions.

Amongst a people so numerous, inhabiting a country so large, belonging to such a variety of races, and professing so many religions, there must be a diversity of life and thought, and a diversity and even a conflict of interests. For the first time in the history of India its varied people have been brought under one rule, namely that of England, and a common rule has brought with it common political rights and duties which tend to over-shadow and suppress the petty conflicts of racial or sectarian interests. The Hindu and the Mahomedan, for instance, and the Parsi and the Christian, may worship at different shrines according to different formulas, may pursue different methods of education, may observe different rules of social life, and these differences may breed little jealousies, but they all alike have the same political status, that is to say, they have been invested, as citizens of a state, with common

* Census of India, 1901. Vol. I. p. 248.

† For the names, characteristics, and geographical distribution of the types, see Census of India, 1901. Vol. I. Ch. XI.

‡ Ibid. ch. VIII.

rights, and have been made; also as citizens of a state, subject to common duties. Each has religious and social freedom, and no one can interfere with another, however keen the animosity. As already observed, it was possible for England to have followed a different policy and introduced distinctions, but she has chosen to confer common rights on all and to place all under equal obligations.

As early as 1833, when the charter of the East India Company was renewed by 3 and 4 Will IV. c. 85, it was declared by section 87 of that statute that "no native of the said territories, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the Company." Sir Courtenay Ilbert truly observes: "The policy of freely admitting natives of India to a share in the administration of the country, has never been more broadly or emphatically enunciated."*

Another section of the same statute, after reciting that 'the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide for any mischief or dangers that may arise therefrom,' requires the Governor-General in Council, by laws and regulations, to provide with all convenient speed, for the protection of the natives of the said territories from insult and outrage in their persons, religions, and opinions.

By the same statute also the Governor-General in Council was required forthwith to take into consideration

* The Government of India. P. 91.

the means of mitigating the state of slavery, and of ameliorating the condition of slaves, and of extinguishing slavery throughout the Indian territories as soon as such extinction should be practicable and safe, and to prepare and submit to the Court of Directors drafts of laws on the subject. In preparing these drafts due regard was to be had to the laws of marriage and the rights and authorities of fathers and heads of families.

A despatch accompanying this statute, from the Board of Directors, East India Company, to the Government of India, elaborately discusses the principles and purposes of the measure and leaves no doubt as to the justice and generosity of the Parliament that passed the statute. The Board of Directors also give it an interpretation which shows their solicitude for the good government of the country and the improvement of the condition of the people.

The most systematic statement of the broad principles of British rule in India was made in a Proclamation by Queen Victoria on the assumption of the government of India by the crown from the hands of the East India Company after the Indian Mutiny. It was entitled a "Proclamation by the Queen in Council, to the Princes, Chiefs and People of India" and was read out, and published in the *Calcutta Gazette*, on November 1, 1858. No comment is needed to emphasise and bring into prominence the just, impartial, beneficent spirit that pervades the Proclamation the full text of which is as follows:

* The Government of India, by Sir Courtenay Ilbert. Pp. 492-532.

THE QUEEN'S PROCLAMATION,

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith.

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

Now, therefore, we do by these presents notify and declare that, by the advice and consent aforesaid, we have taken upon ourselves the said Government; and we hereby call upon all our subjects within the said territories to be faithful, and to bear true allegiance to us, our heirs and successors, and to submit themselves to the authority of those whom we may hereafter, from time to time, see fit to appoint to administer the government of our said territories, in our name and our behalf.

And we, reposing especial trust and confidence in the loyalty, ability, and judgment of our right trusty and well-beloved cousin Charles John, Viscount Canning, do hereby constitute and appoint him the said Viscount Canning, to be our first Viceroy and Governor-General in and over our said territories, and to administer the Government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive through one of our Principal Secretaries of State.

And we do hereby confirm in their several offices, Civil and Military, all persons now employed in the service of the Honourable East India Company, subject to our future pleasure, and to such laws and regulations as may hereafter be enacted.

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

We desire no extension of our present territorial possessions; and while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others.

We shall respect the rights, dignity, and honour of native princes as our own; and we desire that they, as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fill.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.

And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.

We know, and respect, the feelings of attachment with which natives of India regard the lands inherited by them from their ancestors and we desire to protect them in all rights connected therewith, subject to the equitable demands of the state; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their countrymen by false reports, and led them unto open

rebellion. Our power has been shown by the suppression of that rebellion in the field; we desire to show our mercy by pardoning the offences of those who have been misled, but who desire to return to the path of duty.

Already, in one province, with a desire to stop the further effusion of blood, and to hasten the pacification of our Indian dominions, our Viceroy and Governor-General has held out the expectation of pardon, on certain terms, to the great majority of those who, in the late unhappy disturbances, have been guilty of offences against our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our Viceroy and Governor-General, and do further announce and proclaim as follows:—

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such the demands of justice forbid the exercise of mercy.

To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators of revolt, their lives alone can be guaranteed; but in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance; and large indulgence will be shown to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

To all others in arms against the Government we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown and dignity, on their return to their homes and peaceful pursuits.

It is our royal pleasure that these terms of grace and amnesty should be extended to all those who comply with these conditions before the 1st day of January next.

When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the Government for the benefit of our

subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

CHAPTER II.

THE WORK OF CONSERVATION.

Religious Toleration—Encouragement of Oriental Learning—Respect for indigenous law and usage—Continuity in regard to Land Tenures—Early Village police—Early system of judicature—Punchayats.

Freedom of faith and worship was guaranteed to all classes by the Queen's Proclamation of 1858, and it has been seen that by the Charter Act of 1833 the Governor-General in Council was required to pass laws and regulations for protection of the people "from insult and outrage in their persons, religions and opinions." By the same Act it was declared that no man was to be held disqualified for any office by reason of his religion. Protection from insult and outrage in religion is given by the Indian Penal Code passed in 1860. Chapter XV (from section 295 to section 298) of that Code deals with offences relating to religion. "The principle on which it has been framed," says Mr. Whitley Stokes, "is this, that every man should be suffered to profess his own religion and that no man should be suffered to insult the religion of another. Most of the offences mentioned are in the nature of wanton insults to existing creeds."*

There is complete religious toleration in India, for, in the first place, every one is at liberty to profess his own

* Anglo-Indian Codes. Vol I. P. 32.

religion and to practise it, secondly, no one is disqualified for any office by his religion; lastly, in accordance with the directions of the despatch of 1854, no religious test or teaching is prescribed in schools or colleges established by Government.* For a full appreciation of this liberty it is necessary to remember that toleration is a recent blessing even in England. It was only in 1829 that the last Catholic Relief Act was passed, and it was not till 1858 that the Jewish Relief Act was passed. Religious liberty in England was attained after a struggle extending over three centuries. In India it has been the voluntary gift of the rulers; and it was an early gift. The Charter Act was passed only four years after the last Catholic Relief Act; and the Queen's Proclamation was issued in the very year that the Jewish Relief Act was passed.

Education largely determines the thought, character and life of a people. British rulers of India have never sought to interfere with the old, indigenous, national institutions for the imparting of education, namely the *tols* of the Hindus and the *maktabs* of the Mahomedans.† In recent years several of these institutions have been encouraged by the holding of examinations and the grant of scholarships to students, and salaries and stipends to teachers. Colleges and schools for the cultivation of oriental learning were established in different parts of the

* Imperial Gazetteer of India. Vol. IV. P. 447.

† For a brief description of indigenous systems of instruction see Imperial Gazetteer, Vol. IV. Pp. 407—409. For figures concerning the number of *tols* in different parts of the country at different periods, see P. N. Bose's History of Hindu Civilization, Vol III. P. 155.

country. The Calcutta Madrasa for Mahomedans was founded by Warren Hastings in 1782. A Sanskrit College was founded at Benares in 1791. The object of the institution is said to have been "the preservation and cultivation of the laws, literature and religion of the Hindus (and more particularly their laws) in their sacred city." All the professors, except the professor of medicine, were to be Brahmins. The discipline of the college was to be conformable in all respects to the Dharma Shashtra in the chapter on education.* In the Charter Act of 1813 there was a clause that one lakh of rupees in each year should be 'set apart and applied to the revival and improvement of literature and the encouragement of the learned Natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India.' The grant was devoted mainly to the up-keep of the Oriental colleges, the payments of stipends to students, and the publication of works of Oriental literature.† A Sanskrit College was opened at Puna in 1821. Lord Amherst founded the Calcutta Sanskrit College in 1824. Stipends were formerly allowed to Brahmin students only, and the college was originally open to them alone. That restriction has now been removed, and Hindu students of all castes are admitted there. The Agra and Delhi Colleges were founded, between 1824 and 1825, on an oriental basis. English education, however, was soon grafted upon the original

* See P. N. Bose's History of Hindu Civilisation during British Rule, Vol. III. P. 159, and the authorities there cited.

† Imperial Gazetteer of India. Vol IV. P. 499.

plan. Geography and Mathematics were included in the college curriculum. English classes were attached to the Sanskrit College of Calcutta and to the Agra College, while at Delhi and Benares district schools were formed for the teaching of the English language.*

As in education, so in the administration of law, the object of the East India Company was to make as little alteration as possible in the existing state of things. A Regulation† passed by Warren Hastings in 1772 directs that in all suits regarding inheritance, marriage, caste, and other religious usages or institutions, the laws of the Koran with respect to Mahomedans, and those of the Shaster with respect to Gentoos‡ shall be adhered to in all Courts in the mofussil. In a Regulation of 1781 it is further laid down that in all cases for which no specific directions are given, the Judges do act according to justice, equity and good conscience. By § Parliamentary Statute§ of 1781 it was declared that the Supreme Court was to have jurisdiction in all manner of actions and suits against the inhabitants of Calcutta, 'provided that their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined in the case of Mahomedans, by the laws and usages of Mahomedans, and in the case of Gentus by the laws and usages of Gentus; and where only one of the

* P. N. Bose's History, Vol. III. p. 164.

