



Hon'ble Sir Pherozechah Mehta, K.C.I.E.

SPEECHES AND WRITINGS

OF THE HONOURABLE

SIR PHEROZESHAH M. MEHTA, K.C.I.E.

WITH AN INTRODUCTION

BY

DINSHA EDULJI WACHA

EDITED BY

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To
Dadabhai Naoroji, Esquire,

The "Grand Old Man" of India,

The Greatest of Indian Patriots,

The Most Selfless of Men and Stainless of Gentlemen,

As a Humble Token

of the

Editor's Love & Reverence.

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P R E F A C E .

THE Honourable Sir Pherozechah Merwanjee Mehta, K.C.I.E., M.A., Barrister-at-law, occupies a foremost position among the worthiest of our public men by reason alike of commanding talents and disinterested patriotism. His speeches and writings, which have always attracted considerable attention, are admired no less for their literary charm than for the soundness of his opinions,—closely argued, expressed in earnest language and breathing conviction in every syllable. Sir Pherozechah's public life began so early as in 1867, and during the long space of time that has elapsed since then there has not been any important problem, local, provincial or imperial, in the discussion of which he has not taken a conspicuous part. What a large part he has played in the public life of his city, province and country, is evident from his many speeches as well as his varied and numerous contributions to the Press; which are now presented to the world in this volume. It would be presumption on my part to pass an opinion on the character of Sir Pherozechah's pronouncements on public questions. Nor is it at all necessary, as there have never been two opinions among our countrymen in regard to their great literary and political value. This, however, I venture to say without the least fear of contradiction—that, as they are now made available to the public in a permanent form, they will be found of surpassing usefulness to every student of Indian public questions in the future. I may even go farther and claim for Sir Pherozechah's speeches and writings that the Indian statesman and administrator who wishes to acquire a firm grasp of the right principles of Indian govern-

ment and administration and who has the honourable (alas! so rare) ambition to keep himself *au courant* with the thoughts, opinions and wishes of Educated India will find an invaluable guide in the following pages.

Eloquence, though a bad master, is a singularly useful servant of a public man. The orator who is fascinated with the sound of his own voice and 'inebriated with the exuberance of his own verbosity' is a familiar enough figure in this as in other countries. Sir Pherozechah Mehta is not of this redundant species. Possessing in full measure what has been called the divine gift of eloquence, our Congress Knight never allows mere flatulent rhetoric to do service for arguments or facts. Otherwise, he would not be the wonderful debater he has been universally admitted to be. What has been said of the oratory of Gladstone is applicable to Sir Pherozechah Mehta as well: 'There was a lively imagination, which enabled him to relieve even dull matter by pleasing figures, together with a large command of quotations and illustrations. There were powers of sarcasm, powers, however, which he rarely used, preferring the summer lightning of banter to the thunderbolts of invective. There was admirable lucidity and accuracy in exposition. There was art in the disposition and marshalling of his arguments, and finally—a gift now almost lost in England—there was a delightful variety and grace of appropriate gesture. But above and beyond everything else which enthralled the listener, there stood out four qualities. Two of them were merits of substance—inventiveness and elevation; two were merits of delivery—force in the manner, expressive modulation in the voice.* It is equally true, if not truer still, that in our country no one shows such swift resourcefulness in debate. Writes

* James Bryce, *Studies in Contemporary Biography*, p. 430, etc.

Mr. Bryce of Gladstone:—‘His readiness, not only at catching a point, but at making the most of it on a moment’s notice, was amazing. * * * Never was he seen at a loss either to meet a new point raised by an adversary or to make the best of an unexpected incident. Sometimes he would amuse himself by drawing a cheer or a contradiction from his opponents, and would then suddenly turn round and use this hasty expression of their opinion as the basis for a fresh argument of his own. Loving conflict, he loved debate, and, so far from being confused or worried by the strain conflict put upon him, his physical health was strengthened and his faculties were roused to higher efficiency by having to prepare and deliver a great speech.’ Who can gainsay that the same high qualities in nearly as rich measure distinguish Sir Pherozechah as a debater? And it is also true of him, what Mr. Bryce says of Gladstone, that ‘the dignity and spontaneity which marked the substance of his speeches was no less conspicuous in their delivery. Nothing could be more easy and graceful than his manner on ordinary occasions, nothing more grave and stately than it became when he was making a ceremonial reference to some public event or bestowing a meed of praise on the departed.’

In the very able and interesting Introduction with which he has kindly favoured this collection, my dear and honoured friend and leader, Mr. Dinsha Edulji Wacha, reviews at some length Sir Pherozechah Mehta’s distinguished and eventful public life. I will not make any detailed allusion to it here. I may, however, be permitted just to indicate how comprehensive and representative his career has been, how many were the high and responsible positions our eminent countryman has worthily and honourably filled, equally to his own credit

and to the advantage of the public. Even a bare enumeration of them is instructive. Sir Pherozeshah has been a member of the Bombay Corporation during a period of more than thirty-five years, and been thrice elected its President. And when the history of local self-government in India comes to be written, it will undoubtedly be recorded that he is the greatest member of whom any municipal corporation in the whole country could ever boast. He has similarly taken an active part in the work of the Bombay University, of which he is so distinguished an *alumnus* and so sagacious and wise a Fellow, and he was the most stalwart colleague of the late Mr. Justice Ranade in fighting the educational battles of his Presidency in the University Senate. He has been a member of the Bombay Legislative Council for a period of fifteen years, and was on the Imperial Council for about three years, and must stand alone as having achieved the proud distinction of being the greatest of the Indian members of the Legislative Councils of India. Sir Pherozeshah Mehta was one of the founders and first secretaries, and has for more than ten years been President of the Bombay Presidency Association; he is President of the Bombay Graduates' Association; he was President of the Fifth Bombay Provincial Conference and of the Sixth Indian National Congress, of which he was one of the founders; he was Chairman of two Reception Committees of the Congress at Bombay; and he has filled many other positions too numerous to be mentioned. He has served the Motherland ably and faithfully for the best part of a life-time, and has his reward in the respect and affection with which he is looked upon as their greatest leader by a host of admirers all over the country; which, next after the approbation of his own conscience, is the greatest prize a public man may aspire to.

I count it a piece of singular good fortune that Mr. Dadabhai Naoroji has kindly permitted me to inscribe this volume to him. While to millions of his countrymen Mr. Naoroji is a sacred personality, our dear and venerable Grand Old Man has from the first inspired in me a very peculiar affection and reverence and I am almost proud to think that his gracious name is associated with a work with which I have had something to do. There is, besides, a peculiar propriety in the dedication of Sir Pherozechah Mehta's Speeches and Writings to him. Not only that Sir Pherozechah came early under the influence of that mastermind, when in London in the sixties of the last century preparing himself to join the Bar: he and Mr. Naoroji as well as Mr. Wacha belong to the same religious persuasion. In one of his papers printed in this collection Sir Pherozechah Mehta incidentally refers to India as the land 'which helped us (the Parsee community) in our hour of need, which gave us kindly hospitality in our exile and which has given us shelter and nourishment for 1,200 years.' * The Parsees have more than discharged any obligation India may have placed them under, and made her their debtor instead. Some of the brightest ornaments of the Indian nation have been owned by the Parsee community;—industrial captains, merchant-princes and philanthropists like the first Sir Jamsetjee Jeejeebhoy and the late Mr. J. N. Tata, and political leaders like Mr. Dadabhai Naoroji, Sir Pherozechah Mehta and Mr. D. E. Wacha. These three greatest of Parsee political leaders and patriots are animated by the same lofty ideals and have laboured with the same great ability and noble disinterestedness for the greater glory of the Motherland and the greater happiness of her children. It may

* 'The Retrospect,' p. 279 of the text.

accordingly be reckoned a happy coincidence that both Messrs. Dadabhai and Wacha are associated with this humble effort at bringing together some of the more notable utterances of their distinguished colleague and co-religionist. I am glad to be able to present to the readers the likenesses of the illustrious trio.

My grateful thanks are due to Sir Pherozezshah Mehta for the kind permission he has accorded to me for bringing out this publication. And I am deeply indebted to our much esteemed countryman, Mr. Wacha, who has placed me under great obligation by many acts of personal kindness and affection, for the valuable Introduction he has contributed at my request. To great natural ability and unrivalled knowledge of facts on nearly all subjects of Indian politics and economics—in which respect he may be regarded as the Sir Charles Dilke of India—Mr. Wacha adds the advantage of lifelong friendship with Sir Pherozezshah. The two patriots have been so closely and inseparably associated in almost their whole public activity that the appreciation of Sir Pherozezshah with which the volume opens cannot but derive peculiar force and authority from its authorship. I feel that the Introduction certainly enhances the value of this collection.

My talented friend, Mr. M. Venkanna Pantulu, of the Maharajah's College, Vizianagram, has earned my thanks by laboriously setting himself to prepare the very useful analytical Index which is appended at the end of the work. Perhaps it will not be amiss to say here of my friend, that he is an unusually well-read man,—a literary recluse I call him—who because of his habit of 'keeping himself to himself', is not known to the public as he deserves to be.

I must not omit to mention either my acknowledgments to Mr. Sorabji Bomanji Munshi, assistant secre-

tary of the Bombay Presidency Association, who has taken much pains to supply me with much of the material brought together in this volume.

C. Y. CHINTAMANI.

Benares, 27th October, 1905.

CONTENTS.

	PAGE.
INTRODUCTION	1—37
EDUCATIONAL SYSTEM OF BOMBAY	1
GRANT-IN-AID SYSTEM OF BOMBAY	29
EAST INDIA (LAWS AND REGULATIONS) BILL	54
BOMBAY MUNICIPAL REFORM	81
CONSTITUTION OF THE BOMBAY MUNICIPALITY	116
SPEECH ON THE VOLUNTEER MOVEMENT	123
LEADERSHIP OF THE PARSEES	126
ADMISSION OF NATIVES INTO THE CIVIL SERVICE	130
CENSORSHIP OF THE VERNACULAR PRESS	135
SIR RICHARD TEMPLE AS GOVERNOR OF BOMBAY	143
PROPOSED EXTENSION OF LORD RIPON'S VICEROYALTY	150
SPEECH ON THE ILBERT BILL	158
SPEECH ON SIR EVELYN BARING (EARL CROMER)	170
THE CONCORDAT	174
SPEECH ON LORD RIPON	179
THE CIVIL SERVICE AGE QUESTION	182
LORD RIPON'S VICEROYALTY	187
ESTABLISHMENT OF THE BOMBAY PRESIDENCY ASSOCIATION	195
SPEECH ON PROFESSOR FAWCETT	198
INDIA AND ENGLISH PARTY POLITICS	201
THE PUBLIC SERVICE COMMISSION	203
SPEECH ON SIR W. WEDDERBURN	232
BOMBAY CITY MUNICIPAL BILL	235
THE PUBLIC SERVICE QUESTION	260
THE ARMS ACT	263
OPENING OF THE NEW ELPHINSTONE COLLEGE	265
MR. OMMANEY AND THE PARSEE PUBLIC MEETING	268
A RETROSPECT	274
ADDRESS AT THE FIFTH CONGRESS	281
SPEECH ON LORD REAY	287
CONGRESS PRESIDENTIAL ADDRESS	292
SPEECH ON CHARLES BRADLAUGH	313
MR. NAOROJ'S ELECTION TO PARLIAMENT	316
PROVINCIAL CONFERENCE PRESIDENTIAL ADDRESS	322
SPEECH AT THE BOMBAY GRADUATES' ASSOCIATION	337
SIR W. WEDDERBURN'S ELECTION TO PARLIAMENT	350

	PAGE.
SIMULTANEOUS EXAMINATIONS AND HOME CHARGES	358
SPEECH ON THE BOMBAY BUDGET OF 1893-4	363
SPEECH AT THE TELANG MEMORIAL MEETING	377
SPEECH ON THE BOMBAY BUDGET OF 1894-5	379
SPEECH ON THE COTTON DUTIES BILL	390
THE DECCAN AGRICULTURISTS' RELIEF BILL	394
THE CANTONMENTS ACT AMENDMENT BILL	396
SPEECH ON THE POLICE BILL	404
RESTITUTION OF CONJUGAL RIGHTS	410
SPEECHES ON THE POLICE BILL	418
SPEECH AT PUBLIC DINNER AT CALCUTTA	441
SPEECH ON THE INDIAN BUDGET OF 1895-6	443
SPEECH AT PUBLIC DINNER AT BOMBAY	460
THE BOMBAY BUDGET OF 1895-6	466
REPLY TO PUBLIC ADDRESS AT BOMBAY	473
THE BOMBAY BUDGET OF 1896-7	494
BRITISH INDIANS IN SOUTH AFRICA	517
FIRST READING OF THE BOMBAY CITY IMPROVEMENT BILL	526
THE BOMBAY DISTRICT POLICE BILL	540
SECOND READING OF THE BOMBAY CITY IMPROVEMENT BILL	541
THE BOMBAY BUDGET OF 1898-9	552
THE INDIAN CONTRACT ACT AMENDMENT BILL	566
THE SUGAR DUTIES BILL	573
THE INDIAN BUDGET OF 1899-1900	574
THE BOMBAY BUDGET OF 1899-1900	584
THE WHIPPING BILL	596
SPEECH ON THE INDIAN FAMINE FUND	599
SPEECH ON THE INDIAN BUDGET OF 1900-1	603
SPEECH ON THE BOMBAY BUDGET OF 1900-1	612
SPEECH ON THE BOMBAY PORT TRUST BILL	627
THE BOMBAY DISTRICT MUNICIPALITIES BILL	632
THE BOMBAY LAND REVENUE BILL—SPEECH AT PUBLIC MEETING... ..	641
THE BOMBAY BUDGET OF 1901-2	647
THE BOMBAY LAND REVENUE BILL—SPEECH IN THE LEGISLATIVE COUNCIL	651
THE BOMBAY LAND REVENUE BILL—REPLY TO DEBATE	666
FIRST LETTER ON THE LAND REVENUE BILL	688
SECOND LETTER ON THE LAND REVENUE BILL	694
THIRD LETTER ON THE LAND REVENUE BILL	705
THE BOMBAY CITY POLICE BILL	713
MEMORANDUM SUBMITTED TO THE UNIVERSITIES COMMISSION	729
SPEECH ON THE BOMBAY BUDGET OF 1902-3	736

	PAGE.
THE AHMEDABAD INDUSTRIAL EXHIBITION	744
SPEECH ON THE UNIVERSITIES COMMISSION REPORT	751
THE BOMBAY BUDGET OF 1903-4	759
FAREWELL TO LORD NORTHCOTE	778
MEDICAL RELIEF IN BOMBAY	780
SPEECH ON BISHOP MACARTHUR	789
SPEECH ON THE UNIVERSITIES BILL	792
BANQUET AT THE RIPON CLUB	803
THE TWENTIETH INDIAN NATIONAL CONGRESS	808

APPENDICES.

A. PHEROZESHAH M. MEHTA, ESQ., M.A., BARRISTER-AT-LAW ..	i
B. INDIANS OF TO-DAY : THE HON'BLE MR. PHEROZESHAH M. MEHTA	x
C. HON'BLE MR. PHEROZESHAH M. MEHTA ..	xiii
D. PUBLIC ENTERTAINMENT TO MR. P. M. MEHTA	xvi
E. THE DINNER TO MR. P. M. MEHTA	xix
F. PROCEEDINGS OF A PUBLIC MEETING AT BOMBAY TO ADOPT AN ADDRESS TO MR. MEHTA	xxiii
G. ADDRESS RESOLVED UPON BY THE EIGHTH PROVINCIAL CON- FERENCE HELD AT BELGAUM	xlv
H. PRESENTATION OF ADDRESSES	lii
I. ANGLO-INDIAN APPRECIATION	lv
J. APPRECIATION BY MR. J. MACDONALD, PRESIDENT OF THE BOMBAY CORPORATION	lviii
K. MUNICIPAL CONGRATULATIONS TO THE NEW PARSEE KNIGHT	lx
L. APPRECIATION BY SIR JAMSETJEE JEEJEEBHOY	lxxi
M. ELECTION AS PRESIDENT OF THE CORPORATION	lxxv
INDEX	i—xx



Mr. DINSHA EDULJEE WACHA.

INTRODUCTION.

IT may be said with truth that at no time in its history has British India boasted of a more brilliant group of men of marked ability, great enlightenment and culture, keen political sagacity and sterling patriotism than the one to be witnessed at present. There is not a province of the Empire, old or new, which does not possess such men. It is a remarkable circumstance of which our rulers may as well be proud. For in reality these men are the rich product of their own vivifying civilisation of the West and that beneficent policy of high education which the broad and liberal-minded statesmanship of the past half a century and upwards introduced into this ancient country. Their names are well-known. They are in everybody's mouth. Wherever you direct your footsteps, north or south, east or west, you hear of them. Among these names there is none which is held in greater reverence and esteem than that of Mr. Dadabhai Naoroji, now a veteran counting eighty summers. Rich and poor, educated and uneducated, men, women and children, all alike are familiar with it as they are familiar with their household gods. Its very pronouncement lends a charm to the ear and sends a thrill of patriotic delight through the heart. A thousand blessings are poured forth on his devoted head, even by millions who have never seen him, this 'Grand Old Man of India,' who carries on his robust back, without a murmur, the proud burden of solid work unobtrusively achieved during the long and eventful period of sixty years. Mr. Dadabhai still devotes himself, most unsparingly and unselfishly, to the service

of his country in London, his adopted land, with a faith which is as unbounded as it is hopeful and with an energy which is so phenomenal as to put to shame many a younger person than himself.

If, however, there be one Indian more than another who by common consent has been recognized as standing next only to Mr. Dadabhai, it is the Honourable Sir Pherozeshah M. Mehta, K.C.I.E. The former works six thousand miles away, feeling convinced that after all it is the citadel, at the very heart and centre of the British Empire, which has to be stormed and captured, the citadel of vested interests and monopoly, of ignorance and prejudice, and above all of an autocratic authority. The latter works in the country itself, next door, so to say, of the actual governing authorities, but with equal disinterestedness, faith and sagacity. It is only by means of work in these two different directions by men of such recognised worth that any material progress is possible of achievement. The British electorate needs to be well-educated and thoroughly aroused as to the condition of India. It is only by persistent agitation carried on in England that that important object could be fulfilled. The average elector has to be instructed as to the true feelings and sentiments of the Indian people and their wants and wishes. This function Mr. Dadabhai, assisted by good English friends, specially Sir William Wedderburn, is discharging most nobly, at sublime personal sacrifice; while leaders of native thought in India, under the sagacious and practical leadership of Sir Pherozeshah, are equally discharging their respective functions and from time to time as occasion offers, rivetting the attention of the governing authorities on the many just and crying grievances of their countrymen, now in their respective Provincial Legislative

Councils, now in the Viceregal Legislative Council, sometimes from the platforms of public meetings, and annually from that of the different Provincial Conferences and the Indian National Congress.