† Section 23 of the Judicial Regulations of the 21st August.

‡ Dr. C. D. Field says 'Gentoo' is derived from Portuguese 'gentio' which means a gentile or heathen, and it came to mean a native of India, a Hindoo.

• § 21 Geo. III, C. 79, S. 17.

parties shall be a 'Mahomedan' or Gentu, by the laws and usages of the defendant.'

It was further declared* that 'in order that regard should be had to the civil and religious usages of the said natives, the rights and authorities of fathers of families and masters of families, according as the same might have been exercised by the Gentu or Mahomedan law, shall be preserved to them respectively within their said families; nor shall any acts done in consequence of the rule and law of caste respecting the members of the said families only be held and adjudged a crime, although the same may not be justifiable by the laws of England.'

An eminent writer observes: "If we survey the whole field of law, as administered by the British Indian courts, and examine the extent to which it consists of English and native law respectively, we shall find that Warren Hastings' famous rule,† though not binding on the Indian legislatures, still indicates the class of subjects with which the Indian legislatures have been chary of interfering, and which they have been disposed to leave to the domain of native law and usage.....Within the domain of family law, including the greater part of the law of succession and inheritance, natives still retain their personal law, either modified or formulated, to some extent, by Anglo-Indian legislation. Hindus retain their law of marriage, of adoption, of the joint family, of partition, of succession. Mahomedans retain their law of marriage, of testamentary

* Section 18.

† Laid down in the Judicial Regulations of the 21st August 1772.

and intestate succession, and of *wakf* or quasi-religious trusts.*

Methods of land settlement will be described hereafter somewhat in detail. Here it is necessary only to observe that, in regard to these also, English administrators have shown, as far as possible or desirable, a spirit of conservation. • 'To the Native rule in its last stage of decrepitude, succeeded the government of the East India Company; but at first, whether owing to want of experience, or other causes, no attempt was made to displace the existing system.'† 'The whole system, originated in the palmy days of Mughal power, was now in its last decrepitude. There was then no other course but to continue to follow, at least in its general lines, the system which we found in existence.'‡

In Bombay the riyatwari system was the system of the Mahratta Government, which preceded the British, and although this was not the case in Madras, still in many districts the facts of land-tenure were such that its adoption may be regarded as to some extent a necessary conclusion.§ Innovations have been made from time to time by Regulations and Acts, but except probably in the North-Western Provinces and the Punjab, the old Indian systems seem to have been the basis of land-tenures under English rule. The important branch of law relating to the tenure of land, as embodied in the Rent and Revenue

* The Government of India. By Sir Courtenay Ilbert, p. 401.

† A Manual of the Land Revenue Systems and Land Tenures of British India. By B. H. Baden-Powell. p. 114.

‡ Ibid. p. 118

§ Ibid. p. 128.

Acts and regulations of the different provinces, though based on Indian customs, exhibits a struggle and compromise between English and Indian principles.*

The village police in the early days of British rule was not a creditable institution, but, such as it was, it was based on the old system. The village watchman and the village headman could not be dispensed with. "With the decline of the Mughal power the system of police fell into great disorder, and the petty chiefs and Zamindars, no longer dreading punishment from above, used their adherents to ravage and plunder the lands of their neighbours. This evil example was followed by the village headmen and the village police. Most of the latter became thieves themselves, and many of the former harboured criminals and connived at crime for a share of the booty..... This was the state of things which the British found in the early days of their rule, and as a first step towards reform the Zamindars were relieved of their police duties, which were transferred to the District Magistrates, each district being divided into small police jurisdictions with an area of about 20 square miles. This formed the charge of a daroga who had under him twenty to fifty armed men, and was also given authority over the village watchmen."† This system, however, proved a failure. Reform and re-organisation of the police have been going on ever since.

The earliest courts established by the Company were very largely made up of the sort of judicial machinery that

* The Government of India. By Sir Courtenay Ilbert. p. 40.

† The Imperial Gazetteer of India. Vol IV. p. 396.

had existed under Mahomedan rule. In 1772* a Diwani or Civil Court, and a Foujdari or Criminal Court were established for each provincial division or Collectorate as it then existed. The Collector on the part of the Company presided over the Civil Court. The Kazi and Mufti† of the district and two Moulvis sat in the criminal court to administer the Mahomedan Law of crimes. It was the collector's duty to see that the proceedings were regular and the decision fair and impartial. An appeal lay from the Civil Court to the Sadr Diwani Adalat which consisted of the President and Members of Council, assisted by the native officers of the khalsa or exchequer; and from the Criminal Court to the Nizamat Adalat which consisted of a Chief Officer of Justice appointed by the Nawab Nazim, and the Head Kazi and Mufti and three eminent Moulvis. The proceedings of the Nizamat Adalat were subject to the control of the President and Council.‡

Punchayets are an old institution of the country, and they have received legislative recognition in some parts of the country, for instance in Bengal and Madras. They are part of the indigenous self-governing machinery in villages. A punchayet,—which literally means a body of five men,—is an assembly of elders which has been accustomed from very old times to decide local disputes

* Under Regulations of the 15th August.

† In the Mahomedan regime it was the duty of the Kazi to decide claims of inheritance or succession. The Mufti expounded the law for the Kazi.

‡ C.D. Field's Introduction to the Regulations of the Bengal Code, Section 191.

22 PROGRESS OF INDIA UNDER BRITISH RULE

of a social and even of a legal character. It is not now as widely prevalent an institution as it used to be. Government have never sought to extinguish it, but have on the contrary been ready to utilise its services wherever it has existed.

CHAPTER III.

POLITICAL PROGRESS.

Western ideas and institutions introduced and adapted as an agency of progress—Codes—Their Advantages and Purposes—Equality in the eye of the law—Rights of Citizenship—Abolition of Slavery—Open administration of Justice—Publicity of proceedings in Courts of law and Legislative Councils—Safeguards for the proper administration of Justice—Litigious system of criminal procedure—Safeguards of personal liberty—Facilities for defence—No conviction or sentence without a trial—A single exception to this principle—Trial by Jury—Its advantages—Local Self-Government—Its relation to the Imperial Government—Distinction from Local Government—No taxation without representation, a distinctively English principle—Indigenous forms of Local Self-Government distinguished from the modern—The elective system—Its gradual expansion—Progress dependent on success—Objects of Local Self-Government—Method of development. •

In the preceding chapters an attempt has been made to show how far British rulers from the earliest times have sought to maintain, as far as possible, out of a regard for the interests and wishes of the people, the laws and institutions they found existing in the country. But they have always aimed at progress, and they have therefore felt it necessary to introduce western ideas and institutions ~~and~~ to adapt them to the circumstances of the country. They have done so out of an honest belief that these ideas and institutions would really be an agency of progress, that is, that they would be a means of securing the moral and

intellectual advancement of the people and bringing to them an improved material condition and greater happiness.

The systematic bodies of laws called Codes or Acts that have been passed in this country embody modern ideas. It is not always nor in every country that laws have existed in the form of codes. But that form has this advantage that the law is expressed in a clear definite, well-arranged manner, that it is published to all the world, and is capable of being easily ascertained and understood by students and practitioners, judges and magistrates, and even the general public. The English Parliament decided long ago on the necessity of having Codes for India. The Charter Act of 1833, already more than once referred to, recited* that it was 'expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period; and that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted; and that all laws and customs having the force of law within the said territories should be ascertained and consolidated, and as occasion may require, amended.' By the same Act the Governor-General in Council was directed to issue a commission to be known as the Indian Law Commission with the fullest powers 'to enquire and report on the

* Section 53.

existing laws and the judicial machinery.' The reports were to be laid before Parliament. Macaulay was the most prominent member of the first Indian Law Commission.

It should be noted that, according to the desire of Parliament, in the construction of the codes due regard was to be had to the rights, feelings and usages of the people, and that the existing laws, written as well as customary, were to be fully ascertained. In the next place the equality of all men in the eye of the law was declared in unequivocal language. 'All persons whatsoever, as well Europeans as natives,' were to be subject to a general system of judicial establishments and police; and such laws were to be enacted as might be applicable in common to all classes of inhabitants. In regard to their form the Indian Codes have been highly spoken of by competent authorities. A distinguished English lawyer* says they are "the best models yet produced." As to their substance it is enough to say that their basis is the law of England, stripped of its local peculiarities, and modified with regard to the condition, institutions and climate of India, and the character, religions and usages of the population.†

Equality in the eye of the law is a great blessing to a people. It means that there are no privileged classes or individuals, that the oppressor's wrong cannot go unpunished, that all enjoy equal and impartial protection of the law, that all have the same rights of citizenship. There

* Sir Frederick Pollock.

† The Anglo-Indian Codes. By Whitey Stokes. Vol. I. General Introduction. P. xxvi.

is not in India any distinction of, the *jus civile* * and the *jus gentium*, † as there was in ancient Rome. It has to be remembered that this principle of legal equality is altogether a creation of British rulers. It was declared by the Charter Act of 1833 and solemnly and emphatically repeated by the Queen's Proclamation of 1858. As regards the criminal law it finds expression in the Penal Code which declares‡ that every person shall be liable to punishment under the Code and not otherwise, for violating its provisions in British India on or after the 1st-January 1862.§ There was no equality in the Hindu Law. The distinctions recognised in social life between the castes were imported into the law, and in many matters there was one law for the Brahmin and another for the other castes, especially the Sudra,

There was no equality in Mahomedan Law either. There was one law for men, another for women, one for the followers of the Prophet another for those regarded as unbelievers. "There were portions of the Mahomedan [criminal] law which no civilised Government could administer. It was impossible to enforce the law of retaliation for murder, of stoning for sexual immorality, or of mutilation for theft, or to recognise the incapacity of unbelievers to give evidence in cases affecting Mahomedans."||

* Civil Law; law applicable to the *civis* or citizen.

† Law applicable to the (conquered) races or nations.

‡ Section 2.

§ A few of the highest officials are not subject to the jurisdiction of the Indian Courts and are triable only in England. These little exceptions may well be ignored; so likewise a special procedure, in criminal cases, relating to European British subjects.

|| The Government of India. By Sir Courtenay Ilbert, P. 369.

It is English rulers that for the first time in the history of the country have established liberty and equality. They have abolished slavery and they have given the same legal rights to all,—to persons of every race, sect, and class, and to persons standing in any relation to each other in domestic or social life,—to husband and wife, father and son, master and servant, zemindar and raiyat, prince and subject. They began with a polite regard to old usages by which special authority was enjoyed by persons standing in a special relation to others. They have now established complete equality among all. It has become an accepted principle of the English system of administration that the law is no respecter of persons.

Justice is openly and publicly administered. The courts are open to the public not only for the purpose of instituting proceedings but also for the purpose of witnessing proceedings in any case whatsoever. The presiding officer may take steps to prevent over-crowding or disorder, but, generally speaking, any one has a right to go into a court and see how cases are heard. An opportunity is thus given to the public to judge for themselves how justice is administered. There is nothing to prevent the publication of proceedings in courts of law or in legislative councils. There have been periods even in the history of England when in the trial of certain classes of cases the proceedings have been secret; and the freedom of reporting debates in Parliament was recognised only in 1771 after a bitter and protracted struggle between the press and the magistracy on the one hand and the House of Commons on the other.

Cases have to be decided according to law and not according to the discretion or caprice of the judge. Every person that seeks justice may move the machinery of the courts. No case is decided without giving a full hearing to both parties through their advocates, or to themselves personally, if they cannot be represented. Evidence is openly given, of a character and under conditions that the law lays down. Each party has the right to test the evidence given by the other by cross-examination. In criminal cases no evidence is received against an accused person otherwise than in his presence. In all cases evidence has to be given on oath or solemn affirmation, and the penalties are serious for giving false evidence. Under certain circumstances it is an offence to decline to give evidence. In a word, every possible safeguard has been taken for the thorough investigation of facts in every judicial trial, and for the fair and impartial administration of justice.

The procedure applied to criminal cases is called, in technical language, "litigious," as opposed to "inquisitorial." That is to say, a criminal or rather an accused person is judged only by the evidence that is produced against him with reference to the particular crime with which he is charged; and it is the business of the complainant or prosecutor to offer evidence upon which a conviction is demanded. If no such evidence is forthcoming, the accused person is discharged. According to the inquisitorial procedure which obtains in France, an accused person is liable to have his private character and all his antecedents ransacked and if a suspicion could be

raised that he was a likely person to have committed the crime in question by reason of his character and past history, he would be called upon to prove his innocence. If he failed to give adequate proof he would be convicted. Obviously the prisoner is at a great disadvantage in the latter system.*

The criminal law of a country is a measure of the personal liberty enjoyed* by its inhabitants. In the English system safeguards have been taken that personal liberty may not be needlessly or unjustly imperilled. Where a person has committed or is believed to have committed a crime, a complaint has to be made against him. The party that gives information or makes a complaint is liable to be punished if his information or complaint turns out to be false. Then the person against whom a complaint is made or information laid, has to be brought before a court. Except in the case of the graver offences a man cannot be arrested without a warrant. At the trial an accused person may be defended by counsel and he cannot be convicted or punished before being heard in his defence. He is presumed to be innocent until his guilt is proved. He cannot be examined or cross-examined as a witness, but he is permitted to make a statement and offer evidence in his defence. These are great advantages to a prisoner; any greater could hardly exist. Some are special to the English system. They all indicate a great regard for personal liberty. Several of these are privileges that have made their appearance late in

* See Sheldon Amos's "Systematic View of the Science of Jurisprudence," pp 349, 350.

English history. The criminal law of England has not always been as fair and generous as it is now; on the contrary there was a time when it was extremely unfair to prisoners. "The deepest stain upon the policy of irresponsible government is to be found in the history of the criminal law. The lives of men were sacrificed with a reckless barbarity, worthier of an Eastern despot, or an African chief, than of a Christian state."* It was only in 1836 that after a contention of many years, the privilege was secured to prisoners, on trial for felony, of being heard by counsel.

Only under some very special and exceptional circumstances a person may be placed under personal restraint otherwise than in pursuance of some judicial proceeding. The circumstances are set forth in Regulation III of 1818. For reasons of state the Governor-General in Council may issue a warrant of commitment directing that an individual should be placed under personal restraint, against whom there may not be sufficient ground to institute a judicial proceeding. The person so placed under restraint is not declared as convicted of any offence, nor has he to undergo any labour. Care is taken of the health and comfort of a state prisoner, and provision is made for his support according to his rank in life and to his own wants and those of his family.

The institution of Trial by Jury was introduced by the Code of Criminal Procedure of 1861. Prisoners who are tried in the High Courts are tried by a Judge and a Jury.

* The Constitutional History of England. By Sir Thomas Erskine May, Vol III. p. 393.

In Courts of Session, prisoners are tried by Judges assisted either by Juries or Assessors. The Local Governments determine by notification the districts where trials are to be held with the aid of juries and those where trials are to be held with the aid of assessors. In any trial before a jury it is for the judge to decide questions of law and for the jury to determine questions of fact. The judge at the close of the hearing, sums up the evidence in his charge or address to the jury, interprets the law applicable to the case and puts to the jury the question or questions of fact upon which their verdict has to be given. Trial by jury is in England a valued popular right and is an institution of very long standing. It is one of England's gifts to India. The advantage to the prisoner lies in the fact that questions of fact are determined not from a technical point of view by a lawyer, but from a broad, common-sense point of view by laymen. It is also an advantage that questions of fact are determined from an independent as distinguished from an official point of view.* That trial by jury may be a success, that is, may result in the efficient administration of justice, it is necessary that jurors should be intelligent and fairly well educated men, and, above all, honest or independent.

Political progress has been sought to be achieved not only by the passing of laws in accordance with advanced western ideas and by providing a machinery ~~for their~~ proper administration, but also by the introduction of a system of Local Self-Government. Self-Government is

* See Sheldon Amos's "Science of Law" (The International Scientific series); pp. 267-70.

only another name for independence. Where a country is independent it may be called self-governing; where it is self-governing it may be called independent. Independence, especially where an empire is under consideration, would be called Imperial Self-Government. Local Self-Government of any part of an empire is perfectly compatible with subordination of that part to the imperial Government. It only means that some or all the local concerns of that part are managed directly by local authorities. So far from its being inconsistent with recognition of the supreme authority of the imperial Government, it is itself the creation of the imperial Government, and it might be modified or extinguished at the pleasure of that Government. Besides, in nearly all cases of local self-government some powers of supervision and general control are vested in the higher Government. In regard to matters municipal there is said to be local self-government in Calcutta. That means that the municipal affairs of Calcutta are managed directly not by the Government of India nor by the Government of Bengal, but by the body called the Corporation of Calcutta which consists largely of the representatives of the rate-payers of the town.

A somewhat detailed account of systems of Local Self-Government in India will be given in a later chapter. It is necessary here only to explain the meaning of the phrase and indicate the purposes of the institution. Local Government is not always the same thing as local self-government. Local Government means the administration of a part of a country or empire by a local authority; sometimes:

it means the authority itself. Local Government becomes Local Self-Government only where the local authority is popular or representative. The Government of Bengal is a Local Government, because it administers directly, and, to a large extent, independently, the provinces of Bengal, Behar and Orissa. But the authority that administers the provinces is official and executive, and is appointed by a higher authority. Therefore the government of Bengal is not an instance of local self-government. The corporation of Calcutta is called self-governing because it consists largely of representatives of the people.

One of the most important functions of Government is the imposition of taxes and the regulation of the public expenditure. A local self-governing body has the power to impose local taxes, and to spend on local purposes, in such ways as it thinks fit, the income so obtained. In England the principle has long been recognised that taxes can only be imposed by representatives of the people. The feeling in that country is that liberty cannot be said to exist where taxes can be imposed by others than elected representatives of the people. It has to be remembered, however, that this principle has not been universally recognised either in ancient times or modern, and that different nations have chosen to accept different tests of popular liberty.

The principle does not seem to have been so much as thought of in this country either in the Hindu or the Mahomedan period; and English rulers have not thought fit to give it a rigorous or unqualified application even in local self-government. Into the higher self-governing

bodies as now constituted they have introduced some officials representing the Government and some persons nominated by official authority, who, though they may represent in opinion and interests, some sections of the community not otherwise represented, are still not representatives in the sense that they have been elected by a popular constituency.

Local self-government of a certain kind is an ancient institution in India, but it scarcely appears to have gone beyond the rural or parochial type. Petty village disputes were decided by local bodies. The village police was locally constituted and was under local control. The *panchayat* decided social as well as legal controversies. It does not appear that these rural, self-governing bodies were constituted by any system of formal election or that the principle of "no taxation without representation" was ever recognised. The system of local self-government introduced into India by British rulers, especially since the days of Lord Ripon, is of much larger scope and of a more formal constitution. It is based upon no such abstract principle as that there should be no taxation without representation. It is constructed with a view to practical efficiency. The objects sought to be attained are, first, that local concerns should be properly managed by men with local knowledge; second, that in this way ~~the higher~~ authorities should be relieved of a portion of their burdens; and, third, that the people should be gradually instructed in the arts of self-government. For the last of these purposes local officials are associated with elected representatives of the people. The whole

system is a tentative one, and, as it succeeds, it is being gradually extended and developed. That is to say it is being extended over a larger and larger area, the constituencies are being enlarged, and the elective system is being expanded. Apart from the constitution of local self-governing bodies, the elective principle is every day receiving wider recognition. Some of the Fellowships of the Calcutta University, for instance, are open to election. Committees, either of the Senate or of the Corporation, or, for that matter, of any other public body, are formed by election. Some public bodies elect members of the Local Councils, and the elected members of these Councils elect representatives to the Viceregal Council. From the example of the Government the people are coming to apply the elective principle more and more largely to such of their own concerns as admit of its application.