Thus it will be evident the combined influence exerted in this two-fold manner on the rulers of the land here and in London. As a consequence, it has come to be universally recognized that so far as the Indian part of the work is concerned, there is none to-day to influence the Government at Calcutta in so marked a manner, with infinite sagacity, judicious discrimination, and ability as Sir Pherozeshah M. Mehta. In the rank of distinguished Indians of light and leading it is conceded that there could be found no better leader for the arduous and responsible work. Thus it is that by universal consent Sir Pherozeshah has come to enjoy the hegemony among his collaborateurs. He is pointed out with pride as the foremost leader in India. Like the distinguished Mr. Dadabhai he has strenuously devoted full thirty-five years of his active life to public work uninterruptedly and unselfishly. Though his contemporaries are fully aware of this work, it is needful and important that the rising generation, which is just entering on the active life of citizens, as well as the younger persons at our seminaries and colleges, should become fully cognisant of it. A record of it is essential in order that these may not only know and appreciate it but be able to understand the nature of the leadership.

The record is there, but all scattered. It may be read in his numerous papers and speeches, commencing from the very year that he launched himself into the public life of the country. But these scattered speeches and utterances needed the enthusiasm and assiduity of some admirer to collect and compile them in a compact and

readable volume. Indeed the want of such a collection, well arranged and carefully discriminated, has been felt for some time past. The more that Sir Pherozeshah's past and present activity in the public life of India, in all its important ramifications, has come to be recognized and appreciated, the greater is the wish expressed to have his utterances collected in a permanent form. Sir Pherozeshah himself had often been requested by friends to undertake the work himself; but his innate modesty has always shrunk from compliance with their earnest wish. It is, therefore, lucky, indeed, that at last an enthusiastic and appreciative admirer has had the leisure, the enthusiasm, and the assiduity to undertake the work. And the Indian public will, no doubt, feel grateful to Mr. C. Y. Chintamani, the able and accomplished editor of that vigorous and well-conducted journal the *Indian People*, published at Allahabad, for having accomplished his self-imposed labour of love.

It is no light work to sift the growing mass of the various speeches, on divers topics, small and great, made by Sir Pherozeshah since 1867, and select therefrom all that may be considered to be of permanent value. Mr. Chintamani had had to wade through a vast quantity of printed matter, to winnow it and gather therefrom the golden grain. That he has admirably succeeded in presenting a readable and most instructive volume goes without saying. It is no exaggeration to say that he has left nothing to be desired; and so far he has acquitted himself of his labour of love with credit. The compilation will be admitted on all hands to be a valuable record of the solid and useful work accomplished by a talented son of India during the best portion of his life-time. It is the life-work of a person who has all through held before him a high ideal of Duty—the duty

of rendering to his countrymen such good, however little, as it may lie in his power and ability. This life-work will be a stimulus to many of the rising generation to follow the good example of such a noble worker.

To the careful reader of the speeches it will be abundantly clear that though Sir Pherozechah has spoken on a variety of topics of the highest pith and moment—on Imperial problems of a far-reaching character, on intricate pieces of legislation, equally far-reaching in their effects, on provincial administration in many of its important ramifications, on University and Municipal constitution and reform—each and all bear on their very face his own individuality, apprising us of a mind highly cultivated and attuned to take a broad and comprehensive survey of the divers problems presented for public discussion from time to time, fully prepared to seize the salient features thereof, and turn to view their correct aspect and argue out the principal points logically and incisively so as to carry conviction home. But the speeches tell even something more. They give ample evidence of mastery of language at once polished, vigorous and manly. The perspicacity of thought, the elegant diction and the other specialities which lend no little charm and grace to style, reveal the eloquent speaker; while the apposite anecdotes, the historical and other allusions, the telling comparisons, interspersed with raillery, light banter, and gentle satire, proclaim the ready and effective debater. Manner and matter alike impress us. They have so impressed many a distinguished Englishman who has heard him on some platform or another. They have felt and expressed themselves admiringly, observing that Sir Pherozechah possesses gifts of no ordinary character. If the speeches read well, it is superfluous to say they enliven hearers even more.

They are doubly entertaining and impressive. So eloquent and practised a Parliamentary speaker as the late Mr. Bradlaugh was charmed at the magnificent deliverance of Sir Pherozechah at the Congress of 1889 held in Bombay at which Sir William Wedderburn presided, and equally charmed was Sir Henry Cotton, the President, with the address he delivered at the last Congress held in Bombay as the Chairman of the Reception Committee. Hundreds on hundreds have no doubt heard him in the Council Chamber, Imperial and Provincial, in the hall of the University and the Bombay Municipal Corporation; and thousands upon thousands have heard him at one time or another from the platform of the Congress, at Calcutta and Bombay, Madras, Allahabad, and Ahmedabad. They all must bear ample testimony to the fact just stated. Though never specially trained to the art of oratory, Sir Pherozechah's rolling and eloquent periods charm the audience. He has the happy gift of placing the hearers from the very first in good humour; and he instinctively knows what to say and how to say it. The audience becomes immediately attracted towards him magnetically, and the more enlivening, eloquent and instructive is his speech, the more it expresses its delight by ringing cheers and deafening applause. By long experience, Sir Pherozechah has found the key to success in public speaking. He knows when to pitch the key of a given subject high, and when low; when to roar like the lion and when to coo like the gentle dove. He knows when to rail and ridicule, when to cover an adversary with humiliation, when to be gay and frolicsome, and when to be grave in order to pour forth in all earnestness words of practical wisdom and the counsel of perfection. He might be sometimes mistaken; He might sometimes be

deceived. All the same, for the time being he makes a powerful impression on the mind of his hearers. Untrained to diplomacy, he has been known at times to play his game with all the ability of a consummate diplomat. In the hall of the University and the Corporation, in the chamber of the Legislative Council, there is none so lynx-eyed to find flaws in procedure and constitution. Indeed in this respect he would not unfavourably compare with any old 'Parliamentary hand' and make his mark even on the floor of the House of Commons. Those who have closely watched his public career for the last thirty-five years tell us how solidly, step by step, has Sir Pherozeshah built up his reputation as a leader. And now that he stands foremost in the ranks of leading Indians in all parts of the country, it is generally felt that he is born to lead. There are centered in his person all the ability, all the versatility, all the élan, all the independence, and all the courage which make one a leader of men. But a leader without a following is like the general without his trusty soldiers. In the toil and turmoil of active public life he who attains to leadership is also bound to maintain it. But the maintenance of that position is only possible with a band of capable lieutenants equally trained like himself. It is only with the assistance of such that success is possible and practical. We have yet to find in Indian public life one who is a Hercules by himself and is able to rely on his own unaided prowess to achieve miracles which the world will admire and applaud. If, therefore, Sir Pherozeshah rightly enjoys to-day the hegemony of the great Indian community, he owes it not a little to those who have been associated with him for years and who so loyally second his efforts. A fundamental basis of agreement is essential here. For unless the leader and

his associates are in harmony with the principles to be enforced, and the broad policy to be pursued in reference to the progress of the country, it would be difficult to bring important matters to a successful issue. Differences of opinion must prevail. For every well-trained and well-balanced mind must view a particular problem from its own point of view. But the differences must exist only to be well considered and threshed out, in order to come to some satisfactory agreement ultimately. The larger success of Sir Pherozezshah more than that of any other Indian, in the public life of the country, must be traced to this fact, namely, the harmony of thought subsisting between him and his colleagues.

Whatever distinction and success Sir Pherozezshah has attained must, however, be ascribed to the quality of the education he received in his youth. It was a singularly lucky circumstance for him, for the late Messrs. Ranade and Telang, and for some of the less known alumni of Elphinstone College that they had all an accomplished Principal of world-wide fame in the person of the late Sir Alexander Grant, the translator and expounder of the ethics of Aristotle at Oxford as far back as 1858. His brief principalship of four years (from 1862 to 1866) was every way remarkable in the annals of that institution. It was in reality an epoch-making one. It was there that the illustrious trio received their academic training. It was there, under that gifted philosophic scholar, that their mind underwent a severe discipline which eventually prepared them for the active public life they all subsequently led. A broad and deep foundation in higher learning was laid. They all cultivated it for its own sake. History, philosophy and logic were taught by Sir Alexander Grant as these subjects have never since been taught by any of his successors save the distinguished Principal Words-

worth. The seed then sown fell on fertile ground and afterwards bore the fruit of which all India has had the benefit. For it will be readily admitted that no three persons in their respective public career have moulded their contemporaries for good more than they. It is owing to their respective sphere of influence that Bombay at least enjoys to-day such an excellent reputation for solidity and sobriety of thought, for practical sagacity, and uninterrupted public activity.

Thus it is that the mind of Sir Pherozechah was moulded by a master intellect in the heyday of his academic career which even then gave full promise of future eminence. And thus it was that above all Sir Pherozechah became the greatest favourite of his Principal. Sir Alexander took almost a parental interest in him and foretold the future high distinction he was destined to achieve, as much as the professors of Mr. Dadabhai predicted his greatness from his phenomenal college career. Alas! What a fall is there from that old standard of high and liberal education. Where, one may ask, are the professors of the masterly ability of Sir Alexander Grant and Principal Wordsworth? Where is the rich quality of the higher education they imparted, the education which disciplined the mental faculty and prepared the way for practical exercise in the toil and turmoil of post-graduate life?

Sir Alexander Grant was so impressed by the intelligence of his young scholar that he with great earnestness persuaded his parents to send him to England to qualify himself for the Bar. That no doubt was an event in the career of Sir Pherozechah, seeing that it had its far-reaching and beneficent consequences. Sir Pherozechah came out as the first Parsi M. A. of the Bombay University and the first Parsi Barrister. This was in 1868. The same day that brought him fresh from the atmos-

phere of Lincoln's Inn witnessed the interesting ceremony of bidding his beloved teacher a cordial farewell and offering him the congratulations of students and citizens alike in the hall of the Framji Cowasji Institute on his election to the coveted Principalship of Edinburgh University. But the training to which he subjected himself at the Bombay Bar at the outset has proved of the utmost service in his public career. For it is his forensic ability as a lawyer that has stood Sir Pherozeshah in good stead these many years. And well it may, for who in the Legislature is more useful than a barrister well versed in constitutional lore and a ready debater besides. Who will deny that the bar is 'the most democratic of all professions,' as that great democrat of the early eighties, no other than the Radical Mr. Chamberlain, declared in his address to the law students at Birmingham. It may be not uninteresting to give an extract from that speech though it is to be greatly regretted that he never took to law, for the discipline he might have received in the art of ratiocination might have been most instrumental today in preventing him from falling into the many pit-falls and fallacies of his 'fiscalitis' nostrum. Here, however, is what Mr. Chamberlain said about the democratic profession of the bar. 'Merit, industry, and ability are the passports—unfailing passports to success * *. Lawyers are an adjunct to civilisation * * I am bound to say that I think the history of this country would lose very greatly and be infinitely the poorer if we were to strike from it the work of lawyers * * Canning and Burke and many others of our most distinguished statesmen and legislators disciplined their mind by its study and founded themselves upon an accurate knowledge of its principles and practice. Lawyers at many critical periods of our history have been the champions of the rights of the people,

and the defenders of their liberties; they have been foremost in resistance to the unconstitutional encroachments of authority; they have been the wisest and strongest among those who have advocated and carried necessary and beneficent reforms.' Is it necessary to remind the reader in this place that it is the mind of Sir Pherozeshah as disciplined by law that has enabled him to advocate a large number of reforms, to mould the legislation not only of his own Presidency but that of all India, and to resist to the uttermost legal measures calculated to inflict the greatest mischief and hardship on individuals as well as on the people at large. The strenuous opposition which he led first in the Town Hall and afterwards in the Bombay Legislative Council two years ago in reference to the Land Revenue Code Amendment Bill, of ill fame, which brought no credit to its misguided author, was a monumental instance of that lawyer-like but constitutional resistance to which Mr. Chamberlain referred in his speech; while the Bombay Municipal Act of 1888, which he was so actively instrumental in framing, is another of that constitutional reform which has proved so beneficial to the individual liberty of the rate-payers and the progress of civic affairs in Bombay. India owes it, again, to the foresight and sagacity of this admirable constitutional lawyer, the modifications he was able to carry through in reference to the Police Act in the Vice-regal Legislative Council, an Act which might have been infinitely worse to-day in its operation than it actually is. Again, it was only the other day that he succeeded in the local Legislative Council in fighting strenuously against trade monopoly. There was an attempt made to obtain a short-timed monopoly in the matter of motor-cars. Had the attempt been successful, the monopoly would have proved intolerable to the citizens of Bombay

so long as it lasted. How much is it to be wished that Sir Pherozezshah had been in the Imperial Legislative Council during the passage of the Official Secrets Bill and the Universities Bill! Is there the slightest doubt that his stern advocacy would have considerably changed for the better the destinies of the two most unpopular and mischievous measures of Government? Thus it is that owing to the firm grasp Sir Pherozezshah has acquired in his legal profession of jealously guarding the rights, privileges and liberties of the people that makes him in all public matters to resolutely resist all encroachments, whether by individuals or corporate bodies or by the State itself. Scores of instances might be adduced of the vigorous stand made by him against repeated attempts of the last mentioned authority to override the Municipal law. The rate-payers of Bombay have reasons to be grateful to their city Hampden for his many successful combats on their behalf against encroachment on their Municipal preserve, notoriously in the matter of Police charges.

Thus his education under the special circumstances related and his legal training have been of the greatest service to Sir Pherozezshah in his many-sided public activities. Their combined influence may be traced in many of his important utterances. A third element, too, which has proved of no inconsiderable service may be seen in his case in his three years' stay in London. He happened to be there during the final stage of that great agitation which led to the second Reform Bill of 1867. The decade commencing with 1860 was indeed one of the most important epochs in the political history of the British people. It was the decade which witnessed the revolution in the fiscal policy of England under the financial statesmanship of that prince of public finance, William

Ewart Gladstone. It saw Cobden's Free Trade Treaty with France. Later, it witnessed the spectacle of that great utilitarian and political philosopher, no other than John Stuart Mill, entering the portals of St. Stephen's. It saw the great struggles of the class against the mass, as carried on by the giant representatives on each side in the House of Commons. It saw the rivalry of the two great parties and the irretrievable fall of one of them. It saw the destruction of the Tories and the rise, Phœnix-like, from the ashes of obsolete Whiggism, of that sturdy Liberalism of which Gladstone was the great standard-bearer. It was the same decade which witnessed the rise of the working classes and that historical agitation which culminated in Hyde Park. Indeed those ten years were years of the mightiest changes in the political and financial history of England. It saw the old order of things passing away and the new spirit of stout Liberalism planting itself firmly on the debris of the traditions of the antiquated Whigs and the still more antiquated and chaotic Tories. Sir Pherozeshah was there as an outside spectator, but keenly interested in watching those historic and heroic struggles and profiting by them. Better object-lessons in British politics and its turmoils he could not have learned elsewhere. He took a firm grasp of the principles on which the two great parties in the House of Commons respectively endeavoured to influence the electors. It may be assumed that he revolved in his own mind, which were the better and rational principles to adopt for his own guidance. The sturdy Liberalism, then at the zenith of its influence, as directed by the genius of Bright and Gladstone, must have made a deep impression on his youthful but observant mind, and if he embraced Liberalism as the future colour of his politics, it may be taken for granted that he

did so after full conviction. In Indian affairs specially it was essential that Liberalism, the creed of the progressives, should prevail. At any rate young Mr. Mehta must have concluded from what he saw and learned during his three years' stay in England what valuable lessons he would carry back to India on his return. If even after well nigh forty years he is still a follower of the sturdy Liberalism of the sixties, it must be owing to his strong convictions, though meanwhile that creed itself has undergone a great change and is being slowly supplanted by Radicalism. It is not at all surprising, therefore, that all through his public career Sir Pheroza Shah has remained progressive, no doubt tempered by the political conditions of this official-ridden country. In matters fiscal we find him equally advanced and in harmony with the best fiscal tendencies of the time. He is undoubtedly an advocate of Free Trade albeit that he holds certain definite views in connexion with the nascent industries now slowly springing up in India. Its economic conditions are such as need a modification in details while holding fast by the broad principles of that fiscal creed.

Lastly, the example of Mr. Dadabhai Naoroji, who was devoting himself in the days of his early domicile in England with as much ability, energy, and unbounded faith to the promotion and welfare of his countrymen as he is doing to-day with the mature experience of full forty years, could not but have its influence on the mind of young Mr. Mehta. He had seen him discharging his patriotic duty with all the zeal of the martyr towards the land of his birth. What lofty sentiments he entertained, what high ideals of Duty he conjured, and what self-sacrifice he cheerfully underwent to achieve his object. A purer and more disinterested ambition never possessed a son of India. Mr. Dadabhai, even in the sixties, was

the very Avatar of stern and unrelenting Duty and a noble example to young Indians.

It was in pursuance of this ambition of his life, to discharge his duty to the best of his power and ability towards his countrymen, that Mr. Dadabhai first founded the London Indian Society with the genuine sympathy and co-operation of a few retired Anglo-Indians, and, later on, the East India Association, for successfully maintaining which he single-handedly worked to obtain the necessary funds. Luckily for Mr. Pherózeshah he found in both the societies an excellent field to train himself for that active public career which since his return to India he has pursued with such credit to himself and advantage to the country. Many an excellent paper on Indian topics was read and discussed at the East India Association and Mr. Pherozeshah seems to have taken a part in that discussion as is evidenced by the published proceedings. It is a matter of regret that the rising generation should be almost wholly ignorant of the early work of that useful institution. More solid work was never transacted. The journals published by that body may be read by every educated Indian even today with the greatest profit, highly informing and instructive as they are on many an Indian topic, the end of some of which has not yet been witnessed. Anyhow Mr. Pherozeshah used to attend the meetings of these organisations where an equally able and every way public-spirited young Bengalee, in the person of Mr. W. C. Bonnerjee, was to be discovered, admiring Mr. Dadabhai and catching his fervour and spirit. It is doubtful whether the trio at the time ever entertained the notion, even remotely, that twenty years later they would all join hands, with other able and capable Indians, in laying the foundation of the greatest organisation that the country has ever

seen! Anyhow Mr. Dadabhai was their senior and domiciled in England, while the two, on the completion of their legal studies, were to return to their respective Presidencies. It could not have then been dreamt even, that in 1885 they should all again meet in Bombay and lay broad and deep the foundation of the Indian National Congress and be its foremost leaders! Perhaps, each thought that they would part to work in their own walk of life and in their respective sphere of influence—Mr. Dadabhai, domiciled in London, to knock at the very door of the central authority and power, Mr. Pherozechah Mehta to return to Bombay to pursue his professional avocation, and Mr. W. C. Bonnerjee to Calcutta to follow the same profession there! Such, however, is the whirlgig of Time, and such the course of events. It was the ill-fated Ilbert Bill which first made educated India pulsate and throb, aye, to pulsate and throb in perfect harmony. From evil cometh good. So the evil of the discreditable Anglo-Indian agitation awoke India to unite in her own best interests. It was that agitation which eventually led to the institution of the Congress. And by a happy concatenation of circumstances the three stalwarts again met, this time on the Congress platform, joined hands, and made themselves the leaders of the movement which has now laid its foundations broad and deep in the country.

But they say the lineaments of the man are discerned in the child or youth. The lineaments of the two younger leaders of the Congress were to be clearly discerned in their maiden literary efforts in the rooms of the London Indian Society and the East India Association. The one, with a natural bent towards Hindu law, in which he has since distinguished himself as a master and an authority, read a paper on that abstruse subject, while the other on the

educational system of the Presidency of Bombay on which he is considered an expert, next only to the late Messrs. Ranade and Telang. Both are remarkable for their precocity. For they both wrote the papers at the early age of 22! The fact of the precocious condition of their respective minds would become evident to those who would care to study them to-day, nearly forty years after they were written! It seems as if they were written by persons of a maturer age and riper experience.