Systems of local self-government differ from each other in regard to their constitution, in regard, for instance, to the strength or proportion of the elective element and the degree of supervision or control reserved to superior authorities. Local self-government is opposed to central or centralised government. The policy of the rulers is gradually to decentralise Government or to extend local self-government. But in this as in other matters they guide themselves by no theoretical principle, but study the lessons of experience and proceed cautiously.

Self-governing institutions develop in the ordinary way from the smaller to the larger, and the capacity for self-government grows likewise from the management of the smaller bodies to that of the larger. Government

are ready to grant an extension of self-government only when it has succeeded on a smaller scale. The system of self-government has therefore gone on developing with the increasing fitness of the people. Further and extensive development has been promised. It may be expected to come in due course. It has only to be remembered that local self-government, however it may develop, must always retain its local character. Imperial self-government, as already observed, means national independence.

CHAPTER IV.

SUPPRESSION OF SOCIAL ABUSES.

Suppression of indecent, immoral and criminal practices—History of the practice of *Sati*—History of measures for its repression—Hook-swinging—History of measures for its repression—Attitude of the Government towards social evils—Infanticide—Immoral practices—Re-marriage of Hindu widows—Removal of the disabilities of converts—Female education—Laws in restraint of indecent and immoral practices.

As has already been observed, the religious and social usages of all races and sects have been respected under British rule. Such of them, however, as were of an indecent, immoral or criminal character, could not be tolerated. Those practices would be regarded as of a criminal character which would tend to the destruction of human life or to the infliction of injury on person or property. Whenever any usages have had to be repealed the rulers have proceeded very cautiously and have paid due respect to the opinions of the society concerned. They have in the first instance given a warning or taken only mild action and have trusted to the accomplishment of reform by the society. It is only where warning has been unheeded, where mild measures have failed, and where a society has been unable or unwilling to effect the necessary reform, that the ruling power has had to exert its authority and uproot the evil by legislative or executive action.

A conspicuous instance of social reform accomplished by Government is the abolition of the Hindu practice

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known to Englishmen as *Sati*, or, according to the older spelling, *Suttee*.

Sati means literally a chaste or virtuous woman. The practice known as *Sati* meant a woman's burning herself to death on the funeral pyre of her husband. The origin of the practice is unknown. It is said that the Vedas contain no authority for it. Manu has no reference to it. It was recommended by some later authorities, not apparently as the one course open to a woman who loses her husband but as one of the alternatives she might adopt. She might either live a life of *brahmacharya* or she might burn herself. The sacrifice, to be of any merit, was to be voluntary. In course of time the abuse grew up of practically compelling widows to perform *Sati*. Relations who would be entitled to any property on the death of a widow had an interest in getting rid of her. Priests expected to make money by the ceremony and they were entitled to the woman's ornaments melted in the fire. All these persons practised every art in many cases to persuade a woman to perform *Sati*. They would preach to her, they would coax her, they would frighten her with penalties in the next life and with social opprobrium in the present. They would indulge in sneers and gibes if she hesitated. They would get others to do the same. A woman therefore was very often goaded on to self-immolation at a moment when she was overcome with grief and had scarcely strength enough to judge or courage enough to resist. It is said that sometimes she was drugged into giving consent. Another evil sometimes arose. A woman might jump out as soon as the fire touched her, and then

she would not be taken back into her home but would be carried off by one of the undertakers (*muddafarash*) and would have to live with him.

The evil had assumed such proportions in the early years of the nineteenth century that Government could not overlook it. The Government of Lord Wellesley in 1805 asked the appellate Judges "to ascertain how far the practice was founded on the religious opinions of the Hindus. If not founded on any precept of their law, the Governor-General hoped that the custom might gradually, if not immediately, be altogether abolished. If, however, the entire abolition should appear to the Court to be impracticable in itself or inexpedient, as offending Hindu religious opinion, the Court were desired to devise means for the prevention of the abuses, such as the use of drugs and the sacrifice of widows of tender age." The judges asked the pundits if a widow was "enjoined" by the Sastras to perform *Sati*. They answered that every woman of the four castes was permitted to burn herself except in certain cases. The judges in their reply to Government said "that they considered the immediate abolition highly inexpedient, although they thought it might be gradually effected, at no distant period." They also suggested the enactment of provisions for preventing the illegal, unwarrantable and criminal abuses which were known to occur in the performance of the rite.

In 1813 it was ordered that the *Sati* rite "should never take place without previous communication to the Magistrate or the principal officer of police, who was to ascertain that it was entirely voluntary: that the widow

was not under the influence of stupefying and intoxicating drugs; and that she was not under the age of sixteen, and not pregnant." The rite was to be performed in the presence of the police who were to see that no intimidation or violence was employed. These measures did not prove effective. Raja Ram Mohun Roy vigorously protested against the practice. In 1823 Lord Amherst made illegal the burning of a widow with the body of her deceased husband. It was also laid down that widows intending to perform the rite should personally apply to a Magistrate, that families in which *Sati* took place would be disqualified for Government employment, and that all property belonging to the *Sati* and her husband was to be forfeited to the State.*

Even these measures proved insufficient. It was reserved for Lord William Bentinck to extinguish the evil. Soon after his arrival in India he circulated a letter to some of the officers of Government calling for their opinions with regard to the abolition of the practice. Having obtained the opinions he decided to suppress *Sati* throughout British territory. On the 4th December 1829, Regulation XVII of 1829 was passed by the Governor-General in Council, "for declaring the practice of *Sati* or of burning or burying alive the widows of Hindus illegal and punishable by the criminal courts."

The preamble to the Regulation is worthy of study. It runs as follows: "The practice of *Sati* or of burning

* For a more detailed account see P. N. Bose's *History of Civilisation*, Vol II. ch. iii.

or burying alive the widows of Hindus is revolting to the feelings of human nature, it is nowhere enjoined by the religion of the Hindus as an imperative duty, on the contrary a life of purity and retirement on the part of the widow is more especially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up nor observed. In some extensive districts it does not exist. In those in which it has been most frequent it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the Governor-General in Council is deeply impressed with the conviction that the abuses in question cannot be effectively put an end to without abolishing the practice altogether. Actuated by these considerations the Governor-General in Council—without intending to depart from one of the first and most important principles of the system of British Government in India, that all classes of the people be secure in the observance of their religious usages so long as that system can be adhered to without violation of the paramount dictates of justice and humanity—has deemed it right to establish the following rules, which are hereby enacted to be in force from the time of their promulgation throughout the territories immediately subject to the Presidency of Fort William.” The rules which follow, relating to the duties of Zamindars and the police when they receive information of an act of *Sati*, need not be here reproduced.

The abolition of hook-swinging is another though a less notable instance of social reform effected by Government. In the year 1856-57 the Calcutta Missionary Conference memorialised Government asking for the suppression of the cruelties, the acts of barbarism and suffering, which accompanied the celebration of the ceremony of the Charak Puja during the three principal days of the festival. "These devotees," it was said, "cast themselves on thorns and upraised knives; they pierce their arms or tongues by iron arrows, draw strings through the flesh of their sides, or fix thereto spikes that are heated by continually burning fire, while others swing on the *Charak* tree by hooks fastened through the muscles of their backs." After careful consideration Sir Frederick Halliday, Lieutenant-Governor of Bengal, came to the conclusion that as the case was one of pain voluntarily undergone, the remedy must be left to the missionary and the school-master, and that, as stated by the Court of Directors, all such cruel ceremonies must be discouraged by influence rather than by authority. *

When Sir John Peter Grant was Lieutenant-Governor of Bengal (1859-1862) the Calcutta Missionary Conference again petitioned the Legislative Council on this same subject, and the petition was forwarded to the Secretary of State. Her Majesty Queen Victoria's Government were of opinion that every opportunity should be taken of discountenancing the practice, and they suggested the propriety of inserting, in all leases, for Government lands,

* Bengal under the Lieutenant-Governors. By C. E. Buckland. Vol. i. p. 32.

a provision hostile to the celebration of the festival; of enlisting in the same direction the sympathies of the leading members of the native community, and of quietly making known the disapprobation with which such spectacles were regarded by Government. Sir J. P. Grant called for reports from Commissioners of Divisions and learnt that hook-swinging was confined to Bengal proper and Orissa. Where this practice existed as a long established custom the local authorities were directed, by using their personal influence, and by obtaining the co-operation of the Zamindars, to induce the people voluntarily to abandon the practice. Where *Charak* swinging was not an established custom but a mere occasional exhibition, the Magistrates were authorised to prohibit its celebration as a local measure of police for the preservation of order and decency. The practice was reported to be gradually dying out.*

In 1864-65, the subject came up again. Sir Cecil Beadon, Lieutenant-Governor of Bengal, issued a resolution on the 15th March 1865, suppressing the cruel practices.† All magistrates of districts in the Lower Provinces were required to direct any person to abstain from the act of hook-swinging or other self-torture, in public, and from the abetment thereof, or take such order with property in his possession or under his management as might serve to prevent the commission of the act. Persons who disobeyed any such injunction were to be prosecuted and punished according to law.

* Ibid. Vol. I. p. 177.

† Ibid. p. 312.

The history of these two reforms is interesting if only because it shows the unwillingness of Government to interfere with social and religious usages, the incapacity of society in these cases to effect the reform itself, and the determination of Government to suppress the evil where society proves itself unequal to the task. In both cases much-needed reforms were tardily carried out only because Government decided to let the society concerned have an opportunity of rectifying its own abuses. The evils of *sati* had existed for a long time, but since the attention of Government was called to them it took them about a quarter of a century to accomplish the reform. The policy of non-interference with matters domestic, social and religious, has been a marked characteristic of English rule, but an equally marked characteristic has been an intolerance of abuses. No action is taken in a hurry. Great forbearance is shown. But if ultimately the people are found unable to help themselves, Government are ready to use the strong arm of authority in protecting the weak against the strong, removing injustice and oppression and even saving people from the evils of their own social life.