It will be seen on a glance at the present collection that the papers and speeches of Sir Pherozeshah have been more or less arranged in a chronological order. Mr. Chintamani has so far exercised judicious discrimination, for the arrangement enables the reader to follow the sequence of experience and action in the public career of that personage from stage to stage. The evolution could be closely watched and the epoch-making utterances easily ear-marked. Take Education for instance. Mark the thoughts and the practical suggestions made in his very first paper and compare them with his latest reflections on the same subject, specially on University reform, as expressed only a few months ago. Let the reader ponder on the following extract from that paper which discloses his earlier views on the necessity of Higher Education in this country. 'The question of popular education is perfectly legitimate as *the* great educational question of the day, in England and other countries of Europe, where means for a high education are simply a patrimony. But it would be perfectly absurd and out of time and place to ascribe to it the same pre-eminence in India. An elementary knowledge of reading, writing, and arithmetic, however widely diffused, would no more be able to break and loosen the hard ground of traditional prejudice than children's

hatchets of paper, however numerous, would suffice to clear a jungle. Without disparaging in the least the modest usefulness of elementary education, it may be laid down that in India it must yield precedence to the question of high liberal education. True, such higher education would not be received and taken advantage of by crowds of eager scholars; but we universally find in the history of almost every great movement, in the progress of civilisation, in the history of all reformations and revolutions of the world that it is these few men who do the work of the renovation of the masses, who endowed with real earnestness, deep thought, and comprehensive insight, create and mould the new ideas, and transfer them thus ready-made to the multitude, to be received by them on their authority and example.⁴ It will be seen from this long extract how far back Sir Pheroze-shah held the same view which he propounds to-day but with the added experience gained in the interval as an active worker and syndic of the Bombay University. That experience simply emphasises his original views on the far-reaching and vivifying influence of Higher Education in this country, the further advance of which a reactionary Viceroy, in his presumption, and under the misguided policy of distrust of the educated classes, has endeavoured, but vainly as time will show, to arrest by means of legislation.

Another striking instance of the insight and sagacity of Sir Pheroze-shah at an early age may be discerned in the proposals he made in 1871 in the Bombay Municipal Corporation during the course of the agitation for municipal reform on the basis of representation. Half a dozen recommendations were made by some of the then leading members with a larger and longer experience of Municipal life in the city than Mr. Mehta. There was, however,

a fatal flaw about them which necessarily led to their rejection. To him it appeared extremely illogical that because a Municipal Commissioner had over-ridden the provisions of the law and the Resolutions of the Corporation, it was necessary to alter the constitution itself and introduce divided responsibility—that is to say, to vest all executive functions in a body of twelve instead of one! This mode of reasoning revealed the impractical character of the reforms suggested. A larger and broader experience of municipal government in the more advanced cities of Great Britain and the United States might have informed the reformers that for carrying on the executive functions, appertaining to a populous local self-government, it was universally recognised that a single responsible person was better than a dozen persons with divided responsibility which practically signified no responsibility whatever. Such great social philosophers as Mill and Herbert Spencer had stated so. For a city like Bombay the proposed reform was not only of a backward character but wholly impracticable. Its adoption would have resulted in a complete break-down. The remedy would have proved worse than the disease. Fresh with his experience of local self-government in England, and supported by the practical principles so ably advocated by John Stuart Mill, which even to-day have stood the test of revolving time, Mr. Pherozeshah pointed out to his colleagues in the Corporation the impractical character of a Council of Twelve discharging the executive functions connected with a city like Bombay, numbering eight lakhs of souls, even when assisted by a whole-time officer, but subject to their orders and instructions. He strongly opposed the recommendation and advocated the retention of a single executive officer, but fully responsible to the Corporation, with certain safeguards. So convinced was he

of the utter futility of the proposal of the reformers that he deemed it his duty to educate the citizens in the matter. Accordingly, he read a paper on municipal reform in the hall of the Framji Cowasji Institute wherein he severely condemned the reformers' proposals and courageously suggested his own scheme. But, as is usual; the populace followed their misguided leaders who were their idols. Young Mr. Mehta was a novice in public life and could not be considered an authority. So they vigorously hissed him, while he laughed at their and their idols' short-sightedness. And in this case the adage was realised that he laughs most who laughs last. For, as a matter of fact, as the agitation grew in volume and eventually compelled the Government to introduce a Municipal Reform Bill into the Legislative Council, the constitutional scheme, as originally limned and formulated by Mr. Mehta, came to be recognised there as the most sensible and practical. Thus the budding barrister and citizen ultimately earned his first civic triumph. What his conceptions of a citizen's duties were might be reproduced here. While admiring the 'boldness, energy and earnestness' of the reformers, he regretted that 'they did not combine qualities equally necessary—moderation, wisdom and far-sightedness. The self-constituted leaders of popular movements have a twofold duty to perform. It is not sufficient for them to stand forth boldly to give loud utterance to the confused and incoherent popular cries. It is not sufficient for them to re-iterate and proclaim the popular indiscriminate wailings and inconclusive analyses of the public grievances. There is another and a higher duty cast upon them, the duty of guiding and rolling the movement in its proper path, of extricating it from the confusion of words and thoughts under which it usually labours, of analysing the genuine and

substantial causes of it, of discovering and proposing measures well adapted to meet the end in view.' These reflections may seem common-place, but we have to bear in mind the time when they were uttered. It was a young man of twenty-six, at the very threshold of public life, who was endeavouring to impress his own views on his elders by many years, citizens of long experience in public life, and otherwise well-known for their practical business capacity and high intelligence.

A third striking instance of the same maturity of thought at an early age might be adduced in order to demonstrate the fact, that from the very outset of his public career Mr. Mehta had a firm grasp of first principles and a vigorous power of ratiocination on practical subjects touching not only local but the country's welfare—a grasp and power rarely to be met with among educated Indians at a very early age. The third specimen of his precocity may be discerned in the admirable observations he made in another paper, also read before the Bombay public, on 27th April 1870, on Clause Sixth of the East India Bill which was then being amended by the House of Commons at the instance of the late Sir Stafford Northcote, afterwards the first Earl of Iddesleigh, ably supported by the late Professor Fawcett. It had reference to the expediency of 'giving additional facilities to the natives of India for employment in the Civil Service of Her Majesty in India.' In other words, it was the Bill which constituted what was till lately known as the Indian Statutory Civil Service. It should be remembered that the Bill was brought forward with the best and noblest of intentions, namely, to offer more extensive employment to Indians in the higher offices of the administration. It was cordially supported—at any rate its principle—by the Duke of Argyll, by the late Lord

Salisbury (then Viscount Cranbourne), by Mr. (now Sir Mountstuart), Grant Duff and others. Nothing, therefore, but objections of a most grave character prompted Mr. Pherozechah to advance adverse criticism against it—criticism which seven years of practical working of the Statutory Civil Service amply justified and which was further confirmed by the Public Service Commission appointed by Lord Dufferin in 1886. Mr. Mehta thought that in itself it embodied ‘a measure of such a pernicious tendency’ that he for one would have welcomed its rejection. What then were his objections? Firstly, he observed ‘that it strikes a fatal blow at the principle of competition in the Civil Service of India; secondly, that it receives and encourages the promotion of political jobbery; thirdly, that it destroys the unity and *esprit de corps* of the service, and fourthly, that it is unjust and demoralising to the natives themselves.’ All these objections have been urged in the paper referred to with such a wealth of facts and illustrations, such force of reasoning, and such remarkable sagacity as to make one pause and consider whether it was possible for a young Indian of twenty-two years to have given such emphatic expression to them. Indeed his warnings and premonitions in this particular respect seem to be prophetic, when considered by the light of subsequent events which occurred, and the observations made by the Public Service Commission after recording a mass of well-informed and most reliable evidence on the working of the Statutory Civil Service. The paper deserves to be widely read and studied even now in order to be convinced of the correctness of my statement as to the intellectual precocity of Mr. Mehta at a very early age. It tempts me to quote the sapient reflection made in that very paper touching men of exceptional ability

who had made their mark in their academical career : 'That those men who distinguish themselves most in academical competition when they are young, are the men who in after life distinguish themselves most in the competition of the world.' Mr. Pherozechah could not at the time have been at all conscious how the reflection would also apply to him in after years.

So far as to the first stage in the public life of Mr. Mehta. The second stage may be justly said to have been reached when the brilliant Triumvirate, consisting of Mr. Budruddin Tyabji, Mr. Pherozechah M. Mehta and Mr. Kashinath Trimbak Telang, stood shoulder to shoulder on the platform in the Town Hall on the eventful 28th April 1883, and demonstrated to the world of India how calmly, how soberly, yet how sagaciously cultured Indians, brought up in the best school of instruction by high-minded and philosophic masters of thought, could comport themselves and give expression to the thoughts burning within them on a grave subject in the midst of intense heat and excitement unprecedented in the annals of British India. That subject, it is needless to say, referred to the measure introduced by the Indian Government known as the Ilbert Bill—a beneficent measure of State having for its object equality before the law without distinction of race and creed, but on which Anglo-Indians, in the heat of passion and racial prejudice, completely lost their head and forfeited their previous reputation for toleration of opposite opinion and sobriety of thought and language. Only those who were present at that great meeting could realise the triumph that that brilliant Triumvirate achieved by their respective addresses on that disagreeable subject and the example they set in manners, let alone arguments and cogent reasoning, to the agitated and angry Anglo-Indian politicians in

Calcutta, Madras and elsewhere. The three speakers rose to the height of the occasion and covered themselves with universal praise by the judicial serenity, candour and impartiality with which they respectively delivered themselves of their burthen. Here is the declaration of political faith which Mr. Mehta made at the historic meeting. 'If I entertain one political conviction more strongly than another, it is that this country, in falling under British rule, has fallen into the hands of a nation than which no other is better qualified to govern her wisely and well. Look among all the leading nations of the world, and you will not find one who, both by her faults and by her virtues, is so well adapted to steer her safe on the path of true progress and prosperity. * * * In setting up as a critic of Englishmen in India, I fully recognise that I do not set up any claim of superiority. I do not set up as a superior person who could have done better under similar circumstances. * * At the same time I feel confident that Englishmen will frankly admit that this circumstance gives them no immunity from criticism, nor gives them any right to be impatient if they are judged by the principles they themselves have introduced and taught as the principles on which their work in this country must be finally judged.' To this political creed regarding the rulers of the land he has uniformly and unswervingly adhered. It was owing to this fact that Mr. Mehta was able to offer to his hearers a few pertinent criticisms which the burning topic of the day demanded. It was alleged by the impassioned Anglo-Indians that the Bill in itself was a matter of little moment, but their fears were aroused as it indicated the shifting of the foundations of British power in India! 'Denouncing the wisdom of the declared policy of the Crown, they boldly say that India has been

conquered by force and must be governed by force. In preaching this gospel of might they have found a devoted supporter in England in Sir FitzJames Stephen and a somewhat doubtful one in Lord Salisbury. They ridicule the policy of righteousness as one of weak sentiment and seem almost to adopt, with scarcely disguised approval, the vigorous summary of their position given by Mr. Bright in his own peculiarly happy manner, that having won India by breaking the Ten Commandments, it is too late now to think of maintaining it on the principles of the Sermon on the Mount. Our European friends will pardon me if I say that a good many of them have a sneaking, when they have not a pronounced, partiality for the proposition while they consider that the platitude about England's duty to India, and the other quotations from Lord Macaulay and others about a "policy of national wisdom, national prosperity, and national honour" had no business to intrude in practical politics but are only good enough to be spouted by native orators on public occasions.' Englishmen are so apt to forget the foundations on which the British Empire in India *really* rests that it is needful, notably in these days when so much of hollow cant is heard about Imperialism and the burden of the White Man in this ancient country, to remind them of what they are and what is their true duty. The quotation from Mr. Mehta's speech aptly does that necessary service. When Englishmen say that India is won 'by the sword, they do not, Mr. Mehta observed, 'do justice to themselves.' For they do not then read Indian history aright. 'England has won India not simply by the sword, but in a large measure by the exercise of high moral and intellectual qualities which have not only guided its victories, but have always been on the alert to neutralise its baneful influences.' The policy of force is

a policy foredoomed to failure. In this respect Mr. Mehta made another pregnant observation which seems to have been almost prophetic, judging from the events occurring before our very eyes. He observed that the policy of force ' would require day by day larger English armies and a larger English Civil Service. In progress of time large numbers of Englishmen trained in the maxims of despotism and saturated with autocratic predilections, would return to their native home, where they could not but look with intolerance on free and constitutional forms. This is no visionary speculation. Careful English observers have already noticed traces of such a tendency, in the course of a few generations. Such a tendency, if not checked, would develop into a mighty influence and the free and constitutional Government of England, which has been so long the pride of the world, would be placed in the deadliest jeopardy. Rome was once proud of her sturdy freedom and republicanism ; she lost both in the extension of her despotic empire. She has left, however, a valuable lesson, and it has been well and truly said that for the sake of all that she values most, her own freedom and civilisation, she must raise India to her own level, or India will drag her down to hers.' Apart from the merits of the Ilbert Bill, now entirely forgotten, who will deny the appositeness of the sentiments, so healthy, so sound, and so sagacious which it evoked from Mr. Mehta? How prophetic, I repeat, they seem to be, judging by the events now occurring! Is not the prediction of 1883 being painfully verified at present? To what a deplorable condition Parliament has been reduced by Mr. Balfour! How autocracy of a most exasperating character prevails as much in the hall of St. Stephen's as in the Council Hall of the Viceroy at Calcutta! Indeed, how India is being shamelessly exploited by the omnipotent British War

Office and how its constitution in matters of Military Administration is being superseded by a pure and unadulterated military tyranny which again will cost crores of rupees to the powerless taxpayer and burden him with permanent liabilities of a most crushing and indefinite character. Mr. Mehta's speech on the Ilbert Bill was not only incisive and inspiring, but epoch-making.

Equally ear-marked must be the speech which Mr. Pherozechah made two years later on the occasion of sending delegates to England on the eve of the General Election of 1885. A meeting for the purpose was called by the Bombay Presidency Association on 29th September of that year, and Mr. (now the Hon'ble Mr. Justice) N. G. Chandavarkar was elected to represent Bombay. Only the other day the proceedings of that meeting were recalled to memory by Sir Pherozechah on the occasion of the selection of the Hon'ble Mr. G. K. Gokhale. At that meeting he went a little beyond Messrs. Dadabhai Naoroji and B. Tyabji, and observed that 'the time was come when they must submit Indian questions to the keen and searching criticism of party warfare. Until that was done, Indian questions would never be thoroughly sifted in England, and what they asked for would never be fully understood or granted. They must ask the English people not to listen to Anglo-Indians only, but to hear both the one side and the other. Although no doubt Indian interests would sometimes be sacrificed in the heat of party warfare, the intellect and the conscience of England would move, as it had always done in the long run, in the path of true progress and beneficent reform. They might have to incur some incidental risk and make some incidental sacrifice, by submitting Indian questions to party warfare, but he was sure that in the end they would be the gainers.'

To this opinion Sir Pherozeshah robustly adheres. From the observations he made the other day in the hall of the Framji Cowasji Institute, it is clear that even after a lapse of twenty years, during which Parliament and the British nation have relegated all Indian affairs to the care of Providence, he is strongly of the same conviction as before that India must be brought fully within the pale of party politics if her grievances and wrongs are to receive a fair measure of redress. It is only by means of the fierce search-light of party criticism that the Cimmerian darkness in which remains thickly shrouded many a grave Indian problem could be made visible and the real state of affairs fairly illumined for purposes of a decisive action. The cry that India should be kept out of the pale of party politics is a hollow and an interested cry raised by the Anglo-Indian and feebly echoed by some of the misguided and ill-informed organs of Indian opinion. But it is superfluous to say that it is a cry in the wilderness.

We now come to another important era in the evolution of Mr. Pherozeshah's public life so far as the city of Bombay is concerned. He had, in 1888, almost completed nineteen years of municipal activity, unremittingly and unselfishly. His municipal horizon had been greatly enlarged, and his municipal experience had been considerably broadened. The operations of the first reform bill of 1872 revealed many a flaw—administrative and executive. The City Fathers, therefore, deemed it high time to appeal to Government to give them a new civic charter, every way more broad-based and founded on the people's wish, such as they were entitled to by reason of the creditable way in which they had discharged their civic functions for full fifteen years and more, and which earned for the city the title of *Urbs Prima in Indis*. A draft of the new Municipal Bill as framed by

the then Municipal Commissioner, Mr. (afterwards Sir Charles) Ollivant, was introduced into the Legislative Council, but its provisions, specially those bearing on the constitution, were of so reactionary and retrogressive a character, and so subversive of all civic freedom, that a hue and cry had been raised against it in the town and in the Corporation itself. 'Down with the Draft Bill'—that was the popular cry heard everywhere. Memorials from organised bodies as well as rate-payers were submitted to the Bombay Government, then under the presidency of the distinguished Lord Reay, a liberal-minded statesman in sympathy with the legitimate ambitions and aspirations of Indians. His Lordship was fully made aware of the state of popular ferment on the new-fangled measure of Mr. Ollivant. It was pointed out to him with extreme candour that unless the Bill was moulded in harmony with the progress the citizens of Bombay had made in Municipal Government and in accordance with their wishes and requirements, the same kind of agitation that had overtaken the Bombay Government in 1871 might be anticipated. With the sagacity of the practised steersman at the helm of the vessel, Lord Reay at once espied the coming storm and directed the reactionary draft to be remoulded in the spirit wished for by citizens of the ability and long and mature experience of Messrs. Mehta and Telang. In the case of the former there was the added experience of Chairman of the Corporation; an honoured post to which he was twice unanimously called by the suffrages of his colleagues and which he so ably filled as to deserve the reputation of being ever afterwards called 'the best Chairman.' Indeed, he has enhanced that reputation by the ability with which he is for the third time discharging the onerous and highly responsible duties of President of

the Corporation during the current official year. So the draft Bill was abandoned to its fate. It was at the best, an abortion and it died an abortive death. Mr. Mehta was on the Select Committee and it was owing to the valuable experience which he brought to bear on the new Bill in that body that a measure was brought forward in the Legislative Council which fairly fulfilled popular aspirations. Very few are aware of the immense sacrifice of time and labour undergone by Mr. Mehta in moulding into shape that measure. It was also fortunate that in Mr. Naylor, the Legal Remembrancer, and in Mr. Macpherson, the Advocate-General, he found two Englishmen, of sound views, every way sympathetic and progressive. The Bill was indeed a monument of Mr. Pherozeshah's great sagacity and practical statesmanship. It emerged from the local Legislative Council as the Municipal Act of 1888 and is fondly recognised as their Magna Charta by the citizens of Bombay. They are proud of it and exceedingly grateful to their patriotic countryman for his arduous and responsible share in framing many an important provision, notably the one which declares the Corporation as the 'supreme administrative body.' The Bill as it emerged from the Select Committee was, of course, not perfect. On some of the sections Mr. Mehta's colleagues would not yield. And he and the late Mr. Telang had had to bring forward their own amendments in the open Council on the occasion of the second reading. The speech which Mr. Mehta made at its opening deserves to be well studied by all lovers of Local Self-Government. It was not only well reasoned out but vigorous in the enunciation of broad and progressive principles, specially those which referred to State and individual liberty and rights. He began by praising Mr. Naylor who was primarily charged with the drafting