Infanticide prevailed in this country to an appreciable extent before the days of British ascendancy. Women consigned their new-born children to the *Gunga-saugor* or gave them up as a propitiatory offering to some god or goddess, in accordance with some vow they may have taken, or as the price of some blessing which they sought. In some parts of the country, especially in the Punjab, the United Provinces and

Rajputana, it was not an uncommon practice to kill female children as soon as they were born, for the expenses would be great in marrying them, or because they might bring dishonour on their family. Those inhuman practices have now been killed out by the general criminal law of the country, by special laws for the registration of births and deaths, and by administrative arrangements for supervision of criminal practices.* Under the Indian Penal Code, to cause the death of any human being, whatever his or her age, with the intention of causing death, constitutes the offence of murder, or as it is technically called culpable homicide amounting to murder, and is punishable with death or transportation for life. By the same Code it is specifically provided, by way of explanation, that it may amount to culpable homicide to cause the death of a living child, if any part of that child, has been brought forth, though the child may not have breathed or been completely born.† It is also provided that whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be liable to be seriously punished. If the child die in consequence of the exposure the offender may be tried for murder or culpable homicide.‡ A certain class of ascetics sometimes thought it necessary for some of their religious ceremonies to offer human sacrifice, and

* For a detailed statement of fact and authorities see Strachey's "India," 3rd Edition, pp. 393-400.

† Section 292. *Explanation.*

‡ Section 317.

for this purpose they killed human beings or procured the killing of them. It is not possible for them to indulge in that practice now without making themselves liable to be tried for murder or the abetment of it. A law may not be able to extinguish a crime. Infants may still be killed and human sacrifices made, but these acts can no longer be performed openly and as of right, even on any supposed ground of religion. They can only be perpetrated as crimes, in secrecy, and, when detected, they will be punished under the law.

Some immoral practices still continue unchecked because probably they have not come to the notice of Government, or because probably it is expected that social opinion and action will check them. Such, for instance, is the practice which prevails in a certain part of the country, of dedicating unmarried girls, under the name of *Devi-Dasi*, to the service of a goddess. These girls, when they grow up, live an openly immoral life; they are almost driven to it by the conditions in which they are placed. But though there may still be found subsisting in unexplored corners of social life practices of a grossly immoral and even criminal character, there can be no doubt that under British law the sanctity of the person has been universally respected. No one can with impunity violently lay his hands on another. Amongst some of the lower classes in certain parts of the country the idea has prevailed that where a woman was adulterous her husband had the right to cut off a portion of her ears or her nose. Any action taken in accordance with that idea would now be treated as criminal and would be punishable: Where

a married girl was unable to please her husband or her mother-in-law, they may in some cases have felt that they were at liberty to punish her in any way they thought proper, by branding her, for instance, with a piece of hot iron. Any such treatment would be punishable to-day. The law has given equal protection to all. The person is inviolable alike of prince and peasant, Brahmin and pariah. A certain class of reforms that Government have accomplished is in the nature of an enlargement of the liberty of individuals in social life. Hindu society had never tolerated the re-marriage of widows belonging to the higher castes. That is to say, a widow belonging to any of these castes, could not even if she was her own mistress, contract at her option a marriage that would be recognised as legally valid. Nor could the guardians of a widow who was legally a minor, give her away in marriage if they chose. These restrictions on the liberty of widows and their guardians have now been removed. Pundit Iswara Chandra Vidyasagara started a movement in favour of the reform, wrote tracts to prove that re-marriage was sanctioned by the *sastras* in certain cases, and submitted petitions to Government praying for a law to remove the disability of widows to remarry. Government were convinced of the necessity of the reform; and they decided to have a permissive or enabling law passed. In 1856 a Bill was brought in by Sir J. P. Grant as Member of Council, and passed as Act XV of that year, to remove all legal obstacles to the marriage of Hindu widows.* The first clause of the Act was: "No marriage

* Bengal under the Lieutenant-Governors, Vol. i p. 22.

contracted between Hindus shall be invalid and the issue of no such marriage shall be illegitimate by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, any custom and any interpretation of Hindu Law to the contrary notwithstanding."

Another instance of reform in the way of a removal of disability, is that with reference to the legal rights of Hindus converted to Christianity. Converts were at one time supposed to be incapable of inheriting any property, to which, but for their conversion, they would be entitled, and they were supposed also to be liable to forfeit rights and property they already possessed. This incapacity was removed by Act XXI of 1850 which declared that 'so much of any law or usage now in force within the territories subject to the government of the East India Company as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories.'

There was no indigenous system of female education in this country. The system as it now exists was called into being by Government. In 1849 Lord Dalhousie informed the Bengal Council of Education that henceforth its functions were to embrace female education, and the first girl's school recognised by Government was founded

shortly afterwards by a committee of Indian gentlemen. The despatch of 1854 directed that female education should receive the frank and cordial support of Government, as by 'this means a far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men.' The Education Commission of 1882 advised that female education should receive special encouragement and be treated with special liberality. The Government accepted this view; and state funds are more freely used, and state management more largely resorted to for this object than what is considered desirable in the case of the education of boys.

In the interests of social well-being Government have thought fit to pass laws with regard to decency and morals. Such laws are to be found in various Police Acts and in the Indian Penal Code.† There are laws, for instance, in restraint of gambling, the keeping of disorderly houses, indecent behaviour in public, the singing of obscene songs in public places, the sale of obscene books, and such other acts calculated to outrage and debase the moral sense of people. It may be generally observed that anything said or done in public which offends the sense of decency or morality, or which tends to corrupt the morals of the people, or to lower their moral standard, has been discouraged. No attempt has been made forcibly or harshly to put down such public exhibitions or demonstrations as offend a sense of decency and are yet

* The Imperial Gazetteer of India. Vol. IV. p. 431.

† Chapter XIX.

associated with some religious festival, but the police are required to be on their guard in keeping such displays within proper limits, and there is observable a decline in the vitality of these vulgar manifestations.

CHAPTER V.

EDUCATIONAL WORK.

Education, in the widest sense, England's mission—The educative value of political institutions—Spontaneous of gift of privileges—Academic education—Primary—Secondary—Higher—Technical education—Elementary—Higher—Medical education—Legal education—Normal Schools—Agricultural Colleges—Education in Art—Principles of academic education—Controversy between anglicists and orientlists—The Education Despatch of 1854—Education open to all—Institutions for special classes—Religious neutrality in education—Various methods by which intellectual culture is promoted.

Education in the broadest sense of the word may be described as England's mission in the east, her highest aspiration. It is certainly the chief work to which she has devoted herself. The laws that have been passed, the institutions that have been established, have had as their object not merely the satisfaction of practical needs, but also a training of the people to new ideas and modes of life. In very few cases have they come as an answer to the demands of the people. They have generally been in advance of the ideas of the people. They have awakened in men a sense of their rights by conferring the rights. They have taught men to appreciate blessings by giving them blessings. In a word, men have been educated or are in course of being educated by laws and institutions to feel new wants and to be conscious of rights and advantages. Trial by Jury was introduced into India not to meet a demand of the

people, nor even to satisfy a pressing want. The object was not merely to secure a better administration of justice but also to accustom the people to the institution and teach them to perform new duties by the bestowal on them of new rights. So well have the people been educated by the institution to appreciate the new rights that they are now making a demand for the extension of it to new districts. When, again, the earliest measures of local self-government were introduced or suggested, it was not because there had been a popular agitation for them. They brought blessings which the people were strangers to, but which, it was expected, they would gradually learn to appreciate, and which, it was also expected, would teach them to perform new duties by the exercise of new rights. Their value was mainly educative. So greatly has the object of the rulers been realised that now there is a wide-spread popular demand for the extension and development of local self-government. It is not necessary to multiply instances. It will be found upon an examination of history that while in England popular institutions have been established generally in answer to popular demands, sometimes violently urged, in India they have been the spontaneous gift of the Government, and their purpose has been not merely an improved administration but also and mainly a political education of the people. The reforms to be described in the next three chapters, classed under the headings, economic, material, and civic, while no doubt they have been meant to achieve progress in some direction or other, have all, at the same time, been directed to an education of the people. The desire of the

rulers has been to place before the people new ideals, to accustom them to new habits of thought and life, and to develop their capacity in various directions. The political and social work of England in India has also been educative, but in a chapter specially devoted to education it is well to take formal notice of the fact that that single word comprehends nearly all that Government have done or can do in this country. And it has to be remembered that the education of the people means also the elevation of the people.

This chapter is devoted to academic education, to the principles upon which it is founded, and the institutions through which it is imparted; and also to the facilities provided for intellectual, mechanical, and æsthetic training. In regard to the subject matter of instruction, education may be classified as literary, scientific, technical, and artistic. In regard to degree or extent, education may be classified as primary, secondary, and higher; and these are exactly the terms used in India in describing the different parts of the educational system.