of the Bill and then remarked that he anticipated 'great benefits and advantages from it in the way of easily understanding and working the law. * * * The constitutional portion of our Municipal law is rightly considered to be its most important portion ; it is the keystone of the whole arch.' Then waxing eloquent he pointed out where in the past lay the success of the Bombay Municipal administration. The Corporation ' in spite of its alleged talking proclivities ' succeeded, because : ' Firstly, it has prevented the Commissioner from embarking on hasty, ill-considered and inappropriate schemes by its constant criticism. The fear of this criticism, reasonable and unreasonable, has done more useful negative work than is generally known or imagined. Secondly, it has introduced great reforms in the executive departments. And thirdly, it has directly initiated great undertakings for the improvement and sanitation of the city.' The same, aye even greater, success has been achieved in these three different directions during the currency of the present Act. And it is deemed a source of the highest gratification by the citizens of Bombay that the year which is about to witness the welcome visit of their Royal Highnesses the Prince and Princess of Wales, finds Sir Pherozechah M. Mehta once more installed into the Presidential chair by acclamation. All India has said with one voice that no better Indian could have been selected to accost the royal pair on their first setting foot on the shores of India. It would be tedious to dilate more on the valuable services which Sir Pherozechah has indefatigably rendered to the city in his capacity as a member of the Corporation during the last thirty-five years without a day's interruption. Not only is the length of the service unprecedented in the annals of the whole country, but the service itself

and the numerous functions he has discharged are also unique and bear ample testimony to his sterling worth as a citizen. It is no exaggeration to say that there is not one among his profession to match him in the correct interpretation of the Municipal law ; and there is not a person in the Corporation who like him has at his fingers' ends the rules of order and procedure by which the conduct and proceedings of meetings are strictly regulated. With the infusion of a somewhat undisciplined and loquacious element into the Corporation it had become apparent during the last two or three years that a firm hand was essential to lay down points of order and procedure in conformity with the rules ; and the Corporation is fortunate in having such a master of procedure at present in the Presidential chair. Obedience to authority is strictly enforced. Members are firmly prevented from wandering into matter not relevant to the subject before the House ; personal observations of an offensive character are rigidly proscribed, while the best traditions and dignity of the House are honourably maintained without in any way curtailing the freedom of healthy debate. Were Sir Pherozechah asked to say of what part of his public work he was most proud, he would unhesitatingly answer 'Municipal work.' To him it has throughout been a labour of love, and it is doubtful if he could ever be weaned from that self-imposed duty in the discharge of which it may be said, without fear of contradiction, he has not been hitherto surpassed either for ability and industry or for disinterestedness and great pecuniary sacrifice by any other citizen.

Coming to his work as a legislator, the reader will find ample pabulum for political reflection in the numerous speeches he has made both as a member of the local Legislative Council and as a member till late of the Viceregal Legislative Council. Each and all bear

the stamp of his own individuality. Fearless and independent, he has never cared for the favours or frowns of men in authority. In his praise and dispraise of their persons and their administrative and executive measures he has been rigidly impartial—a trait in the public life of Sir Pherozeshah which is highly to be commended and followed. He has not failed to eulogise the officials, from Viceroys and Governors downwards, when praise was due, sometimes amidst popular dissent; and he has never been slow to offer his most withering hostile criticism when occasion demanded it. He gave two signal instances of his fearless independence, once in the Viceregal Council and once in the local Council. Mr. Mehta's out-spoken views on the Administration of the country in general and on some features of Imperial finance during the incumbency as Finance Minister of the late Sir James Westland, evoked from that honourable member, more or less intolerant of non-official criticism, the remark that he had introduced a 'new spirit' into the Imperial debates. But that 'new spirit,' it was universally recognized, had had its chastening influence on the bureaucratic hierarchy of the land. Effective criticism of official measures was strenuously offered in the place of the fatuous flapdoodle to which the official ears, long attuned to flattery, were accustomed. He lifted the debates in the Viceregal Legislative Council from the level of dull mediocrity and created no little flutter in the legislative dovecotes in the metropolis of the Empire by his incisive speeches. These will be found by the reader to be highly interesting and instructive. They form a literature by themselves which other public citizens, aspiring or ambitious to shine in the Viceregal Council Chamber, may carefully study. Not only are they a mine of information but a compendium on a variety of Indian

affairs. They also lay down broad principles of policy which from the Indian point of view are deemed most conducive to the well-being of the Government and the people alike. No Indian has been so successful as Sir Pherozeshah in effectually echoing popular sentiments and feelings on legislative measures introduced from time to time into the Imperial Council. His valuable services there in the cause of the country have been more than once generously recognized by his grateful countrymen.

His speeches in the local Legislative Council, where he has sat uninterruptedly as the representative of the Bombay Municipal Corporation since 1893, are also varied, and as informing and instructive as those made in the Viceregal legislative assembly. The most important of these, as judiciously selected by Mr. Chintamani, will repay perusal.

The one he made on the unpopular Land Revenue Code Amendment Bill, and the other one previously made on the same subject at the monster meeting in the Town Hall, are both masterpieces of forensic ability and might reflect credit on any leader of H. M.'s Opposition in the House of Commons. These display the highest dialectic qualities of the speaker, apart from unflinching courage and fearless independence. The remarkable incident which followed his speech in the local Council need hardly be referred to here. It cannot but be still fresh in the minds of the people of the Bombay Presidency. Sir Pherozeshah was not a little indignant at the base and unfounded attack made by the author of the Bill, Sir James Montearth, on his own honest opposition and that of his brother-members. He repudiated the allegation made against them that their opposition was dishonest and founded in the interests of the sowcar and covered with shame the official calumniator. Thereafter, sheer

sense of self-respect demanded that he and the colleagues who agreed with him should refrain from taking part in a debate which for all practical purposes was futile. Seeing that there was a *predetermined* resolution to carry the Bill through all its stages *perfas et nefas*, they retired from the Council Hall. The measure was not allowed to be passed on its merits. It was simply carried by the brute majority of official votes irrespective of what the popular members had urged on the subject.

Apart from Sir Pherozechah's speeches in the two legislative assemblies there will be found in the compilation many a one made on a variety of other subjects, specially on education. Some of those delivered in the hall of the local University are of great value. Not the least enlivening and interesting are some of the utterances delivered on social occasions. Each and all will repay perusal, seeing that in each Sir Pherozechah's individuality comes out in marked relief. Those made at Provincial Conferences and on Congress platforms have a distinct and special value of their own. They are a *vade mecum* by themselves on Indian Polity from the point of view of enlightened leaders of native thought in all parts of the country. It is pemmican food for the youths of to-day attending our seminaries and colleges, but who will be the citizens of to-morrow. To all others interested in the greater welfare of the country they are a rich and profitable study. The pabulum offered needs to be well digested and ruminated upon.

In short, on whatever subject Sir Pherozechah has spoken, he has spoken with a verve and nerve peculiar to his mental constitution, and with accurate knowledge and personal experience. Some of the speeches are brilliant specimens of public speaking which would be appreciated in any country and elicit applause from the

most critical audiences whether in Great Britain or the United States. It would be no exaggeration to state that there is at present no other Indian in the country who could rival him in the manner and matter of his public speeches on high politics. Two excellent specimens may be discerned in the two addresses delivered by him as Chairman of the Reception Committee, one on the occasion of the Bombay Congress of 1889, presided over by the beloved Sir William Wedderburn, which was historical for the presence of Mr. Bradlaugh on the Congress platform, and one on the occasion of the Bombay Congress of 1904, presided over by the distinguished Sir Henry Cotton and graced by the presence of Sir William Wedderburn and Mr. Samuel Smith, M.P. In short, the numerous speeches which the assiduity and discrimination of the indefatigable Mr. Chintamani have now collected in this substantial volume, are nothing short of an interesting record of notable events in the annals of the country during the last thirty-five years. In them is to be discerned as in a mirror the history of Indian progress in all directions, and the evolution of Sir Pherozeshah himself as a citizen and statesman. He may be taken as the best type of Indian enlightenment and culture, a man of his time, a fascinating personality, well informed, gifted with intellectual qualities of a high order and equipped with dialectical abilities which would be appreciated even in the most cultured and critical of all deliberative assemblies in the world. Such is Sir Pherozeshah M. Mehta as those who have intimately come into contact with him throughout his public life will impartially testify. At the meeting of the Bombay Municipal Corporation held on 14th July, 1904, when the Resolution was placed on record congratulating him on his creation as a K.C.I.E., I ventured to give

an impartial estimate of his public career in the words which Lord Selborne, better known as Sir Roundell Palmer, applied to the career of Willam Ewart Gladstone. Not that I would institute a comparison between that illustrious statesman and our distinguished countryman ; but it seems to me that the sentiments so well expressed by the great Lord Chancellor are every way applicable, in my personal opinion, to Sir Pherozechah. I think, therefore, I cannot bring this Introduction to a more fitting close than by repeating those words :—‘ It does not lie in his great accomplishments, his wonderful ability and his extraordinary eloquence, though all these things do demand our admiration. But the people understand him. They know that he has profound sympathy with them, that he has nothing at heart but duty to promote their interests according to his honest views of them, and whether he judges rightly or wrongly about this question or that—and, of course, all of us are liable to error and none pretend to infallibility—they know that he is a man actuated only by the purest motives and that he presents the highest example of public integrity.’

July 17, 1905.

D. E. WACHA.

SPEECHES AND WRITINGS
OF THE
HON'BLE MR. PHEROZESHAH M. MEHTA.

THE EDUCATIONAL SYSTEM OF THE PRESI-
DENCY OF BOMBAY.

[*The following paper was read at a meeting of the East India Association in London, at the end of 1867.*]

It is a matter of no small congratulation to the natives of India that there does not exist, and indeed never seriously existed, a necessity for any vindication of the political expediency or morality of giving education to them. From the very first moment when the problem of Indian education was mooted, almost every Indian statesman of note has ever steadily discarded all insinuations as to its danger or impolicy. There is a story told of Mountstuart Elphinstone, so far back as when he was Governor of Bombay, which may be regarded as expressing the typical sentiment on the point. It is related by Lieutenant-General Briggs, who served under him at the time of the Mahratta crisis. 'On my observing in the corner of his tent one day,' says that officer, 'a pile of printed Mahratta books, I asked him what they were meant for? "To educate the natives," said he; "but it is our high road back to Europe." "Then," I replied, "I wonder you, as Governor of Bombay, have set it on foot." He answered, "We are bound, under all circumstances, to do our duty to them." ' And with these we may fitly record the memorable words of Macaulay, that this same path of duty is also 'the path of wisdom, of national prosperity, and of national honour,'—words reflecting the highest credit both on the men who pronounced them and

the nation they represented. We cannot, then, be sufficiently thankful that the first and most formidable objection to the spread of education in India was never entertained but to be dismissed with indignation.

We may also notice here another obstacle not less dangerous, which was offered with far greater persistency, but which was eschewed with equal wisdom and resolution—I mean, the demand to impart religious at the same time with secular instruction in all the State schools. The arguments which the advocates of this system brought forward, and still bring forward,—for, though unsuccessful, they are not yet extinct—are of no inconsiderable weight with a large proportion of ordinary intellects. The truth of Christianity, its vast civilizing powers, social, moral, and intellectual, on the one hand; the degrading superstition in which the Hindus grovel, the utter stagnation of the whole social fabric under its petrifying influence, the impotence of secular education to cultivate the moral reason, on the other, were all adduced to support their demand. There was, at the same time, an absence of all direct religious intolerance, which considerably strengthened their position. The imprudence, not to say the bigotry, of these high but narrow-minded men was, however, instantly exposed by keen and able thinkers; and, in the Bombay Presidency, Mr. Elphinstone recorded his strong convictions in his celebrated Minute on Education, which were fully concurred in by the Home Government, and subsequently expressly sanctioned in the Dispatch of 1854—the charter of the present educational principles in India. He says there: ‘To the mixture of religion, even in the slightest degree, with our plans of education, I must strongly object. I cannot agree to clog with any additional difficulty a plan which has already so many objections to surmount. I am convinced that the conversion of the natives must infallibly result from the diffusion of knowledge among them. Evidently they are not aware of the connexion, or all attacks on their ignorance would be as vigorously

resisted as if they were on their religion. The only effect of introducing Christianity into our schools would be to sound the alarm, and to warn the Brahmans of the approaching danger. Even that warning might perhaps be neglected so long as no converts were made; but it is a sufficient argument against a plan, that it can only be safe as long as it is ineffectual; and in this instance the danger involves not only failure of our plans of education, but the dissolution of our empire." Whether the Christian religion as a religion is ever destined to flourish in Indian soil, I will not pretend to speculate upon; but all later experience justifies us in agreeing with Mr. Elphinstone, that its only chance of success lies through the jungle-paths, which may be cleared by secular education. The worthy people who would let loose in India a band of State missionaries may therefore well be thankful that their impatience has not been allowed to defeat their own cherished object, and that a hopeful vista may still stretch before them through the rigorous inviolability attached to the principle of religious neutrality.

Unencumbered, happily, with these primary obstructions, it must not be supposed, however, that the problem of public education was to be at once definitely or easily solved. The intrinsic difficulties of the task were considerable. How and where to make a beginning; what were the present and potential capabilities of the various languages belonging to the country; what the amount of available knowledge contained in them; how to supplement it with, or initiate independently, European science and literature; above all, how and where to obtain scholars and schoolmasters: were all questions enveloped in a dense crowd of ignorance and misunderstanding. It was absolutely necessary to feel the way step by step. And, if mistakes were committed, we must not forget that they were sometimes inevitable.

It was as early as the year 1813, when a new charter was once more granted to the East India Company, that

the question of public education was first opened. The Governor-General was empowered by the Act to set apart and apply an annual sum of not less than one lac of rupees, out of the surplus territorial revenues, "to the revival and improvement of literature" (I quote the words of the Act) "and for 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."

Previous to this enactment there had been founded a Mahomedan College at Calcutta, by Warren Hastings, in 1781, and a Hindu Sanscrit College at Benares, by Jonathan Duncan, in 1791. But both these institutions were avowedly established for political purposes, and it is to Earl Minto that credit is due for having put the cause of education on an independent basis. Indeed, his Educational Minute of 1811 seems to have been the origin of the above provision. This provision was, however, strangely enough, simply a dead letter as regards the Bombay Presidency, being quietly held applicable only to Bengal. The first movement in that Presidency was unconnected with Government. In 1815 a society was formed for promoting the education of the poor within the Government of Bombay. The education of the natives, however, was by no means its primary object. The honour of starting a society for this exclusive object belongs to a name deeply venerated throughout Western India, and whose memory, preserved in a public statue in the Town-hall of Bombay, still hovers as the tutelary guardian of all the educational institutions in the Presidency. I speak of the name of Mountstuart Elphinstone.

Soon after his appointment to the governorship, *i.e.*, in 1820, a branch society of the Bombay Educational Society was started under his presidency, with the object of native education only in view. In 1822 it detached itself under the designation of "The Native School-book and School Society," and soon proceeded to

apply to the Government for increased and continuous aid. Mr. Elphinstone, while granting several sums from the limited funds at his disposal, took the opportunity of recording his general views in an able and instructive Minute, in which he emphatically broached the idea of State education, and laid down a programme of public education which was afterwards often referred to. He enumerated the following as the principal measures for the diffusion of knowledge among the natives:—1st. To improve the mode of teaching at the native schools, and to *increase* their number. 2nd. To supply them with school-books. 3rd. To hold out encouragement to the lower orders of natives to avail themselves of the means of instruction thus afforded them. 4th. To establish schools for the purpose of teaching the European sciences, and improvements in the higher branches of education. 5th. To provide the preparation and publication of works of moral and physical science in native languages. 6th. To establish schools for the purpose of teaching English to those disposed to pursue it as a classical language, and as a means of acquiring a knowledge of European discoveries. 7th. To hold forth encouragement to the natives in the pursuit of these last branches of knowledge.

This Minute bore no immediate fruit beyond the small grants mentioned above. But on the retirement of Mr. Elphinstone, in 1827, what his financial power as Governor was impotent to achieve was achieved by the influence of the admiring spirit which his earnestness and enthusiasm in the cause of education had conjured up around him. A subscription was started in his honour, which ultimately reached the sum of about £30,000 and with which it was proposed to found an endowment for three professorships of the English language and European arts and sciences. The movement attracted the attention of the Board of Directors, who agreed to subscribe an annual sum of Rs. 20,000 in aid of the general fund. The modest English school

of the Native Education Society was transformed into the Elphinstone Institution, destined to form the nucleus of the scattered English and Vernacular schools of the Society throughout the Presidency: In 1840 it was thought advisable to consolidate the different grants distributed through the hands of the Native Education Society, and a 'Board of Education' was constituted, consisting of an equal number of Europeans and natives, named by the Government and the Society respectively, which was entrusted with the management of all the educational institutions in the Presidency. The contribution of Government towards the cost of education was fixed at the annual sum of £12,500.

And now there arose a warm controversy between two parties, who may be conveniently denominated as the Vernacularists and the Anglicists, the former advocating the employment of the vernaculars of the natives as the principal media for the diffusion of education, the latter giving the preference to the English language. Already the controversy had passed through a phase which it is desirable to notice. When the problem of education was first taken in hand, attention was naturally turned to the existing Sanscrit and Arabic languages and literatures. Fresh from the study of the history of European civilization, the foreigners were struck with the resemblance which the transitional state of things in India presented to the grand phenomena of the Revival of Learning at the close of the fifteenth and the beginning of the sixteenth century. Sanscrit and Arabic were immediately proclaimed as the classical languages which were destined to perform the same part in the task of Indian regeneration which Greek and Latin had performed in that of European civilization. The wording of the provision mentioned above of the Act of 1815, as being intended for the encouragement of the learned natives of India, who, it was urged, could be learned in their own languages and literature, was supposed to

give legislative sanction to these views. Hindú Sanscrit Colleges and Mahomedan Madrisahs came into vogue, and the Court of Directors gave them their approval, after thus summing up the value of Sanscrit literature.

“We are informed,” they say, “that there are in the Sanscrit language many excellent systems of ethics, with codes of laws and compendiums of the duties relating to every class of the people, the study of which might be useful to those natives who may be destined for the judicial department of government. There are also many tracts of merit, we are told, on the virtues of plants and drugs, and on the application of them in medicine, the knowledge of which might prove desirable to the European practitioner, and there are treatises on astronomy and mathematics, including geometry and algebra, which though they may not add new lights to European science, might be made to form links of communication between the natives and the gentlemen in our service, who are attached to the observatory and to the department of engineers, and by such intercourse the natives might gradually be led to adopt the modern improvements in those and other sciences.”

During the prevalence of such sentiments, Mr. Chaplin, the successor of Mr. Elphinstone in the commissionership of the Deccan, established a Sanscrit College at Poona, in 1821. Experience, however, soon showed that Sanscrit language and literature were not only entirely devoid of any spontaneous germ of further development, but were useless and even mischievous, as far as they went, for the purposes of a regeneration at all commensurate with a nineteenth century civilization. Ram Mohun Roy was the first who had the courage openly to point out this fact in a memorial, addressed to Lord Amherst, in 1823. He was followed by Macaulay, who handled the whole question in a Minute dated 1835, and emphatically declared himself against the system pursued, as being warranted neither by the Act of 1815, nor by the beneficial results to be expected

from it. I cannot do better than quote the paragraph in which he sums up the respective merits of the English and Sanscrit languages. "The question now before us," he says, "is simply whether, when it is in our power to teach this (*i.e.* the English) language, we shall teach languages in which, by universal confession, there are no books on any subject which deserve to be compared to our own; whether, when we can teach European science, we shall teach systems which, by universal confession, whenever they differ from those of Europe differ for the worse; and whether, when we can patronize sound philosophy and true history, we shall countenance at the public expense, medical doctrines which would disgrace an English farrier; astronomy which would move laughter in girls at an English boarding-school; history abounding with kings thirty feet high, and reigns thirty thousand years long, and geography made up of seas of treacle and seas of butter." Though Macaulay and his supporters were branded as religious enthusiasts who proscribed Oriental literature with Russian barbarity, the soundness of their views prevailed, and Sanscrit colleges were doomed for ever. In the Bombay Presidency, though the Poona Sanscrit College was allowed to continue (and it was entirely abolished only in 1851), the experiment was never again repeated.

Routed from the standpoints of the ancient sacred languages of India, the vanquished party put on a new garb, and took up another watchword. The Classicists soon reappeared as Vernacularists. True, Eastern lore was to give way before Western knowledge, but still the question remained open, What medium for communicating its vast stores of ideas was to be chosen as the fittest and best? There were the vernaculars of the country, the languages which the people spoke and in which they thought. True, they were dry, meagre, poor in the varied pliant powers of civilized expression. But could they not be cultivated and improved as the languages of the barbarian invaders of the Roman empire had been

cultivated and improved within historical memory? There was the English, by itself leaving nothing to desire; but was it ever to be expected that a language so intensely and radically foreign in its modes of speech and thought should ever make its way among a people especially pre-eminent for the possession of an unlimited amount of the inertia of conservatism?

Such were the questions which the Board of Education was called upon practically to decide when, in 1840, it entered upon its duties of educating a population of ten millions, at an annual expense of about £15,000. Already, to a certain extent, a line of operations had been marked out for it, and there were precedents of experiments in the other Presidencies, particularly in that of Bengal. The programme laid down by Mr. Elphinstone in his Minute of 1823 had been acted upon so far as to establish one tolerably large English school, and a number of Vernacular schools, with a staff for the translation of English works. His colleague, Mr. Warden, had protested against the establishment of the latter, but the Court of Directors had pronounced Mr. Elphinstone's views as "sounder and more comprehensive." Sir John Malcolm had applied himself vigorously to the encouragement and extension of Vernacular schools. The result was, that the Board found themselves at the head of four English and thirty-three Vernacular Government schools, with the tradition of a prevailing bias in favour of the latter, which threatened to over-grow and almost annihilate the former. This most undesirable consummation was averted by the appointment, in 1844, as President of the Board of Education, of a gentleman who, with sympathies as warm in the cause of native education as those of any of his predecessors, combined at the same time a clear appreciation of the end to be aimed at and the means to be pursued. Sir E. Perry, for it is to him I allude, deserves our most grateful acknowledgments for the fortitude with which he withstood, sometimes unaided and alone, all attempts to defeat

the only means of education capable of effecting the real regeneration of all classes of the people of India.

The Anglo-Vernacular question is still of considerable importance; indeed, it reappears again and again, sometimes under very grotesque forms. It is, therefore, necessary that we carefully consider it, and place it in its true light.*

What is the real end and aim of all attempts to educate the natives of India? If the question were put with respect to England, France, or Germany, we know what the answer would be in its main general features—To induce the highest adaptability, either after an actual or an ideal standard, of all classes to the various social and political duties of their respective positions in life. But will the same answer suffice for India? Evidently not, from the simple fact of the simultaneous appearance of two civilizations most unequal in growth, one glowing with the strength and pride of full manhood, the other stunted early in its infancy, and sunk into concentrated childishness. Hence the first paramount aim of education in India is the absorption of the lower into the higher civilization, the reformation of the Old system of culture by the New. Such a consummation was, however, not to be achieved without great tact and delicacy. While inoculating its own dogmas, the new civilization would have to break up, expose, and analyse the old hereditary tastes, opinions, habits, customs, manners and modes of thought, those short rules of thought and action, unconsciously sucked in as first principles, self-evident and indisputable, from generation to generation. Such a process, if inaugurated, however, merely as dogma fighting against dogma, would be undoubtedly productive of a mental convulsion of the most unhealthy character, and the result of which would be swayed by the most chance circumstances of life. And even the

* There is an agitation going on at present (1867) in the North-Western Provinces to obtain the establishment of a Vernacular University.

triumph of the higher civilization would not unfrequently assist in destroying its own object. The passive recipients of the new ideas would soon become liable to be taunted, and justly taunted, with the worst faults of shallow minds, irreverence to age and experience, childish petulance, and the pretence of knowledge without the reality. Such a transition period would be fraught with the gravest dangers, social and political. To win its way successfully and surely, the new civilization must come fully equipped and accoutred. It must bring with it not only all its settled creeds, but the proofs on which their higher truth is grounded. The Indian mind must be made to understand and appreciate it before it can be safely allowed to grapple with the old civilization. But what sort of education would be necessary for such a purpose, if not the highest possible sort of what is called liberal education? The question of popular education is perfectly legitimate, as *the* great educational question of the day, in England and other countries of Europe, where means for a high education are simply a patrimony. But it would be perfectly absurd and out of time and place to ascribe to it the same pre-eminence in India. An elementary knowledge of reading, and writing, and arithmetic, however widely diffused, would no more be able to break and loosen the hard ground of traditional prejudice than children's hatchets of paper, however numerous, would suffice to clear a jungle.

Without disparaging in the least the modest usefulness of elementary education, it may be laid down that in India it must yield precedence to the question of high liberal education. True, such high education would not be received and taken advantage of by crowds of eager scholars; true, it would be confined to a few—a very few, comparatively—the elect of God, as the Calvinists would say. But we universally find in the history of almost every great movement in the progress of civilization, in the history of all the reformations and revolutions

of the world, that it is these few men who do the work of the renovation of the masses,—who, endowed with real earnestness, deep thought, and comprehensive insight, create and mould the new ideas, and transfer them thus ready-made to the multitude, to be received by them on their authority and example. We must here take care to guard against a very common misconception, and bear in mind that these few men are not to be reckoned up absolutely as a hundred or two hundred, or even a thousand, a handful that one or two colleges could send forth after subjecting its full numbers to a sort of natural selection; but a few only comparatively with the millions of the whole population; and in India, the number of these few men must be absolutely very large indeed, when we consider the endless varieties of people that transform it almost into a continent by itself. It is thus, I believe, sufficiently evident that all the energies of the educational department should be concentrated on the high quality of the education to be given as its paramount end and aim.

The next step in our inquiry is to ascertain whether the vernaculars of the country are fitted to become the vehicles of such an education. That in their present state they are utterly useless for this object, is admitted on all hands, even by their staunchest advocates. They have no literature, history, or science worthy of the name. It is contended, however, that they could be enriched, “either by direct translation or, which is preferable, by the representation of European facts, opinions, and sentiments in an original native garb.” “In the earlier stages of improvement,” says H. H. Wilson, the distinguished Orientalist, “the former mode is the only one that can be expected; hereafter, the latter would take its place, and would give to the people of India a literature of their own, the legitimate progeny of that of England, the living resemblance, though not the servile copy, of its parents.” Certainly, this sounds most liberal and philo-Indian. But, unfortunately, the poverty of the

vernacular languages is such that they do not admit of even decent translations. Commensurate with the civilization under which they grew up, they have positively no forms of expression for the unlimited number of European ideas, and their varied shades and modifications. European Oriental scholars are very apt to underrate this meagreness. They are able to make something out of the translations, reading them as they do under the light of their own previous knowledge. But to natives, new to the ideas contained in them, they are generally unintelligible, obscure, and sometimes ludicrous. Add to this the Herculean nature of the task, and the dearth of men able and willing to undertake it. It is perfectly chimerical to expect much from a paid staff of translators, and we have had early experience of the utter futility of such attempts. In a letter to the Bombay Government in 1832, the Board of Directors allude to this subject:—"There is but one part of your arrangements which appears to us not to work well. We refer to the mode hitherto adopted for supplying school-books. In five years, from 1826 to 1830, the works published by the Society have cost the Government Rs. 97,223. Government, moreover, pays Rs. 14,400 per annum for the Native Education Society Establishment, and gives prizes for translations (Rs. 32,700), so that, exclusive of the Dictionary, the total charge to Government has been Rs. 201,923." And all this expenditure without any substantial results; indeed, the printed works were proved to have been worth less than the paper on which they were printed. We cannot, then, too strongly condemn the spasmodic efforts to create, on short notice, a vernacular literature, or rather vernacular literatures, for even in the Bombay Presidency there are not less than three languages spoken by large portions of the population—the Mahratee, the Guzeratee, and the Kanarese. The only efficient mode of developing such literatures, if they ever are to develop, would be first to raise up a large body of native youths thoroughly

conversant with Western ideas and notions, and to leave to them the task of gradually cultivating each language, and enriching it with useful knowledge. We cannot however postpone our plans of education, or procrastinate them till the vernaculars would become fit media for high education—a result which is to follow and take place through the successful working of those very plans.

We thus perceive the necessity of entirely discarding the vernaculars for the purposes of a high education, in which case we are obliged to fall back upon English. But here we are told that the difficulties in the way of the employment of English for our purpose are more insurmountable still. To borrow the words of one of the Vernacularists themselves, “To instruct the natives of India in European literature and science, through the medium of English, is obviously impracticable, because experience shows that natives who speak English well and can even write it with tolerable accuracy, cannot read and understand the commonest English work; the fact is, that they have learnt words but not ideas.” The Minute from which this extract is taken is dated 1846. Now, eleven years ago we had the evidence of Macaulay, than whom none was more qualified in every respect to form an opinion on the subject. And here is what he says: “It is taken for granted by the advocates of Oriental learning, that no native of this country can possibly obtain more than a mere smattering of English. This is not merely an assumption, but an assumption contrary to all reason and experience. We know that foreigners of all nations do learn our language sufficiently to have access to all the most abstruse knowledge which it contains, sufficiently to relish even the more delicate graces of our most idiomatic writers. There are in this very town (*i.e.* Calcutta), natives who are quite competent to discuss political or scientific questions with fluency and precision in the English language. It is unusual to find even in the literary circles of the continent any foreigner who can express himself in English

with so much facility and correctness as we find in many Hindus." And we may say, without much fear of contradiction, that the correctness of this judgment has been uniformly verified by all our latest experience. There remains one other objection to the rejection of the vernaculars, and to the employment of English, namely, that we would thus throw away the only means of communicating to the masses of the people the superior knowledge acquired in English colleges. In the first place, the objection ignores the necessity to which we are reduced by the hopeless poverty of the vernaculars themselves, and assumes that, when we cannot civilize all at once, we ought not to civilize any portion of them. In the second place, we do not entirely reject the vernaculars. They would, of course, be taught in all the English schools. And the same remark would hold good with respect to the classical languages, Sanscrit and Arabic. We would put them down in the curricula of our English universities, as, perhaps more prominently than they are put down in those of the Universities of Bonn and Paris.

To sum up the conclusions at which we have arrived, namely: 1. That the nature of the Anglo-Indian connexion obliges us to subordinate the question of Popular Education to that of a superior Liberal Education. 2. That in case of there being a want of means to carry on both objects concurrently, preference was to be assigned to the latter over the former. 3. That the vernaculars of the country were unsuited to become the vehicles of the requisite high education, and that, consequently, English was to be the principal medium of imparting knowledge.

These conclusions were not, however, unanimously acquiesced in by the Board of Education, and at the time of its dissolution in 1854, the state of educational affairs in the Presidency was characterized by no marked traits in favour of one system or the other. All that the President, Sir Erskine Perry, had been able to

do was confined to preserving the original impulse given to English education in 1827. The consequence was, that neither English schools nor vernacular schools were what they ought to have been, and the small annual sum of £15,000 at the disposal of the Board, instead of being judiciously laid out on a few well-defined permanent objects, was frittered away in attempting too much. There were 203 vernacular schools, attended by 20,000 scholars. The state of these schools was, however, by no means promising, in spite of the large sums expended in procuring zealous superintendents and a better race of schoolmasters and schoolbooks. They never advanced beyond imparting an elementary knowledge of reading, writing, and arithmetic. Above them, but not in any order of natural development, there were about 12 English schools in some of the principal Presidency towns, and two high schools or colleges at Bombay and Poona respectively, and a Medical College at Bombay, mustering in all about 30,000 scholars. Though cramped for want of means to obtain qualified schoolmasters, these schools, so far as they were allowed to go, seem to have proved a decided success. They went far towards giving a sound education in the English language, mathematics, history and geography, political economy, and moral and mental science. Some of the men turned out by the Elphinstone and Poona Colleges, though wanting perhaps in accurate, thorough scholarship, were deeply read in Western literature and science, and came out imbued with an earnest desire for inquiry and improvement. To the activity of their awakened minds we owe several beneficial institutions which still bear fruit, giving the surest testimony to the usefulness, and the consequent necessity of the system of which they were the results—libraries, literary societies, societies for delivering elementary lectures on scientific subjects, societies for the diffusion of information in the vernacular languages, establishments for printing elementary treatises and periodicals. And to them also belongs

the honour of having made the first movements towards founding girls' schools, and even acting as schoolmasters without any remuneration. And last, not least, they commenced efforts to shake loose the heavy shackles of superstition and idolatry, the first of which were gnawing into the very vitals of society. Here a phenomenon appeared well worthy of observation. As these men were drifting about in a sea of doubt with respect to their positive religions, their morality, instead of being shaken, appeared to derive additional strength and intensity, as if their intellects were exerting themselves to fill up the gaps daily becoming more apparent in the crumbling edifice of Faith. And these honourable spontaneous efforts were by no means tainted with the vice of an overweening assumption of superiority. An observer on the spot thus speaks of them: 'It ought to be said in justice to the youth of Bombay, that extremely little of the flippancy and self-conceit which has appeared in other parts of India, has shown itself among them.'

These results were, however, more satisfactory as proving the capacity of the natives to avail themselves of the new culture, than for their number or intensity. In one respect, indeed, the experiment had surpassed expectation. The success of the Grant Medical College (teaching English medical science in the original language) was almost perfect as far as it went. It still produces a body of men, little, if at all, inferior to those produced by any of the medical schools of Europe. The success arose from a happy combination of correct principles with a full, thorough organization. This organization 'was, however,' wanting in the case of the schools and colleges above spoken of. And the sad effects resulting therefrom came out strongly in a general examination held in 1854. A considerable amount of failure was owing, no doubt, to an inevitable reaction after the hard-strained efforts which had been brought to work upon them. But still the fact was

patent that the system was deficient in definiteness, vigour, and discipline. The colleges and the schools were not working harmoniously, the one to supplement the other, Neither of them had complete staffs of efficient teachers and professors. There was no system of tutorship in the colleges, and the students were left very much to learn what they liked. And there was another defect which prevented them from ever accumulating and consolidating their strength—a universal want of resident schools and colleges. Perhaps in European countries, where the educational atmosphere has spread itself even outside the pale of the public schools and universities, residence and terms-keeping has done its work, and is no longer indispensable to a thorough education. But in India, where the educational atmosphere itself is yet being formed, where the inner educational world has not yet developed and utilized all its resources of mental inter-communication, where the outside world is still choked with stagnant exhalations, there is a crying necessity to prevent any waste of mental energy, by allowing it to be attenuated by constant distention, and to be daily diluted, and even adulterated by the surrounding uncongenial atmosphere. And there are special reasons, of which not the least important arises from the ordinary scantiness of social intercourse in the country. The foundation of a school and university *esprit de corps* would go far towards originating a national *esprit de corps*, which would work powerfully upon the estrangements of caste and creed, and melt them under the warmth generated by the healthy collision of young minds.

These were some of the principal facts elicited by an experience of about forty years, when, in 1854, the Court of Directors thought the time had arrived for a safe induction of general principles, and the promulgation of a universal, definite system of education founded thereupon. They issued their Dispatch of 1854, which, as I have said above, is at present the great charter of the

educational interests in India. It has now been in operation for twelve years, so that we are now in a favourable position to examine it, observe its merits and deficiencies, and indicate the reforms and alterations which it needs, by the aid of the experience which has tried it, and still tries it, as well as by the experience which produced it.

In performing this review, it will be well if we realize to ourselves the threefold attitude in which the English Government stands towards the subject of Indian Education. First of all, there is their position as governors of the country, in which capacity they may be said to combine the characters of absolute monarchs and the principal State dignitaries. The encouragement to education and learning expected from them, as such personages, cannot certainly be less than the encouragement, for instance, freely and liberally awarded to it in England by the Plantagenets and Tudors and their great bishops and chancellors, the Wykehams, the Waynffletes, the Wolseys, and other names still honoured and remembered in the stately halls of the Universities of Oxford and Cambridge. The advance of modern ideas develops this position into one of higher responsibility, by entailing the obligation of greater comprehensiveness and fuller organization. In the second place, they occupy the position of the great landlords of the country, thus charging themselves, in respect to education, with duties similar to those obligations, for instance, on the English aristocracy and squiredom. Thirdly and lastly, they stand out in a position prouder and nobler than any position as either monarchs or landlords, in that of the apostles of a civilization infinitely superior, materially, morally, and intellectually, to the indigenous civilization of the country. Reflecting higher glory, such a mission, however, requires higher sacrifices, demanding strenuous exertions to overcome the contrary forces of national repugnance, and the apathy and inertia of long-continued ignorance.

Let us now proceed to see how far the high duties arising from this threefold attitude have been recognised and carried out in the educational measures directed by the great Dispatch of 1854.

I. Before any considerable extension of educational efforts could be carried out, it was necessary to provide adequate machinery for its administration and superintendence. The Dispatch wisely abolished the amateur councils and boards of education which had hitherto prevailed, and substituted a public department of education, with an officer at its head, denominated the Director of Public Instruction. In the Bombay Presidency, the successful working of the department, and the capability of further improvement which it has lately shown under its present zealous and energetic head, has proved the judiciousness of the policy which established it. If any reform can be suggested, it is the reform of a further development, of opening the field of a greater and more authoritative usefulness, by assigning to the Director a seat in the Executive Council of the Governor. Such a step is strongly recommended by the examples afforded by France and Germany, where the systems of public instruction have been carried to unprecedented efficiency.