Primary schools are those in which the most elementary instruction is given. The courses of study are not the same all over India, nor is the management everywhere the same. The type of primary school varies from the primitive village *pathshala* or *maktab* to the modern form of schools in which instruction is more advanced and systematic. Generally speaking, all that a primary school attempts is to teach the child to read and write his own language; to enable him to do easy sums and understand simple forms of native accounts and the village land-record

papers; and to give him a rudimentary knowledge of common objects, geography, agriculture, sanitation, and the history of India.* This is the standard in towns; in rural schools the course is more elementary. A comparatively small number of primary schools is now managed directly by Government; most are administered by municipalities and district boards, or by private persons or bodies. In Bengal and Burma the majority are under private management. They are indigenous schools which have been brought to conform to the requirements of the Education Department; others are schools of a more modern type started by native proprietors; others belong to various missionary societies. In Bombay, municipal and district board schools greatly outnumber the private establishments. In Madras the system is akin to that of Bengal, and in the United Provinces and the Punjab the system is similar to that of Bombay.†

The special obligation of the Government towards the vernacular education of the masses was declared by the Court of Directors in 1854, and it has been accepted by the Government of India. The obligation has been discharged on an ever increasing scale; still the progress of primary education has not been nearly as great as could be wished. At the present moment Government are pledged to a policy of free education of the masses. From the popular side a suggestion has been made for free and compulsory education of the masses.

* The Imperial Gazetteer of India. Vol. IV. p. 419.

† Ibid. pp. 417-418.

There are three classes of secondary schools,—the vernacular middle schools, the middle English schools, and the high schools. The vernacular middle school course is a prolongation of the primary course. In the middle English schools English is taught as a language and is also used as a medium of instruction. The range of studies is about the same as in a middle vernacular school. The high schools, or, as they are called in Bengal, higher English schools, teach up to the standard of the matriculation. They generally provide a course of instruction that begins with the most elementary. Boys who have received their early education elsewhere may be admitted into the class for whose course of studies they may be found fit.

Higher education is given, through Universities, in colleges affiliated to them. There are five Universities, and they are situated in Calcutta, Bombay, Madras, Lahore and Allahabad. The first three of these were founded in 1857. The Punjab (formerly Lahore) University College was incorporated as the University of the Punjab in 1882. The University of Allahabad was established in 1887.

The law relating to universities in British India is now embodied in an Act* passed in 1904. Under that Act a university has the power to make provision for the instruction of students, to appoint university professors and lecturers, to hold and manage educational endowments, to erect, equip and maintain university Libraries, laboratories and museums, to make regulations relating

* Act VIII of 1904.

to the residence and conduct of students, and generally to do all acts which tend to the promotion of study and research. A university consists of the Chancellor, (in the case of the University of Calcutta, also the Rector), the Vice-Chancellor, the ex-officio Fellows, and the Ordinary Fellows. The ex-officio Fellows are a number of high officials whose number is never to exceed ten. The Ordinary Fellows include those nominated by the Chancellor, those elected by the Faculties, and those elected by registered graduates, or by the Senate. The Ordinary Fellows hold office for five years. In the universities of Calcutta, Bombay and Madras, their number shall not be less than fifty, nor exceed one hundred. The Governor-General is Chancellor of the Calcutta University. In the case of the other universities the Chancellor is the head of the Government of the Province in which the university is situated.

The senate may institute and confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by regulation. The University may affiliate or disaffiliate colleges and maintain colleges of its own. The opinions recorded by the Senate in regard to the affiliation or disaffiliation of a college, have to be submitted to the Government of India who will pass final orders. Regulations made by the Senate are subject to the sanction of the Government. All the Universities grant degrees in Arts and Law; all except Madras have separate science schools; and all except Allahabad give degrees or diplomas in Medicine and Engineering.

So far a sketch has been given of the system that exists for providing a liberal education. There exist institutions also for various special kinds of education. The subject of technical education early attracted the attention of Government. In Bengal, in 1863, Sir Cecil Beadon induced the Government of India to sanction, as a Government Institution, the Industrial School of Arts which had been founded in 1854 by a number of gentlemen designated the Society for the promotion of Industrial Art, as the school had become practically dependent on Government. The object of the school was to introduce among the people an improved taste and appreciation of the true principles of Art, in matters both of decoration and utility, and to supply draftsmen, designers, engineers, modellers, lithographers, engravers &c., to meet the demand for them in this country.* During the Lieutenant-Governorship of Sir Richard Temple, technical education was advanced by the foundation of survey schools at Hugli, Dacca, Patna and Cuttack. Technical education was not at first popular in this country. Such of it as existed, consisted in the instruction given to their own children by handicraftsmen belonging to the artisan castes. A carpenter brought up his son as a carpenter, and so on. Industrial education of a systematic, academic kind was not appreciated. Of late, however, it has grown in popularity, and institutions for imparting it are rapidly on the increase. A committee appointed to investigate the subject in March, 1902, prepared a list of 123 industrial institutions, most of which are of recent origin.

* Bengal under the Lieutenant Governors. Vol. I. p. 280.

A few of the more important are managed by Government, some have been established by municipalities and local boards, and others are maintained by missionary societies or private benefactors.* The question of improving the system of industrial education has lately been under the consideration of the Government, and provision has been made for sending a certain number of advanced students to obtain technical training in Europe or America.†

Technical education of a higher and scientific kind is given in colleges of engineering. There are such colleges in Madras, Bombay, Bengal, and the United Provinces. The colleges at Roorkee in the United Provinces and at Ranchi, are the largest. The Victoria Jubilee Technical Institution in Bombay is an institution for the training of engineers, mechanicians and draftsmen.

Medical education is given in colleges established for the purpose at Calcutta, Madras, Bombay and Lahore, and in twenty-two Medical Schools,—all Government institutions. The Calcutta and Madras colleges were founded in 1845 and 1860. In consequence of religious prejudice there was in the old days a repugnance to the European system of medicine, and the student of the Calcutta Medical College who first performed an act of dissection of a dead body was regarded as having accomplished a bold feat. To attract students to that College, stipends had to be given to them.

* The Imperial Gazetteer of India. Vol. IV. p. 406.

† Ibid p. 438.

Legal education is given in central law colleges established in Madras, Bombay and Lahore. In Bengal and the United Provinces law classes have been a section of what are mainly Arts Colleges. It has now been proposed to establish a central law college in Calcutta.

It is enough barely to refer to such special institutions as normal colleges and schools for the training of teachers, all Government institutions, and the schools that are springing up, or the classes that are being established, for giving commercial education to boys. The latter class of institutions is most developed in Bombay.

For the teaching of agriculture, colleges or sections of colleges have been established in Madras, Bombay, the United Provinces, and the Central Provinces. In Bengal there were formerly agricultural classes at Sibpur near Calcutta; but these have now been replaced by a Central Agricultural College for the whole of India, provided with an agricultural research institute, and an experimental cultivation and cattle-breeding farm, at Pusa in the Darbhanga District of Behar.* An agricultural college for Bengal has been established at Sabour in the district of Bhagalpur.

Each nation has its own artistic sense, its own special type of art. Science is the same for all countries, but the art of a nation is peculiar to itself. It so happens, however, that the Schools of art which exist in Calcutta, Madras, Bombay and Lahore, are Government institutions. The Madras School was opened in 1850, the Calcutta School in 1854, the Bombay School in 1857.

* The Imperial Gazetteer of India. Vol. IV. p. 440.

Apart from schools and colleges there have been established such institutions as libraries and museums for the purpose of promoting learning and encouraging research. The Imperial Library in Calcutta is a Government institution. Libraries of respectable dimensions are attached to many Government colleges. Aid is given by Government to some libraries owned by learned societies, and for the purposes of collecting and cataloguing rare or ancient works.

The Economic Museum in Calcutta was established by Sir George Campbell, Lieutenant-Governor. Realising the importance of obtaining an adequate knowledge of the products of the country he was inclined to favour the idea of an economic survey. As a first step he thought it well to provide a place in which specimens of the economic, vegetable and other products of the country might be placed and made accessible to the public. The Economic Museum came to be such a place. It now forms an annexé to the Indian Museum. Both raw materials and manufactures are collected and classified in this institution. There is an economic museum at Lucknow and there is another in Bombay.

The work that is being done in regard to education not only in the way of establishing, reforming or extending the scope of schools and colleges, but also in the larger sense of providing facilities for intellectual culture, is so rapidly progressive that it is scarcely worth while giving any details as to figures. The figures of any particular time would not be the same six months after. But it is essential that the principles which underlie the

educational work of England in India should be fully grasped. It has already been observed how the indigenous, that is, the oriental system of education was not only continued but encouraged and developed in the early days of British rule. In a short time it came to be considered if that system was by itself sufficient to supply the intellectual needs of the people and give them the best and the most useful culture according to modern standards. A controversy arose and two parties were formed. It was generally recognised that vernacular education should be extended. The Orientalists contended that this was to be supplemented by a study of the classical languages of the east, because the indigenous laws, literature and religion were enshrined in those languages. The Anglicists argued that higher education was to be given through the medium of English, because apart from the merits of the language itself, it would be a key to the treasures of western thought. Among them were many leading members of the native community, the most conspicuous of whom was Raja Ram Mohan Roy. The battle was decided in favour of the Anglicists. The success of that party was due mainly to the ability and determination with which Lord Macaulay, Legal Member of Council and a member of the Council of Education, pressed their case. Lord William Bentinck accepted the views of Macaulay as expressed in his famous Minute of 1835, and, soon after, his Government issued a Resolution announcing their decision in favour of a western education. It is in consequence of that decision that English has continued up to the present day as the medium of advanced

instruction and has produced the most momentous changes in the life and thought of those who have received it, and, through them, of a large portion of the Indian people. It has brought the Indian mind into contact with the most advanced western thought, has quickened it with a new life, and has not only developed intellectual and practical capacity but has bred high aspirations, intellectual and political.

Schools and colleges were now established in various parts of the country by Government, by Christian missionaries and by enlightened members of the native community. But the progress of education up to 1853 was not very rapid. In 1854 a new impetus was given. Sir Charles Wood (afterwards Lord Halifax) being President of the Board of Control, the Court of Directors decided that the Government should afford assistance 'to the more extended and systematic promotion of general education in India,' and addressed the Governor-General in Council in a memorable despatch which sketched in outline a complete scheme of public instruction, controlled; aided and in part directly managed by the state. The principles then laid down were re-affirmed in 1859 after the transfer of the administration to the Crown, and still guide, in the main, the efforts of the Government for the better education of the people.* The despatch prescribed among other things the constitution in each province of a Department of Public Instruction and the institution of universities in the Presidency towns.

* The Imperial Gazetteer of India. Vol. IV. P. 412.

For the first time in the history of India, education, from the most elementary to the highest, has been open to all castes, races and sects. In the indigenous system of the Hindus the instruction given in the *tols* was confined to the higher castes. The indigenous Mahomedan schools appear to have been open to Hindus, but few Hindus would find such institutions congenial; and the higher instruction, including a large element of religion, was necessarily confined to Mahomedans. It is in the British period that schools and colleges have been thrown open to all classes, whatever their race, religion, caste or position in life might be. As in law so in education the principle of equality is recognised. It is a principle which has resulted not only in the spread of education among all classes, but has in an indirect way largely influenced the modes of thought of the Indian people, tending to make them indifferent to the distinctions of race, religion and social position.

In addition to the schools and colleges open to all, special institutions have been established for the benefit of particular classes. There are special schools, for instance, for the education of low-caste children and for the education of Europeans and Eurasians. These schools have been established mostly by private bodies, particularly Christian missionaries, but they have received encouragement from Government, and it is only British rule that has made them possible. Several Chiefs' Colleges, all Government institutions, have been established, of which the most important are at Ajmere, Rajkot, and Lahore. The object is to give young chiefs and nobles an education worthy of their position.

On general principles of toleration, and in consequence, in particular, of schools and colleges being open to men of all races and religions, the rulers have observed the principle of religious neutrality in all educational institutions. That principle, it has already been stated, was definitely declared in the despatch of 1854. There is nothing to prevent the authorities of private institutions from giving to their students such religious instruction as they may wish, but in no Government school or college can there be any religious teaching. Government could not conscientiously teach any religion but their own; but that religion they cannot teach to those who do not profess it; nor can they allow any other religion to be taught in a school which is not professed by all its students.

The work of Government in the field of education, or rather for the promotion of the intellectual culture of a people, could not be more varied or extensive than it is in this country. They conduct the largest portion of academic education,—primary, secondary and higher; vernacular and English. They have established numerous scholarships. They have not only their own schools and colleges, but they grant aid to many institutions. They have to take charge of special kinds of education,—industrial, scientific, artistic. Female education is mainly in their hands. They have to look after the education of special classes,—aborigines and low-caste men on the one hand, nobles and chiefs on the other. It is under their auspices and by their encouragement that learned societies grow up and libraries are established. They start and maintain museums. To guide administrators in the

future and 'to make it possible' for histories to be written, they preserve records. They encourage meritorious authors by purchasing numerous copies of their books. They establish their own systems of research and they give help and encouragement to individuals and private bodies in carrying on research. When occasion arises they keep their officers on deputation to conduct some special research. They have authorised Universities to take steps for promoting research. The central laboratory at Kasauli near Simla is an institution for research. The different scientific surveys to be referred to hereafter are in the nature of research. The census operations conducted from time to time come under the same category.

Much of the work here described would in advanced countries be taken up by private agency. From very early times the Christian missionaries have done valuable work in the way of establishing schools and libraries, producing text-books and publishing other literature, vernacular and English, but though they may have done such work independently of Government patronage of any kind, it has to be remembered that they are here in such numbers mainly because the Government is English; and their work has been in pursuance of the policy of Government. If Government had not decided to give English education few English books would have been written. In recent times some portion of the burden of education has been borne by private native enterprise, but Indian gentlemen have only followed the foot-steps of the Govern-

ment. The main brunt of the work of education has been borne by Government; and they have certainly led the way from the beginning.

CHAPTER VI.

ECONOMIC PROGRESS.

Agriculture—Chief objects of cultivation—Food-grains—Rice, wheat and millet—Jute—Sericulture—Tea, Coffee and Cinchona—Indigo—Services of Government to Agriculture—Need of self-help—Free scope for enterprise—Exhibitions—Protection of inventions—Free Trade—Customs duties—Their history in India—Loans to agriculturists—Agricultural Banks—Savings Banks—Tenancy Laws—Famines—Causes—Measures of prevention and relief—Development of foreign trade.

The chief Indian industry is and has, been for ages Agriculture. The chief objects of cultivation at the present day are rice, wheat, millet, maize, barley, oats, pulses, oil seeds, sugarcane, date-palm, cotton, jute, indigo, opium, tobacco, mulberry, tea, coffee, cinchona. Rice is more largely grown than any other article. The deltas of the great rivers of Lower Burma and Bengal, the deltas of the Godavery, the Krishna and the Kaveri, the long narrow strips of land fringing the coast, and the lowlands of Travancore, Malabar, Kanara and Konkan, present all the conditions of successful rice cultivation, and constitute the great rice-growing area.* Throughout the remainder of the country rice is a subordinate if not a rare crop. Millets take the place of rice in the interior, excepting Assam. Sir William Hunter writes: "Taking India as a whole it may be broadly affirmed that the staple food-grain is neither rice nor wheat but millet."

* P. N. Bose's *History of Hindu Civilisation*. Vol. II. P. 173.

Jute is almost exclusively cultivated in Bengal, especially northern and eastern Bengal. It grows best in the deltas of the Hugli, the Brahmaputra and the Megna. The development of jute cultivation and of jute industry is entirely the product of British rule. With the increase of the British trade in grains, especially wheat, grew up the demand for gunny bags, and this gave an impetus to jute cultivation.* The large profits of the trade in jute have been tending to enlarge the area of jute cultivation and limit that of rice cultivation.

Sericulture is a very old industry in India. But it is almost certain that neither the mulberry nor the silk-worm was indigenous in India. When the East India Company established their trade marts in Bengal they found the silk industry in a declining state, and took great pains to revive it. As Bengal has always been the chief seat of mulberry cultivation they established several factories with numerous filatures in each, to which the cultivators brought their cocoons. They brought in 1769 a company of Italian reelers to teach the Italian system of reeling to their factory hands. Bengal silk soon became an important article of trade and superseded all other silk in the European market. The palmy days of Bengal silk industry lasted till 1833, from which year the Company abandoned the trade on their own account and it fell into private hands. Sericulture has ever since been steadily declining. The imports of raw silk into India now exceed the exports. The silk of Japan,

* Ibid. P. 189.

of China, and of the countries bordering on the Mediterranean Sea, now controls the European market.*

Tea, coffee and cinchona are crops with which the peasantry of India have little or no concern. These agricultural industries are almost exclusively financed by European capitalists, supervised by European skill, and, except in the case of coffee, were introduced into India under the auspices of the British Government.† The cultivation of oats was also introduced into India under English auspices.

The development of the cultivation and manufacture of indigo in Bengal is solely due to the enlightened policy adopted by the East India Company who began by importing good planters from the West Indies and subsidising their enterprise with advances. Similar attempts were made to import sugarcane planters from the West Indies and establish sugarcane plantations in India on the lines of the indigo plantation, but these attempts utterly failed.‡

A well informed writer thus sums up the services of Government to agriculture : §

“Attempts to improve and expand the indigenous agriculture have been made by Government ever since the time of the East India Company, as is well shown by the history of the silk industry in Bengal ; of the introduction of Carolina paddy, American cotton, tea and cinchona ; of the extraction of fibre from hemp ; and of the formation

* Ibid. pp. 198-199.

† Ibid. P. 200.

‡ Ibid. P. 192.

§ P. N. Bose's History of Civilization. Vol. II. pp. 208-209.

of sugarcane plantations on the model of those in the West Indies.

"But there existed no organization for this purpose previous to 1872, when a Department of Revenue, Agriculture and Commerce was established under the Government of India. * * * The department was subsequently abolished, but revived by Lord Ripon by whom the scope of agricultural improvements was considerably enlarged. * * *

"Demonstration or Model Farms have been established in different provinces, all under Departmental supervision, some financed by Government, and some by local Zemindars and Rajas. In Bengal there are the Sibpur Government Farm,* the Burdwan Raj farm and the Dumraon Raj farm, the two latter being maintained by the two Raj estates respectively ; in the North-Western Provinces and Oudh, † the Cawnpore Experimental farm maintained by Government ; in Madras, the Saidapet Government Farm ; in Bombay, the Government Farms in Khandesh ; and in the Central Provinces, the Government Farm at Nagpur. Besides, there are some minor farms in the Punjab, Assam and Burma."

What Government have done in the way of promoting agricultural education has already been noticed. They appreciate so well the value of agriculture in this country that the idea of its improvement is never absent from their mind. Their services have not only been rendered in the past but are continuing. At the present moment

* Now closed.

† Now called the United Provinces of Agra and Oudh.

it is in contemplation to introduce into India the cultivation of Egyptian cotton. Government officers have been making a study of the diseases of cattle and pests of plants, and of the merits of particular kinds of manure. Already good results have been achieved on these subjects, and there is expectation of more. While this chapter is being written one of the latest announcements is the establishment by the Government of Bengal of some scholarships tenable by graduates and undergraduates of the Calcutta University who will prosecute agricultural studies under certain conditions.

Industry, trade and commerce constitute a sphere of life in which, pre-eminently, the people must help themselves. Labour and capital are essential to the growth of industry, but it may be said generally that for the industrial and commercial progress of a nation there are needed also certain intellectual, moral and social qualities,—technical knowledge and skill, for instance, a spirit of enterprise or adventure, honesty, mutual confidence, capacity of organisation, power of associated action, and what may be called generally habits of business. It is not possible for Government to render any direct assistance to the industries of the people by advancing capital or supplying labour. Government cannot carry on a business in partnership with the people. The relation of ruler and subject excludes the notion of business partnership. This must be especially so in India at the present day, for government is now vested not in a trading company but in the crown. But Government can give indirect help, and that help has been liberally given in this country.