II. The next measure was directed towards the perfection and systematic organization of the existing crude institutions for imparting a liberal education. In this respect, the Directors wisely availed themselves of the lessons which experience had taught them. "Before proceeding further," they say early in their Dispatch, "we must emphatically declare, that the education we desire to see extended is that which has for its object the diffusion of the improvements, science, philosophy, and literature of Europe, in short, of European knowledge." At the same time, they proclaimed the English language to be the principal, as being the most perfect, medium of imparting education, recommending, however, a careful study and cultivation of the vernaculars in all the

English schools. They perhaps erred on the side of exaggerated sanguineness when they thought the vernacular sufficiently advanced to be the media for the diffusion of the knowledge obtained in the higher schools. However, in pursuance of their main object, they directed the establishment of a graduated series of colleges and high schools, or what would be here called "Grammar Schools," with universities at their head, to test and examine their efficiency by conferring degrees. This measure has not been carried out, at least in the Presidency of Bombay, in that spirit of liberal thoroughness which ought to have characterized it. The blame of this attaches less to the local than the Home and the Supreme Governments, both of whom refused the necessary means for instituting a perfect system. The formation of the Bombay University, indeed, was successfully accomplished on the model of the London University, as a body for examining and conferring the well-known English degrees. Its charter and its examination standards were also mainly borrowed from the Calendars of the University of London, and with the exception of not requiring as indispensable all the chief classical and modern languages of Western Europe, its programmes have been as high as those of any University in England. And they have not been nominally, but in rigid earnestness enforced. Every year, notwithstanding, increased numbers flock to it. From the few who presented themselves for entrance in its first year, there are this year 550 reported as going up for matriculation. The attainments of its full graduates are now considered to be so high that the Senate have passed a resolution to ask its recognition at the hands of the English universities, and it is to be hoped that such a right of sisterhood will not be refused in mere pride or indifference.

The operations of the University, though triumphantly conducted so far as regards the depth and quality of the attainments which it tests and rewards, have been

circumscribed in extent, owing to the inefficiency of the measures for graduating a series of well-organized colleges and high schools. With a deplorable want of far-sighted liberality, they were left deficient in a number of essentials. It seems to have been forgotten that the desire of a liberal education was to be a forced growth, more even than that for a mere middling and elementary education, in a country where the opportunities for its employment in practical life were sadly wanting. It was conceived that the perception of the general enlightening benefits of a high education ought to be sufficient causes to instil an eager thirst for it among the richer classes. But these calculations have ever failed. The Hindus would never stir unless prompted by the impulses of a direct palpable self-interest. This has been often bewailed as a strange phenomenon of Indian perversity unwarranted by any European experience. But is it so? Has it really been that in any country of Europe, however civilized, the desire of high education for its own sake has preceded and not followed the demand of such education for direct worldly advancement? More especially, has it ever been in England that such high-flown sentiments obtained among a nation priding itself upon its intensely practical character? No, not even in France, where the people have shown themselves capable of generalizing wider views of life, and adopting deeper principles of conduct than in any other country of the world, has such been the course of events. We cannot but then deplore the premature haste with which the high educational institutes were cast away from the fostering hands of Government. The colleges and the high schools were left almost as imperfect as they were before 1854.

The Elphinstone College, far from being raised into a residing college, was left unprovided even with a building, and it is only lately that the exertions of its late principal obtained funds for that purpose from private liberality. Another more palpable deficiency was left unremedied—

the providing an efficient teaching staff. The last Educational Report complains bitterly of this circumstance. 'Connected with the whole University of Bombay,' it says, 'which is the fountain-head of science and literature for fifteen millions of people, we have not a single professor of history, nor of Latin, Greek, Arabic, or Hebrew, though every one of these subjects is entered in the University list of subjects for examination. And in almost all of them numerous candidates are constantly presenting themselves. There is only one professor of chemistry, and no professor of geology, or astronomy, or applied sciences, or even of Indian Law.' It is to be earnestly desired that the Head Government will take some cognizance of this state of facts, and provide means to obviate it. In connexion with this we may also notice the scheme proposed by Sir Alex. Grant, for the constitution of a small covenanted educational service, so that a supply of competent men for the higher appointments may be insured on certain principles, and sufficient inducements offered to attract them. Though rejected by the Government of India, in spite of the recommendation of the Bombay Government, the Secretary of State for India has promised last session to give it his best consideration, and we may be allowed to express a hope that the promise will be redeemed ere long, and in a manner favourable to the educational interests of Bombay.

III. The third principal measure directed by the Dispatch was aimed towards the provision of middle-class and elementary education. The Directors profess to attach the greatest importance to this subject, more than even to high-class education. But as the pitch of their language is always considerably toned down in practice, their exaggerated words have led to popular education receiving only its proper consideration, though, comparatively with high education, far more than its due. The last Report speaks of the Bombay Presidency as being strong in vernacular education.

This has been owing very much to the operation of what is called the local cess, or a small surcharge of half per cent., on the local revenues, for application to educational purposes. The latest returns give the numbers of 172 middle-class, and 1,357 vernacular primary schools, with an attendance of 23,150 and 79,189 pupils respectively, making a total of 1,529 schools and 102,339 pupils. There are, besides, about 35 aided schools, with about 2,800 pupils; and coupled with the representation of the efficiency of the schools as being fair on the whole, we may consider this state of things as nearly satisfactory for the time that has passed since 1854.

IV. The fourth, I may say the last great measure of the Dispatch, is directed towards making provision for the maintenance of the system which was sketched out. And here the Directors fell into a blunder which has been the principal cause of the unsatisfactory state of the higher educational institutions to which we have adverted above. After working themselves up in to a belief of 'the impossibility of Government alone doing all that must be done in order to provide adequate means for the education of the natives of India,' the Dispatch commended the introduction of the system of Grants-in-Aid.

It is the peculiar misfortune of India that she is liable to suffer from a double set of errors of the most opposite kinds. She is debarred from the benefit of the English institutions which she has urgent need of, while others are forced upon her which are entirely unsuited to her circumstances. All the conditions which recommended the introduction of the Grants-in-Aid system in England are wanting in India—(1) the wide-spread perception of the general and special advantages of education; (2) the existence of a complete and richly endowed set of colleges and grammar schools; and (3) the necessity for the recognition of a denominational system of education. This entire want of analogy was entirely submerged in the solicitude to be as economic as possible—if the timidity which shrinks from investing on reproductive works is to

be called economy. In the case of middle-class and primary education the strenuous exertions of the Department of Public Instruction have preserved the system from utter failure, though even in respect to these the reports of the inspectors state, as more successful, the operation of the local cess, or what ought to be called a local education rate on landed property. For the promotion of high-class education, it has been, as we have shown above, simply a nullity. It is high time therefore, that, at least so far as this principle is concerned, the Dispatch be reconsidered and modified in the light of the experience we have obtained. The expenditure on education in the Bombay Presidency is certainly not so extravagant that moderate increase should be a matter of complaint. There is a paragraph in the Report of Public Instruction for 1866-7 so clearly setting out this point, that I will make bold to extract it. "The total Imperial expenditure," it says, "on education, science and arts, taken for twelve months, gives an annual rate of Rs. 945,340 for 1866-7, standing out against Rs. 932,184 actually expended in the official year of 1865-6. The rate of expenditure for the past and the present year appears nearly stationary, and, when compared with the estimated revenues of the Bombay Presidency for the current year,—*viz.*, Rs. 87,593,700 (*i. e.* nearly £8,000,000), it appears to bear the ratio of $1\frac{1}{7}$ per cent. to the Presidential revenues. This proportion must be admitted to be small, especially when it is considered that in England the Parliamentary grant for education was £1,030,600, which, on an Imperial revenue of £68,000,000 gives a proportion of more than $1\frac{1}{2}$ per cent., and that the English public grant is almost entirely for subsidies to primary schools; whereas, in this country, the education of the people implies not only the diffusion of primary instruction, but also the introduction of higher learning and science, and the doing for India all that the richly endowed universities and ancient grammar schools, and centuries of refinement have done

for England. Were 2 per cent. per annum on the Presidential revenues allowed to Bombay, the whole aspect of the department and the universities," continues to say Sir Alexander Grant, "might, in my opinion, be speedily changed for the better." Surely, we might add, this is not asking too much from a Government which, as we have seen, combines the threefold character of sovereign, landlord, and civilizer.

Before concluding this paper, sir, I will task the indulgence of the meeting a little more, for the purpose of seeing if we can apply the knowledge that we have obtained of this system of public instruction to the consideration of the proposal respecting the Indian Civil Service, lately laid before the Secretary of State for India by a deputation from our Association. Of the two schemes,—one, for founding scholarships to enable a certain number to come over to England and offer themselves for examination; and another, for transferring a portion of the Indian Civil Service Examination to India itself—the former has found favour, both with the press here and the whole English press in India, while the latter has been deprecated or denounced as premature and dangerous. Their arguments have been chiefly these: (1) That it is of infinite importance that Indian youths should visit England and breathe the atmosphere of its knowledge and enlightenment; and (2) that there is a danger of deterioration in the examination standard, if the examinations were to take place in India. I must be pardoned for saying that these arguments betray ignorance of the real cause why the clause in the Queen's Proclamation, opening the Service without distinction of colour or creed, has hitherto been a nullity, and ignorance of the state of educational affairs in India. Is it that the want of means has prevented the Hindus from flocking to England? And, when means have been laid at their very doors, how many have come forward to avail themselves of them? We must here take care not to confound the Hindus with the Parsees, who are

simply a handful in a population of millions, and the majority of those whom we see here are of the latter, not of the former race. Indeed, we have very significant experience on this whole point. About three years ago, Mr. R. J. Jeejeebhai endowed five fellowships, worth Rs. 30,000 each, for enabling five young men to proceed to England for the study of law. Of the three apportioned to the Bombay Presidency, one was for a Hindu, the other two being for a Parsee and Portuguese respectively. And how many Hindus do you think, sir, competed for this most magnificent provision? Not a single one, sir. The uneducated were withheld by the prejudices of caste and country, and the educated did not care to break abruptly some of the most sacred social and family ties, especially when the means of enlightenment were, to a certain extent, near at their hands. I do not wish to depreciate in the slightest degree the immense benefits to be derived from a visit to England. But we must not forget that in India itself there are at work, on the Hindu minds, those very English elements which go towards the formation of the inner strata of English life and English society, in the English education which the natives are receiving, in the English literature which they are greedily devouring, in the English poetry which they are learning to appreciate, in the English history with which they are learning to sympathize. The strong Anglicising under-current which has begun running through the deeper intuitions of Indian students has not yet been noted and carefully observed. I will venture to say that in the natural course of transition phenomena, evolving extreme views and creeds, there will ere long be produced in India a body of men out-Heroding Herod, more English than the English themselves. Thus we see that, while on the one hand the proposed scholarships would simply prove illusory as to attracting the Hindu youths to England, the object involved in it is not wholly unprovided for in India itself. And, moreover, it would be a positive

blunder to draw young men early in life to receive their education here. High as is the value that has been set in this paper on English education, if educated young Indians are to devote themselves to the grand task of Indian regeneration more effectively and successfully than unsympathetic, unappreciating foreigners, this English education must have, as the subject for it to work upon, the substratum of Hindu prejudice, and Hindu superstition, and Hindu idolatory. Otherwise you annihilate their peculiar aptitude for their mission: you silence that voice of power which springs only from the consciousness of having once felt, and appreciated, and sympathized with the faiths and the creeds you now expose and denounce. But such would undoubtedly be the result if you immerse Indian youths for the best part of their lives in a purely English atmosphere.

If the Secretary of State for India is desirous of redeeming the promise of equality, loudly made in the Queen's Proclamation, let us entreat him to adopt the only alternative worthy of an honourable and magnanimous nation.

And what an impulse and energy such a step would impart to the whole educational system. A writer in the *Revue des Deux Mondes* who might very well represent the whole French nation, asks, in somewhat fanciful language, 'si les collèges de l'Inde forment, s'ils ont déjà formé des hommes qui, sous les vêtements flottants de l'Hindou et le teint d'Othello, tiendraient dignement leur place sur les bancs d'une assemblée politique européenne, sur le siège du magistrat, dans la chaire du professeur, dans l'état-major d'une armée, au milieu des sociétés polies, élégantes et éclairées d'une grande capitale?' If the above large-minded policy were pursued, it would not be long before England could proudly point to India before the face of the whole civilized world in answer to this demand.

ON THE GRANT-IN-AID SYSTEM IN THE PRESIDENCY OF BOMBAY.

[The following paper was read by Mr. Pherozeshah M. Mehta at a meeting of the Bombay Branch of the East India Association on the 22nd of December 1869, with Venayekrao Juggonthja Sunkersett, Esq., in the Chair.]

When I read my paper on the Educational system in the Presidency of Bombay before the East India Association in London, I found myself under little or no necessity of vindicating the morality or policy of educating the natives of India. It seemed to me that I should have imposed on myself a work of pure supererogation, if I had undertaken any such task. I should have been slashing and fighting away at Quixotic phantom-giants. Only a little while before, a book had been published which, though its writer modestly judged it a *siccissimus hortus*, yet was hailed from all sides as containing an admirably trustworthy and genuine brew of the concentrated quintessence of "the Ideas of the Day on Policy." On referring to its chapter on Indian Policy, I found that Mr. C. Buxton had thus described the leading idea on the subject:—"The great principle which distinguishes our government of India from that of almost any other dependency by any other conquerors, is the idea that we are to govern her, first and foremost, not for our own good, but for that of her own people. Despite many exceptions and many drawbacks, this noble principle has been strongly grasped by the British rulers of India, and has in very truth been the life-blood of their policy." At that time my own studies and observations had all combined to verify this description. Since my return, however, to this country, the conviction has forced itself upon me that the party which ridicule this principle as based upon a hysterical system of sentimental morality, and sometimes condescend to warn both their countrymen and ourselves on the terrible results of so self-des-

destructive a policy, is not a very inconsiderable or un-influential section of the Anglo-Indian community. It is true that they do not represent, so to speak, the *party "in power"*; but they certainly form a very compact and powerful "*opposition party*." They systematically set their face against all measures at all calculated to train the natives of India up to the highest standard of the civilization of the day. They condemn in no measured terms the impolicy or inexpediency of imparting a liberal education to them. They solemnly shake their heads at the progress which the educational institutions have already made. They are overborne—perhaps more with sorrow than with anger—at the dimensions which the educational budget has already been allowed to assume to the detriment of works of more solid and undoubted utility. Their cherished ideal of government in India is a perpetual strong-handed patriarchal government which would assure to each of its subjects or slaves a modicum of the primitive happiness of the golden times, *i.e.*, "The happiness of beasts with lower pleasures, and of beasts with lower pains," to paraphrase it in the language of historical reality.

I have referred to the existence of this party—Jesuitical in its aims and opinions, without the Jesuitical organization—not with any object of undertaking a refutation of their creed, of pointing out to them that, if they studied the comparative history even of Western civilizations, they would find that the fallacies on which all their arguments and their reasonings depend, have been long since exploded; that the only difference between the inebile morality which they deride and the practical expediency which they invoke, is only one of degree, inasmuch as morality is the expediency proclaimed, not by the partial and narrow-sighted view of life taken by individual presumption, but the expediency woven into the very warp and woof of the growing web of civilization by the tentative and slowly-maturing cumulative experience of generations after generations—in short,

that morality is far-sighted expediency; nor of proving to them that the maxim is applicable with respect not only to the relations of private life, to the relations between private families, but also to the larger social relations of that larger community of nations.

My sole object in referring to them is to state from the beginning that this entire paper rests upon the assumption that it is the *duty* and *interest* of the English rule in India to initiate the natives into the fullest and highest mysteries of modern civilization, and to promote a system of public instruction commensurate with this aim.

Starting from this point of view, it would be ungrateful to ignore or deny the great efforts that have been already made, and the great results that have been already achieved, in the cause of the advancement of native education. Especially we must not forget that when the problem was first taken into hand, there were formidable objections to be overcome; there were uncertain experiments to be hazarded. The first forty years may be characterized as years of groping and stumbling in the dark. In the year 1854, however, it was thought that the time had arrived for a safe induction of principles, and the inauguration of a system founded upon them. The great Educational Dispatch of 1854 was accordingly issued. I propose in this paper to discuss one of its main features, *viz.*, the Grant-in-Aid system which it introduced in India.

The Despatch was not unworthy of that peculiar body of statesmen from whom it emanated. It possessed not a few of the merits of a weighty State document, carefully meditated and carefully worded. Its review of all the past experience on the subject was just and impartial; it summed it up in a series of clear, concise utterances at once weighty and dispassionate. It traced with a sure and rapid hand a system for the future, perfect in itself and in all its parts. Thus it conferred an incalculable benefit on the cause of Indian education by

pronouncing for the primary introduction of Western literature and science, as against the antiquated, though valuable, lore of the East. It closed the long-continued controversy between the Anglicists and the Vernacularists by declaring for a proper co-ordination of both the English and Vernaculars of the country. It directed a departmental organization for public instruction, without altogether discarding the aid and advice of the amateur boards and councils which had till then reigned. It propounded a regularly developing series of elementary schools, high schools and colleges, and crowned the whole edifice with a university.

While laying down such a comprehensive programme of public instruction, the Despatch almost rises into a sort of grave eloquence not devoid of a generous enthusiasm. But one step more, however, and the comprehensiveness is forgotten, and the enthusiasm wanes away. With merits which we have pointed out above, essentially English, the Despatch, as soon as it proceeds to devise ways and means to carry out its vast scheme, is marred by faults also essentially English. It no sooner promulgates its sanguine and symmetrical programme than it hastens to impress the "impossibility of Government alone doing all that must be done in order to provide adequate means for the education of the natives of India." It complacently congratulates itself upon the progress which has been already made, and the satisfactory state of most of the schools and colleges already established, particularly that of the institutions for the higher classes of education, *i.e.*, institutions where value is rather speculative to the *soi-disant* practical people, and whose cost is considerable. It soon works itself up into the belief that all that is really necessary to be done could be done by a system which would enable the Government to dole out its pecuniary grants most slowly and sparingly. And then the adoption of the Grant-in-Aid system, with respect to native education, was advocated by an argument irresistible to an English mind. "It has been carried out in

this country,' says the Dispatch, 'with ~~very~~ great success.' In his book on *The Study of History*, Lord Bolingbroke has remarked that 'There is scarcely any folly or vice more epidemical among the sons of men than that ridiculous and hurtful vanity by which the people of each country are apt to prefer themselves to those of any other, and to make their own customs and manners and opinions the standard of right and wrong, of true and false.'

Driven by these powerful motives, the Dispatch grasps hold convulsively of the Grant-in-Aid system, and proclaims it the best thing in the world for the just and proper promotion of native education.

I have said in my former paper that it is the peculiar misfortune of India that she is liable to suffer from a double set of errors of the most opposite kinds. She is debarred from the benefit of English institutions, which she has urgent need of, while others are forced upon her, which are entirely unsuited to her circumstances. In the present case the bitterness of the reflection is not assuaged by the conviction that even in its native country the days of the Grant-in-Aid system are probably numbered, and the reasons which recommended its introduction there will sooner or later, perhaps, cease to exist. However this may be, it is not difficult to show that the conditions which alone justified the trial of the system in England have never existed, and do not exist, in India—*viz.*, 1stly, the wide-spread perception of the general and special advantages of education; 2ndly, the existence of a more or less complete and richly endowed set of colleges and grammar schools; and 3rdly, the necessity for the recognition of a denominational system of education.

I. The absence of the first condition will be hardly denied by Englishmen, whose sole justification for a conquest has been said to lie in that very circumstance, by an impartial critic like Mons. Louis Blanc. But, in truth, the perception of the direct and indirect enlightening benefits of a general, particularly a general liberal

education, is very faint indeed among the mass of the natives of India. The old systems of society and government never allowed any large scope for it. And since the advent of the English, its growth is still in its infancy. At any rate, it is not so far advanced as to induce people to invest money to any large extent in profitable educational institutions, especially of the higher order. And it is very rarely indeed that in any other country of the world high schools and colleges have been started by private enterprise, except at distant intervals of time.

II. This brings us to the second condition we have laid down. The trial of the Grant-in-Aid system was possible in England, only because it then already possessed grammar schools and colleges, magnificently endowed by some of its old liberal monarchs and State dignitaries. And perhaps it is not totally uninteresting to remark here that even these endowments were founded more with a view to the promotion of theological zeal, than from any appreciation of the unmixed benefits of education as education or mental cultivation. But, however prompted, there they were, these fine establishments, for purposes which, though they might have been originally collateral, were now at least the principal ones. Now, what did the Directors find corresponding to them in the Bombay Presidency when they issued their Dispatch? We shall give them the benefit, or otherwise, of reviewing the principal schools and colleges established by Government—not as they existed in 1854, but as they flourish at the present moment. Now let us take first of all the high schools, which, according to the programme sketched out in the Dispatch, were to teach up to the Matriculation standard of the University. They would then correspond to the great public grammar schools of England, such as Eton, Rugby, Harrow, Winchester, &c., or to the Lycees of France, such as some of the great Lycees of Paris—Louis the Grand, Napoleon, Saint Louis, Bonaparte, &c. Let us now compare the state of our high schools with that of one of these schools, *e. g.*,

the Lycee Saint Louis, so ably portrayed by the masterly hand of Mr. Matthew Arnold. A French Lycee will serve better for our purpose than one of the English grammar-schools—for there is an organization and precision about the former, of which the latter are mostly devoid. As our schools will be more easily described by negatives, we shall take the principal features of the Lycee and see if we can trace them in our schools.

The Lycee Saint Louis, first of all, is located in a handsome, commodious, and comfortable building, admirably adapted to meet all the wants of a school of 800 boys. Its sanitary arrangements, its conveniences for recreation and exercise are carefully looked to, though entailing heavy expense on the Government. Now, to take the largest of our High-school buildings, that of the Central school—the most that could be said of it would be that it got built up somehow, and therefore let it stand. There are repeated complaints in the Director of Public Instruction's Reports of its being in a ruinous state. It hardly accommodates all its pupils, much less the numerous candidates who are qualified to enter it, but are obliged to be refused for want of space. As to sanitary arrangements, there are none; and the same remark may be repeated as to any arrangements for recreation and exercise. Some of the Mofussil High schools have lately been provided with new buildings. But it seems as if the designs were got made for them under the imperative condition that there should be four walls and a covering on the top, and nothing else.

Next, Saint Louis is a complete boarding-school, which our schools do not even pretend to be. There was some excuse formerly for not venturing upon the experiment of resident schools; there were grave reasons for doubting their eventual success. But now that it has been abundantly shown, *e. g.* in the Elphinstone and Deccan Colleges, that facilities for residence in the schools themselves, under certain conditions, are eagerly demanded and would be largely availed of, there is not a

vestige of an excuse for any further delay in taking the necessary steps for establishing at least a few model boarding-schools. Independently of educational reasons, there is a social and a political necessity for boarding-schools in India. As I have said elsewhere, the formation of a school and university *esprit de corps* would go far towards originating a national *esprit de corps* which would work powerfully upon the estrangements of caste and creed, and melt them under the warmth generated by the healthy collisions of young minds.

We shall now compare the teaching staffs of the Lycees and our High schools. It is now generally admitted on all hands that the efficiency of a school depends, in a great measure, upon its teaching power. France makes provision for this urgent need in its famous *École Normale Supérieure*. "Its pupils at present number 110; they are all bursars, holding a scholarship of £40 a year, which entirely provides for the cost of their maintenance. The course is a three years' course. To compete, a youth must, in the first place, be over eighteen years of age, and under twenty-four; must produce a medical certificate that he has no bodily infirmity unfitting him for the function of teacher and a good-conduct certificate from his school. He must enter into an engagement to devote himself, if admitted, for ten years to the service of public instruction, and he must hold the degree of bachelor of arts, if he is a candidate in the literary section of the school; of bachelor of sciences, if in the scientific." I may mention here that in the French schools no master or professor is allowed to teach in any other subject except that in which he has qualified himself. The successful candidates run a course of three years, as I said before, during which their intellectual training is carried to a very high degree, with a special eye for the future function which they are bound to undertake. The salary of a professor in a French Lycee varies from 7,500 francs or £300 a year, to 3,500 francs or £140 a year. In this manner France gets its teachers

picked out from the *elite* of the Lycees, and trained specially in the most elaborate manner. Let us look now at the other picture. Till lately there was no Normal school at all, unless we are obliged to designate as such some bungling attempts at "some such sort of thing," as Lord Dundreary would say. Since the transformation, however, of the Poona and Ahmedabad Vernacular Colleges into training schools, a more serious attempt may be admitted to have been made. But, after all, what are these training schools and colleges? For it must be remembered that Normal colleges are worse than useless, if they have not the best *matériel* of the schools and do not carry the training of the pupils to the highest educational standard that prevails in the country. The Poona and Ahmedabad training schools have no such conditions of entrance as we said above were exacted by the *Ecole Normale*. And no wonder, for they have got no such bursarships as at the *Ecole Normale*, which, as we saw above, "entirely provides for the cost of the maintenance of the pupils." As constituted at present, *i. e.* as ordinary schools of very modest pretensions indeed, they are useful in no other respect, except perhaps in that of teaching the experience of costly failures. And meanwhile the schools suffer from a universal want of efficient teachers. The posts of head masters are, some of them, held by university graduates of fair abilities; all the other posts, badly remunerated, are filled by young men who hardly know anything more than the pupils they are called upon to train. The disorganized state of these schools, of which such repeated complaints are to be met with in the reports of the Inspectors, is fundamentally owing to this circumstance. Indeed it is a hopeless destiny for these schools, unless they permanently secure a more thoroughly disciplined and better paid staff of masters.

We may now proceed to the comparison of the programmes of studies. And here it may very properly be said that tables of matters *to be taught* afford a very

unsafe criterion, where there are no efficient professors to teach them. Still it is not without its use to *compare* the points which are attempted to be attained in these programmes. The programme of a French Lycee which, being fixed by authority, is the same throughout the whole country, is precise and definite. A Lycee has eight classes, of which the lowest, two, *i.e.* the eighth and the seventh, would coincide with the classes of our "Anglo-Vernacular" schools, the rest with those of our High schools. To pass from one class into another takes a year, and a boy may generally enter at the age of eight years. After this preliminary explanation we will take a rapid view of the programme itself. To borrow again from Mr. Arnold, who leaves us no escape out of his style, apt, pure, and crystalline: this is his description of it. "The very good exercise of learning by heart from the classics of the mother tongue, begins from the lowest class and is continued to the top of the school. Latin begins in the *classe de huitièmè*, and is carried further in *septièmè*. After *septièmè* begins another division. Here begins Greek and also the study of the modern languages. These may be English, German, Spanish, or Italian, according to the wants of the localities and the wishes of the parents. Drawing and singing are likewise obligatory matters of instruction in the French Lycees, and are not paid for as extras. Two hours a week are on an average given to each. Drawing is taught as a matter of science, not of amusement, and the pupil is carried through a strict course from outline up to ornament and model drawing.

"The fifth class reads our old friend Cornelius Nepos, but it reads also authors not much, I think, in use in our schools, Justin, Ælian, and Lucian. The division of lessons is the same here and in the sixth class; ten classes, as they are called, a week, and two hours of singing, one of drawing, and two of gymnastics. A class lasts two hours; so this gives (not counting gymnastics) twenty-three hours of lessons in the week. The classes

are thus divided : seven classes and a half (fifteen hours) of classics ; one class (two hours) of history and geography ; two half-classes (two hours) for modern language ; one-half (one hour) for arithmetic.

“In *quatrieme*, Latin prosody in the classical instruction, geometry in the scientific, appear as new subjects. An hour less is in this form given to classics, an hour more to mathematics. An hour more is given to drawing.

“ A divisional examination and the boy passes into humanities. In *troisieme*, Latin verse begins ; and here, for the first time in the school, Homer appears. Among the books read in extracts by this form I noticed Terence, Isocrates, Plutarch's *Morals*, and the *Greek Fathers*. Mathematics now get four hours a week ; history, which we have just seen dividing its class with geography, gets the whole two hours ; geography and modern languages become additional lessons, the first with one hour a week, the second with two. Music is reduced to one hour. The number of lesson-hours has thus risen from twenty-four to twenty-six.

“ In *seconde*, the same proportion between sciences and letters ; but in sciences the programme is now algebra, geometry, and natural history, instead of arithmetic and geometry. The *Agricola* of Tacitus, the easier *Dialogues* of Plato, the easier *Orations* of Demosthenes appear among the books read.

“ Then the boy rises into our sixth form, called with the French from old time not first class, but ‘*classe de rhetorique*.’ In the mother tongue the pupil studies the *Pensees* of Pascal, the *Oraisons funebres* of Bossuet, *La Bruyere*, Fenelon's *Lettres* Academie Francaise, Buffon's *Discours sur le Style*, Voltaire's *Siecle de Louis XIV.*, Boileau's *Art Poetique* and *La Fontaine's Fables*. Letters have eight out of the ten classes in *Rhetorique*, which is the great classical form of the school. Sciences have only one class divided between geometry and cosmography.”

Whatever differences of opinion there may be on points of detail and arrangement, this is a programme which any system of secondary instruction may well be proud of. If we had some High schools at all professing to carry out such a scheme, we might well be justified in resting content with them. But is it so? We shall allow some of the Public Instruction Reports to enlighten us on the point. We find the following in the Report for 1865-6. "Even were the High schools more universally efficient than they are at present as manufactories of matriculated students, I should not be satisfied" says the Director, "with this result. The High schools, in order to play their part, require to be characterized by a literary and classical spirit such as we find in the great public schools in England. They should send up boys to the Colleges not only just able to pass University entrance examination, but also imbued with a fair amount of English literature, and thoroughly grounded in the rudiments of Sanscrit or Latin (to which I would humbly add at least one of the two modern European languages, French or German)." "Up to this time," says another part of the Report, "men as a rule havē seriously commenced their classical languages only after entering the College. It was hoped that before this the High schools would have made arrangements to enable their scholars to take up classical languages to their Matriculation examination. *As yet they have not done so.* No undergraduate has joined the College after having matriculated in either Latin or Sanscrit." In his Report of 1866-67, the Director remarks, "In speaking generally of the backward condition of the Government High Schools of this Presidency, I refer (among other things) to the raw and uncultivated state of even these passed (*i.e.* matriculated) candidates who come to the College with very little general knowledge, without taste or literary feeling, and generally without even the rudiments of a classical language; and next, to the inaccurate way in which English is taught in the High schools, as testified

by the mistakes of idiom and grammar which cling to the University students throughout their career, and which only a few of the best graduates even ultimately succeed in shaking off."

After the High schools we come to the Colleges. It were useless to detain ourselves on as minute an examination of them as that we instituted for the schools, for it were chimerical to expect that anything pure could proceed from a tainted fountain-head, that good colleges should grow out of bad schools. But as if it were not enough—a tainted fountain-head, the channels should also be full of shoals and impediments. There are incessant complaints of both the Colleges being undermined in teaching power. "Connected with the whole University of Bombay," says the Report for 1866-67, "which is the fountain-head of science and literature for fifteen millions of people, we have not a single professor of history, nor of Latin, Greek, Arabic, or Hebrew (*not to add from our own part, French or German, drawing, music*), though every one of these subjects are entered in the University list of subjects for examination. And in almost all of them numerous candidates are constantly presenting themselves. There is only one professor of chemistry, and no professors of geology or astronomy, or applied sciences, or even of Indian law." The last Report, *viz.* that for 1867-68, continues the same complaint. "The disproportion of teaching power to the number of students in Elphinstone College has," it says, "now become almost ludicrous." These revelations cannot be characterized in too hard terms, particularly when we find that the work of *tutorship* is not less feebly provided for.

After this rapid review of the state of the High schools and Colleges, we may safely assert that the second condition which we laid down for the justification of the Grant-in-Aid system, *viz.* the existence of a more or less complete and richly endowed set of grammar-schools and colleges, does not exist even at the present

day, and did not exist in the Bombay Presidency at the date of the issuing of the Despatch. Perhaps the Directors hoped the action of the system itself would go far towards creating such institutions for higher education. Now it is nearly fifteen years since the Despatch proclaimed the Grant-in-Aid system throughout India. And we have seen the results of its operations.

III. But even the existence of both the above-stated conditions would hardly have been a sufficient reason for the adoption of the system in England, had it not been imperatively forced upon its statesmen as the only means of reconciling the stubborn and bigoted pretensions of all its various religious sects which urged their rights in the sacred name of religious toleration. In England neither Churchmen nor Dissenters would consent to be taxed for State schools imparting a purely secular education. And both would have schools in which their own peculiar theological dogmas were an essential portion of the school programme. The only escape, therefore, from these conflicting bigotries was in a system which, accepting the various religious schools of the several sects, paid certain allowances for the secular education imparted in them.

Happily, however, in India this paramount condition had never any scope given it to do mischief. The principle of religious neutrality was firmly laid down and steadily recognized from the first. From the famous Educational Minute of Mountstuart Elphinstone, in which he resolutely said that "To the mixture of religion, even in the slightest degree, with our plans of education I must strongly object," down to the Despatch of 1854, which may be called the Educational Charter of the present day, there is the expression but of the same opinion and same policy on the subject. Before leaving this subject, it may be as well, however, to take the standpoint of the missionaries, and examine the argument that the cessation of the Grant-in-Aid system would deprive them of the small aids they derive from the

State for the secular education they impart in their schools. In the first place, a complete system of State-education does not necessarily preclude every aid to private schools under certain conditions, for what we have been fighting against in this paper is not so much the partial or occasional application of the Grant-in-Aid system as against its systematic introduction for each and every educational want. In the second place whether the Missionary schools have any right in justice to such aid is a question requiring apparent consideration, for they are no portion of the people of the country who object to have their children taught in any but schools of their own persuasion. If some amiable and kind-hearted gentlemen are anxious to achieve the pious work of the salvation of the people of India, they will certainly not grudge the full expense of such a noble undertaking, particularly when, as forming part of the richest gentry in the world, they are fully able to bear the burden of it.

We may now conclude that the state of things which alone recommended the adoption of the Grant-in-Aid system in England does not meet us in India in any one single particular. We shall see, however, whether there are any special reasons advanced in the Despatch which rendered it specially desirable to introduce the system in India. In the first place, the Directors profess to discover and rejoice "over an increased desire on the part of the native population, not only in the neighbourhood of the great centres of European civilization, but also in remoter districts, for the means of obtaining a better education; and we have evidence," they say, "in many instances of their readiness to give a practical proof of their anxiety in this respect by coming forward with liberal pecuniary contributions." The Directors advance this assertion more emphatically with respect to the higher classes. Nothing could be more delusive and fallacious than this string of facts and argument. A growing desire to take advantage of educational facilities

is very far removed from the feeling of appreciation which prompts a person to endow educational institutions or to start educational enterprises. It might induce persons to invest money in the shape of fees; for we should not be understood to mean that the State schools should exact no fees from its pupils; on the contrary, we are strongly of opinion that the scale of fees should be steadily raised at opportune intervals of time. But the real question is different, and it is this, whether native enlightenment is advanced enough to found these schools of itself within a reasonable time. The Directors congratulate themselves upon the tendency already displayed in that direction. But here, again, the question is not that of a possibility of isolated endowments, but whether there are good chances of private liberality being able more or less fully to supplement existing institutions in the extensive system proposed by the Directors themselves in the beginning of their Despatch. As to the higher classes, if what is meant by them is the richer classes, so far from their displaying that systematic laudable appreciation, the signs of which the Directors profess to discern in 1854, but which have not discovered themselves even in 1869, except in certain exceptional times—the richer classes do not even come forward to give to their children the education which is provided ready for them. The Directors have fallen into the confusion of assuming that the higher education given in the Presidency is appreciated and availed of by the higher, *i.e.* the richer classes. But the terms higher classes and richer classes are by no means synonymous in India. The Brahmans, high in social and religious rank, have certainly been the most forward of all the classes in India to avail themselves of the institutions for higher education. But they are generally miserably poor. So that while the Directors disburthen their minds of all anxiety in respect to higher education on the strength of the ability and willingness of the higher classes, the facts

are that the higher classes, meaning thereby richer classes, though undoubtedly able, are no less certainly far from being willing, to devote the superfluities of their wealth to cure the present Government educational institutions of all their defects, nay, hardly think seriously of bestowing high education on their children even at the cost of the State ; while the higher classes, high by birth and intellect, though certainly willing to avail themselves to the utmost of all opportunities for receiving high education even at the sacrifice of moderate payments in the shape of fees, are certainly not able to found magnificent endowments for higher education.

There is, however, another argument advanced by the Directors in favour of the system. "It possesses the advantage," they say, "of fostering a spirit of reliance upon local exertions and combinations for local purposes, which is itself of no mean importance to the well-being of a nation." We cannot sufficiently commend the high-mindedness of the Directors in thus displaying their anxiety for the development of the spirit of local self-government in India. But is it not rather arguing in a circle to require that our educational plans should be delayed from being fully carried out for the sake of a result which is more likely to be realized through the successful operation of these very plans themselves ? Nothing is more calculated to induce the instinct of self-government than a thorough liberal education of a high order. It may be said, indeed, that these things are examples of those concurrent developments which react upon each other in the double capacity of cause as well as effect. The argument would be faultlessly valid if it were urged in the case of a country whose civilization evolved itself out of its own original impulse. But in India the question is not that of an entirely original development, but of a development founded upon a foreign civilization, which is to a certain extent cut and dried, and ready at hand. Under such circumstances there is no wisdom in losing time, when you can, instead

of simply sowing seeds, engraft branches ; when, instead of proceeding by a long circuitous route, you can at once establish a full-grown educational system, and thereby secure most expeditiously both the system and those habits of self-government on which the Directors lay, and most justly, so much value in their Despatch.

Before we proceed to draw the general conclusion of failure irresistibly suggested by these facts and arguments, it remains to see whether there has been any result in any direction from the actual operation of the system since 1854 which may be called favourable. The line of argument we have pursued has obliged us already to pronounce upon its working with respect to higher education. As to primary and popular education there is certainly good reason to believe the best, that it is the strong point of the Bombay educational system, that, at least, it is far from being in a very unsatisfactory state, though, perhaps, not quite so flourishing as it ought to be. Unfortunately, however, this very success is the condemnation of the Grant-in-Aid system ; for this success was achieved only by the abandonment of the system ; of course, not openly, but by a quiet metamorphosis. About the year 1864 the Bombay Government hit upon the simple expedient of procuring local voluntary contributions somewhat in the Tudor fashion of "levying benevolences." It directed the revenue authorities to collect what it facetiously called an extra voluntary land-assessment or education-cess of a per cent. or so. The Educational Inspectors are full-mouthed in their praises of the wondrous efficacy of this local cess. But what is in reality this mighty invention ? Stripped of its mask, it is simply direct land-taxation for educational purposes. It would not be easy to find stronger practical evidence on any subject than this.