As has been shown in a previous chapter, they have been giving industrial education to the people, and at the present moment there are schemes for a great expansion of it. Wherever possible they purchase stores in the local market, giving a preference to the products of Indian industry. In trade, commerce and industry they do not give to Europeans any facility which they deny to the people of this country. They offer a fair field to all and show no favour to any class. No higher privilege could be expected from Government than free scope for commercial and industrial enterprise, and that the people have obtained. The indigo enterprise, which was at one time a monopoly of Europeans has now been passing into the hands of the cultivators and Indian capitalists, especially in Madras. Tea planting also was at one time a purely European industry; recently, however there have been tea companies composed entirely of Indians. Mining business also is now to some extent in the hands of Indians. Mills and factories are coming to be established with purely Indian capital. Government have never stood in the way of this development of native industrial and commercial enterprise.

Industrial exhibitions help the growth of industries by spreading a knowledge of them, suggesting new ideas to observers, and widening the markets for articles of the kinds exhibited. Government have always held such exhibitions in favour and have often given help and encouragement to the parties organising them.

Under the laws of the country the authors of inventions, that is, machines or other contrivances of a useful

character which are original in design, are encouraged by securing to them the fruits of their originality. When the articles are patented no one is at liberty to produce one like it by imitating the original design. If such a protection were not given men might produce copies of the contrivance and sell them at a cheaper rate than the original. The inventor would thus make no gain out of his original design, and all incentive would be taken away from creative genius. The protection of inventions stimulates originality and is a help to industrial progress.

Customs duties have an important bearing on trade. England accepted long ago the principle of what is called Free Trade; that is, she decided to impose no duties either on her exports or imports. The principle has reference only to foreign and not to internal trade. In India exports as well as imports were subject to duties until recent times. The duty on imports was much higher than that on exports. Exemptions from export duty were made from time to time, and in 1875 the only exports still taxed were rice, indigo and lac. English cotton goods were among the articles on which import duties were imposed. In 1876 the Secretary of State decided on a repeal of those duties, and in 1877 the House of Commons passed a resolution affirming that policy. In India effect was given to that policy in the two succeeding years by the repeal of duties on many articles and on several kinds of manufactured cotton goods. In 1882 import duties on all articles, with only two exceptions, were repealed. They were retained on salt and liquors, because those articles are subject to an

internal excise duty; Arms and ammunition were afterwards, on political grounds subjected to a duty. A small import duty was imposed on petroleum which comes from Russia and America. The principle of Free Trade in regard to imports was thus for a time very largely established in India. England, however, maintains duties on Indian tea and coffee. An export duty remains, that, on rice, chiefly grown in Burma. It is levied at the rate of three annas per maund.

In 1894, in consequence of financial pressure the Government of India changed their policy. The principle of Free Trade was broken in upon. "The tariff of 1875, under which, with the exception of the precious metals, almost every thing imported into India was subject to a duty of 5 per cent, was with some modifications restored."* Silver bullion was included among dutiable articles, and cotton goods then excepted were afterwards included. In 1896 cotton yarns were freed from duty.[†] A duty of 3½ per cent ad valorem was imposed on cotton manufactured goods imported from abroad and a corresponding excise duty at the same rate was imposed on goods manufactured at mills in India.[‡] The Indian import tariff now comprises nearly 400 specified articles, but the actual number of dutiable articles is much larger. Most of the articles yield very little income. The most important source of revenue is cotton goods. Next in importance are spirituous liquors, petroleum, sugar and metals, including silver.

* *India*: By Sir John Strachey, p. 183.

† *Ibid.* p. 184. See Chapter XII generally.

Government have adopted several measures to help the agricultural classes and in particular to relieve them of indebtedness. One of the most important of these is the practice, which is now in common force, of the grant to cultivators, of Government loans, often made on the joint and several responsibility of the villagers, for agricultural improvements and the purchase of seed, cattle &c. An experiment is also being made in the way of introducing co-operative credit societies on the lines of the 'agricultural banks' of European countries. The principal objects of these societies are the encouragement of thrift, the accumulation of loanable capital, and the reduction of interest on borrowed money by a system of mutual credit. The experiment has been started on a small scale in Madras, the United Provinces, Bengal and the Punjab.*

Another institution, intended to encourage habits of thrift, is the Savings Bank. Until 1882-3 the savings-bank business was carried on in the three cities of Calcutta, Madras and Bombay by the Presidency banks, and in other places at the Government treasuries. This system did not prove successful. The business grew slowly. The establishment of savings-banks in the post offices was followed by a rapid change, and the number of deposits and the total of the deposits have largely increased. The banks were not started specially for the benefit of agriculturists. They are extensively patronised by other classes of the community.†

* The Imperial Gazetteer of India. Vol. IV. p. 523.

†, Ibid. p. 524.

Amongst measures for the benefit of ryots may be mentioned various tenancy laws that have been passed. These are different in different parts of the country, varying according to local conditions and the kind of tenure prevailing. But they all have tended in one direction, namely to free the ryot from the chances of irregular exaction and other kinds of oppression, to fix his rights and liabilities, to provide simple methods of payment of rent, at the same time to allow the landlords every reasonable facility for realisation of rent and for the protection of their own rights.

Famines are one of the great scourges of the country. They are occasioned by failure of the food crops; and failure of crops is occasioned by bad seasons, such as one of drought or flood. In consequence of failure or deficiency the price of food-grains rises high, and not only agriculturists but all other poor people such as petty artisans or traders, greatly suffer. The extreme poverty of these classes, occasioned not only by the smallness of their gains even in good seasons, but also by the growth of their families, their habits of thriftlessness, and sometimes of litigation, makes them live from hand to mouth in ordinary times. In seasons of scarcity they are unable to fall back upon any savings, and distress is the result. Even when there is food in the country these classes have not money enough to buy it with, and, if not aided, they may die of starvation or of diseases resulting from a condition that approaches it. The dearth of food stuff in the country, caused by failure or excess of rain or other natural calamities, is aggravated by exports to foreign

countries. The people are uncomplaining and it is not till the situation is acute that their want comes to be generally known. Relief then comes from the Government, from the people of the country, and, in extreme cases, from the people of England and of other foreign countries.

It is necessary here only to refer to the measures which Government have been taking to prevent famine as far as possible, and which they habitually take to combat it when it arises. Amongst preventive measures may be mentioned Irrigation Works to supply the deficiency of rain, and Railways for the ready conveyance of food to the affected area. When famine has actually broken out, Government distribute food as charity to some classes, and open what are called relief works for other classes. Relief works are works of public utility, roads for instance, upon which able-bodied men accustomed to labour are employed. Complete or partial remissions of the revenue payable by distressed men, are granted where the occasion demands such a favour. Government may also permit or encourage the raising of public subscriptions here and in England in aid of the distressed.

India suffered from three great famines during the last quarter of the nineteenth century. The period opened with the famine of 1876-8 in southern India and closed with those of 1896-7 and 1899-1900. The total direct expenditure on famine relief since 1876 amounts to an average of one crore a year. The actual cost to the state is much greater, including loss of revenue and indirect expenditure. In 1878, during the Viceroyalty of Lord Lytton it was decided to allot annually a sum of $1\frac{1}{2}$ crores of

rupees for famine insurance. The actual relief of famine in years of scarcity has always been the first charge on the grant. At first the balance was devoted to the construction of 'productive' public works the cost of which would otherwise require to be met by loan. In 1881 protective public works which were calculated to mitigate or prevent famine in the areas served by them, were made the second charge on the grant.

The actual distinction between protective and productive works became obscured, and railways which formed part of the general system and were not constructed specially for famine purposes, were assisted from the 'protective' works portion of the famine grant. At the end of 1899 a stop was put to this practice. The expenditure on 'protective' works was limited to three quarters of a crore, and only railways and irrigation projects actually undertaken for famine purposes were allowed to be included in the category.*

Sir John Strachey wrote in 1903: "The development of the foreign trade of India during the last half century has been very great, and it affords remarkable illustration of the increase in the material wealth of the country. In 1840 the total value of the sea-borne trade was about £20,000,000; in 1857, the year before the transfer of the Government to the crown, it was £55,000,000; in 1877 it was £114,000,000; in 1900-01 it was nearly £152,000,000. The foreign trade of India is now larger than that of the united kingdom in the middle of the last century.†"

* The Imperial Gazetteer of India, Vol. IV. Pp. 188-189.

† India. By Sir John Strachey. p. 186.

The rapidity of growth may be judged from the fact that the total sea-borne trade in 1906-07 was about £230,000,000.*

* Moral and Material Progress and Condition of India, 1906-07
p 147.

CHAPTER VII.

MATERIAL PROGRESS.

Constructive works—Duties of the Government and the people—
Roads—Railways—Telegraph & lines—Surveys—Trigonometrical—
Magnetic—Topographical—Forest survey—Frontier and trans-
frontier surveys—Revenue surveys—Topographical—Village
—Cadastral—Survey of India Department—Special surveys
—Marine—Geological—Botanical—Archæological—Mills and fac-
tories—Industries of Bengal—Mineral resources—Reclamation of
waste lands—Tanks and wells—Fortifications—Dock yards—Har-
bours—Landing places—Bridges—Preservation of Forests—Irrigation
works—Measures for Sanitation—Hospitals—Dispensaries—Lunatic
Asylums—Medical relief for women—Leper Asylums—Prevention
of epidemics—Medical research—Vital Statistics—Vaccination.

The most palpable of England's gifts to India are the material works, the constructive works of public utility with which this country has been endowed. Many of the works which in advanced countries like those of the west, are constructed by the people, have had to be done in India by the Government. John Stuart Mill has observed ;
“In the particular circumstances of a given age or nation, there is scarcely anything really important to the general interest which it may not be desirable or even necessary that the Government should take upon itself, not because private individuals cannot effectually perform it, but because they will not. At some times and places there will be no roads, docks, harbours, canals, works of irrigation, hospitals, schools, colleges, printing presses, unless