We have now, we hope, shown that the Grant-in-Aid system is unsuited to the educational wants of India, and we have by necessary implication asserted some of the merits of a more direct system of State education.

We have shown that the Grant-in-Aid system has totally failed in supplying a sufficient number of good private institutions for higher education. We have shown that it has equally failed in tendering assistance to the defective existing Government institutions for the purpose, and providing for their most urgent necessities. We have shown that it has not even so much as earnestly approached the problem of establishing an efficient Normal college. We have shown that it was obliged to be transformed into an educational fiction for the purposes of primary education. We could have gone farther, and shown that, even under the most favourable auspices, the system would fail to secure that invaluable systematic organization which allows no waste of money or intellect, which allows no isolated efforts to dissipate themselves by the ignorant repetition of experiments, and which loses no lesson of experience, and still is found compatible with the trained freedom of modern civilization. But here we are told by the advocates of the Grant-in-Aid system that, numerous as may be the faults and imperfections of their system, the difficulties in the way of superseding it by the other are more insurmountable still. "We cannot but be impressed," say the Directors, "with the almost insuperable difficulties which would attend such an extension of the present system of education by means of colleges and schools entirely supported at the cost of Government as might be hoped to supply, in any reasonable time, so gigantic a deficiency, and to provide adequate means for setting on foot such a system as we have described and desire to see accomplished." Elsewhere I have attempted to show the threefold attitude in which the English Government stands towards the subject of Indian education, viz. first, as rulers; secondly, as landlords; and thirdly, as the apostles of a civilization infinitely superior to the indigenous civilization of the country. But not to speak of the obligations arising from this threefold position, the gigantic difficulties of the task which the

Directors conjure up before their mind are very much exaggerated. We must carefully guard ourselves from falling into the confusion of supposing that the adoption of a system under the primary and direct support of the State would of itself immediately entail the establishment of a full-grown system, irrespective of any calculation of existing requirements; e.g. that it would entail the establishment of ten colleges, when the average number of students that might be expected to enter them could be accommodated in half that number, or that a hundred competitions should be opened for a Normal college when the real demand is only for fifty. What it would entail, and it is well to enunciate it distinctly, is this: that in the first place the State should establish such a framework of a complete co-ordinated system of primary schools, secondary schools, or, as we call them, High schools, Normal schools, general and technical Colleges and Universities, as, without being too elaborate, might be capable of expansion and development with the progress of the times; and secondly, that whenever an educational institution, say a High school, could be established in a certain locality, the Government should set about directly to supply the want with private, local, and other aid if it was forthcoming, without waiting for it if it was not; and further, that it should do so in a thoroughly efficient manner, without leaving it unprovided in any essential particular. If, without resting satisfied with the contemplation of the excellence of their own British institutions, the Directors had turned their eyes towards Germany, France, Italy, or Switzerland, they would have found that the giant had been thus approached, and had proved by no means so formidable as it had been imagined to be. With proper care and organization the supersession of the Grant-in-Aid system in favour of a system such as we have indicated above, would entail no extravagant increase of expenditure. For each of the three years, 1865-66, 1866-67, and 1867-68, education has cost here in the Bombay Presidency something less

than nine and a half lacs of rupees, bearing a ratio of about $1\frac{1}{20}$ per cent. to the Presidential revenues. "Were two per cent. per annum on the Presidential revenue," says the Director of Public Instruction in his Report for 1866-67, "allowed to Bombay, the whole aspect of the Department and the Universities might in my opinion, be speedily changed for the better." If two per cent. could do so much, as we are told on such very trustworthy authority, we may easily see that direct State education would not, after all, be so very expensive an affair. Even if it were a per cent. or so more, would it really be bad economy to pour a veritably vital life-blood into the shrunken veins of Indian culture at such a cost, and thereby, indirectly but surely, accelerate the buoyancy of the Indian revenues through a thousand unforeseen channels. If we look the question steadily in the face, undeterred by the fear of being condemned as flighty and impractical, this is no visionary problem. There is no doubt that an intelligent and educated population is the best means of developing indefinitely the resources of a country. On the Continent this idea has of late gained immense ground. It was first started by those grand statesmen of the French Revolution, even as they were hurling defiance and armies at a coalition of almost all the crowned heads of Europe. And though the original plans of Condorcet and Robespierre fell through for the time, yet ever since France, Germany, Italy, and Switzerland, have been sparing no efforts, even in times of trouble and difficulty, to reconstruct their systems of public education under the direct administration, management and support of the State. And their educational budgets testify fully to this anxiety. It is well-known that in Switzerland education is allowed to cost something like one-third of the whole public expenditure. In 1865 the State expenditure in Italy on the whole of public instruction was, in round figures, £576,900, something like between 57 and 58 lacs of rupees. In France it was for the same year £756,725, or something like between

75 and 76 lacs of rupees. What valuable hints and lessons do these simple figures not give with respect to the position which the item of educational estimates ought to hold in the Indian budget? And then it must not be thought that these large sums were voted by those countries for their public instruction because they had flowing exchequers and superfluous surpluses. They were voted in times of deep anxiety, in the face of disasters political and financial. Nothing but a stern sense of necessity could have inspired them with hopes and courage to undertake such an expenditure for such a purpose. It was about the beginning of the present century, when all Europe was lying prostrate at the feet of Bonaparte, that Prussia began the organization of its public instruction on its present basis. France was groaning under the gigantic burden of her mighty wars and incessant revolutions when she undertook it. Italy was doing penance for the "sins of her fathers," the miserable grasping tyrants who had made her their prey, and were sucking away, like leeches, her very life-blood, till in 1860 they were swept off from her face by Garibaldi. Since her consolidation, Italy has been passing through financial crises of no ordinary magnitude; indeed, there can be no more striking proof of her faith in a State-system of public instruction than is afforded by the fact of the burden she has imposed on herself in that respect, while still struggling against large debts and incessant deficits. I have thus dwelt at length upon this point, because I am constrained to believe that it is the want of faith in the true efficacy and importance of education in the economy of national prosperity which has led the Government of India and the Home Government to ignore its claims to a larger share of expenditure. It underlies all the arguments advanced for their incessant refusals. For it must be stated, in justice to the Local Government and the Educational Department here, that they have been by no means ignorant of some of the defects of our educational institutions, and have lost no

opportunities of beseeching for means to remedy them. But a deaf ear has been turned to their most passionate appeals. I have no doubt that the people of England entertain a genuine desire to govern India on principles of the most liberal and far-sighted policy; and I firmly believe that, if only once they are brought to renounce their want of faith with respect to the value of education, we should soon see the reconstruction of our system of public instruction. England has been found capable of submitting even to immense pecuniary sacrifices, once she overcomes the mental sluggishness so characteristic of her, and acquires faith, rightfully or wrongfully, in the principles which demand them. We all know the enormous costs she voluntarily incurred for the emancipation of her colonial slaves, once she was convinced of the sinful impolicy of such an institution. Therefore, as I have said above, let the English people have once faith in the mission of education, and the days of the Grant-in-Aid system would be doomed for ever. And there is great hope of such a consummation at the present juncture, when a feeling of deep dissatisfaction has lately sprung up in England in regard to their own educational system, which is sure, at no considerable distance of time, to find utterance in their newly-reformed and larger-minded parliaments. Concurrently with the movement which inaugurated the system of international exhibitions, and appointed commissions for inquiry into the state of schools and colleges, English and foreign, a new generation has then sprung up with broader instincts and larger sympathies, which dares to penetrate beyond the conventionalism born of exhaustion, and to seek for deeper and more comprehensive insight into all social questions, and has the hardihood to propose them for practical application whenever their quest is crowned with results. Scouted at first as turbulent demagogues, or jeered at as dreamy enthusiasts, they have succeeded in rendering themselves a power in the State, under the leadership and countenance of such men as Mr. Mill for

their philosophical, and Mr. Bright and Mr. Gladstone for their political patriarchs. Under these circumstances, there is every likelihood of the whole question of education being earnestly taken up and elaborately dealt with by the present Ministers at an early date; and we may fairly expect that, if we urge our own humble but pressing claims through the agency of the East India Association, the Secretary of State for India may, under the stirring inspiration of a general agitation, be persuaded to supersede the Dispatch of 1854, and grant another educational charter of greater comprehensiveness and greater liberality. An imposing and systematic array of well-organized public establishments for education would in the long run do more for the consolidation of the British power in India than the dread of all the bayonets or needle-guns or chassepots at its command, which she may invent or imitate. They would represent the State, as Mr. Matthew Arnold has pointed out, 'in a striking visible shape, which is at once a noble and civilising one; giving the people something to be proud of, and which it does them good to be proud of'; and it would not be long after, we may say, that the alien origin of its authors would be forgotten in this pride and this civilization.

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Replying to the discussion on the paper, in which Dr. J. M. Mendoca, Mr. M. G. Ranade, Mr. Bal Mangesh Wagle, Mr. Thakurdas Atmaram, Dr. R. G. Bhandarkar, and Mr. N. M. Parmanand took part, Mr. Mehta said that, as the hour was waxing late, he would not attempt a long reply. His friend Mr. Ranade found fault with him for not doing justice to the magnificent programme laid down in the Dispatch of 1854. So far, however, from being guilty of any such thing, he had actually spoken of that programme in terms of the highest eulogy. What he found fault with was the way in which it was sought to provide for carrying out such a grand scheme. In the second place, Mr. Ranade had misunderstood the scope of his paper. He

had attempted an answer to this question, whether the Directors ought not to have and could not have hit upon a more efficient scheme of ways and means for carrying out their splendid programme. He had never denied that the Grant-in-Aid system had been able to effect *something*. But could not more have been done without any extravagant outlay? Mr. Ranade had objected that he had imported into the discussion of this question facts from the educational systems of the Continent. Now, was not a comparison of a number of existing educational systems more likely to prove instructive than confining yourself to only one set of precedents, as the Directors had done, *viz.* the English precedents? They might thus arrive at general principles, which might afterwards be modified to suit special conditions and requirements. With regard to grants to missionary schools, he was sorry Mr. Ranade had not thought proper to hear him more attentively before he criticised what he had said on that subject. While the Grant-in-Aid system prevailed, it was only fair and just that the missionary schools should be paid for the secular instruction imparted in them. What he had said bore reference to this only, that supposing it was resolved to supersede the Grant-in-Aid system in favour of a more direct system of State education, would the missionaries have any right to object to the supersession on the ground that they would be thereby precluded from receiving the small grants which they were receiving at present? He had answered that question in the negative; but that conclusion was by no means inconsistent with their present claims to Government aid. In conclusion, he hoped that a careful perusal of his paper, when printed, would tend to obviate most of the minor misconceptions which had originated during the course of the debate.

ON CLAUSE 6 OF THE EAST INDIA (LAWS AND REGULATIONS) BILL.

*[At a meeting of the Bombay Branch of the East India Association held at the Framjee Cowasjee Institute on Wednesday, the 27th of April, 1870, with Mr. Dhunjeebhoy Framjee Patel in the Chair, Mr. Pheroze Shah M. Mehta read the following Paper "On Clause 6 of the East India (Laws and Regulations) Bill."**]*

I propose in this paper to discuss the bearing and utility of clause 6 of the East India (Laws and Regulations) Bill, now before the British Legislature. To divest the discussion of what is generally deprecated as a purely speculative or theoretical character, I propose to prosecute this discussion in comparison or contrast with another scheme for the accomplishment of the same end as that enunciated by Clause 6, viz. "The expediency of giving additional facilities for the employment of natives of India in the Civil Service of Her Majesty in India." The origin of this scheme which I propose to make use of in this manner is by no means of recent date. Traces of it are distinguishable in the great parliamentary contests of 1813, 1833, and 1853, on the Government-of-India Bills of those years. The scheme, however, in its modern form, is simply this :—to allow a certain number of Civil Service appointments to be competed for in India itself, say in its great Presidency towns, and to require the selected candidates to complete their education by a sojourn of about two years in England, the same two years which under the existing rules of the service are passed by selected candidates in the same manner.

It is not without considerable hesitation that I undertake such a comparative criticism of Clause 6. The clause combines in its favour the suffrages of some of the greatest Indian statesmen at home. Framed and proposed by a Conservative Secretary of State for India,

* See Act itself in the Appendix at the end of the paper.

Sir Stafford Northcote, it was taken up last year by a Liberal Indian Minister, the Duke of Argyll, with the hearty and unqualified approbation of another Conservative statesman, the predecessor of both Sir Stafford Northcote and the Duke of Argyll in the India Office—the Marquis of Salisbury, better known to us as Lord Cranborne—and is perhaps at this moment being carried through the House of Commons by an Under-Secretary of great promise and rising reputation, Mr. Grant Duff. To say that the framers and patrons of this measure are no less actuated by the noblest dictates of justice and humanity than distinguished for their high attainments and statesmanlike abilities would be perhaps to repeat what is already perfectly familiar to you all. Nothing but objections of a most grave and weighty character can therefore warrant the unfavourable criticism of a measure brought under such auspices. No slight defects or minor drawbacks should be allowed to militate against its favourable, even cordial reception. No mere difference of degree in the respective values of the two schemes proposed to be compared should be allowed much consideration. No such difference should be allowed to abate one jot of our gratitude for its positive value. But, after the most careful and anxious deliberation, I have been obliged to come to the opinion that Clause 6 of the Bill, if passed into law, is calculated to attain its object only at the risk of causing a fearful amount of mischief, which cannot easily be exaggerated. In itself, it embodies a measure of such a pernicious tendency that its rejection would be still beneficial in any event, though that rejection may involve the postponement of any settlement of the question for an indefinite period. It threatens to undo the most valuable results of the legislation of 1853 and 1858; it threatens to produce disorder and confusion in a department of the Indian Government, on which in a great measure depend the proper administration, well-being, and progress of India; it threatens to sow fruitful seeds of

discord between races among whom they are already by far too abundant. It is because I am firmly convinced that such' disastrous consequences would inevitably result from the passing of this clause, that I feel constrained to undertake the ungracious task of criticising it.

The fundamental objections to this measure may be summed up under a few principal heads. They are,—1st, that it strikes a fatal blow at the principle of competition in the Civil Service of India; 2nd, that it revives and encourages the promotion of political jobbery; 3rd, that it destroys the unity and *esprit de corps* of the service; 4th, that it is unjust and demoralizing to the natives themselves.

I. In urging the first objection to this measure I am not unaware that it is not uncommon even at the present day to question and condemn the fitness and policy of the principle of competition with regard to the Civil Service of India. I am not unaware that there are people with whom the objection, so far from going against, is a positive recommendation in favour of the measure. I am not unaware that such is the view taken by the Duke of Argyll. In moving the second reading of a Bill containing a similar clause in the House of Lords last year, the Duke of Argyll expounded with his usual force and clearness the view he took of the matter. His Lordship spoke as follows:—"The Company, as your Lordships are aware, was deprived of its commerce by the Acts of 1813 and 1833, and when the succeeding twenty years had expired, and the Government of Lord Aberdeen had to consider what was called the renewal of the Charter, it was also considered whether it would not be expedient to assume at once in name as well as in reality the Government of India as the Government of the Crown. I well remember the discussions at that time; and I venture to say the main difficulty in our way was this: we did not know how to get rid of the patronage of the Company after it should have been removed from

the Directors. It was found that to open it to fair competition was the only expedient. There was indeed no alternative, for Parliament—with perhaps almost too much jealousy, through the ancient echoes still ringing on the ears of men on that subject—would not have tolerated the exercise of that patronage directly by the Crown, and if not by the Crown, by whom could it be exercised? It was therefore thrown open to competition. What may be the feelings of individual members of your Lordships' House I do not know, but I confess I have never been such a fanatic in support of competitive examination as to believe that that is the sole or in all cases the best method of getting the best men for the public service. But it is an escape from many difficulties, and when you have only a choice of difficulties, competitive examination gives on the whole a much better chance of success than the pure nepotism of the ancient Court of Directors; but the exercise of patronage when it is wholly removed from the danger of political jobbery or family nepotism is perhaps the very best mode of selecting men for the public service." In carefully examining this statement it is not difficult to discover that it is founded mainly upon two arguments. The first is a negative argument, *viz.* that it is not inherent in the very nature of patronage to degenerate in the long run into political jobbery. The second is the statement of an historical fact, *viz.* that the Act of 1853 did not introduce the principle of competition as in itself a better system than that of patronage, but as permitting the only escape out of the constitutional danger of vesting the patronage of the service in the Crown. Now it must be confessed that the Duke is not far wrong in his historical statement. Any one who reads the warm debates on the India Bill of 1853 cannot fail to perceive that most of the speakers who advocated the principle of competition were actuated in so doing more by the motive described by the Duke than by any appreciation of its superiority to the system of patronage. It must not be thought, however, that among

the framers and advocates of the Bill there were none who fully understood the entire scope and bearing of the new principle it introduced. There were two members, two of the greatest thinkers and statesmen that England has ever produced, who not only grasped the problem in all its length and breadth, but also expounded it with a force and eloquence but rarely surpassed. It will not be amiss to call your attention to their arguments, at a time when the principle of competition is not only directly assailed by its adversaries, but its positive value is but faintly understood or realized by its advocates. I will therefore make no apology for the lengthy extracts with which I am going to trouble you. Mr. Lowe, one of the two members I have just referred to, said: "That as regarded the Civil Service, he maintained that the course taken by the Government was beyond all controversy right. He should be grieved to see this Bill deferred if only because it would deprive India for years of the enormous benefits which would arise from the reform in the Civil Service. The Civil Service of India was very different from any other service. In the generality of cases an incompetent officer had other people to do his work for him; he was perhaps scolded a little, but could contrive to get on without doing any serious amount of mischief; but it was not so in India. The peculiarity of the Civil Service there was the vast, the tremendous amount of responsibility thrown upon every individual officer of the Government. Millions of people were completely under the control of one man, who had the power of inflicting misery on these persons; and under such circumstances it was a most sacred duty cast upon the Government to see not merely that the general average of officers was tolerably good, but that in the case of every writer sent out they obtained the best and ablest men this country could afford, and that they did not, for the sake of obliging friends and relations or any such reason, sacrifice one atom of the power of doing good towards the people whom Providence had placed

under their power. It was their duty to take care that every man sent out was as able as could be found within the four seas, and where they knowingly and wilfully sent out a worse when a better was at their disposal, they might be inflicting enormous evils on a people who had every claim on their sympathies and consideration. He had read the speech of a noble lord who with infinite knowledge, with infinite eloquence, and with infinite ingenuity, pleaded the cause of ignorance, and so persuasively, that he might say—‘ If I am to be persuaded I would be just as ignorant as to be as learned a teacher and no more.’ That noble lord said that public examinations were the greatest absurdity; that they would get nothing but blockheads; that nothing was so bad as an over-educated man; and that they would be sending out only a number of pedants and schoolmasters. That was not the experience of that House or of the country. He would like to know who took the lead in this country? On whose lips did deliberative assemblies hang? To whose opinions did the public give heed? The men who had shone in public examinations, and carried off those very prizes which that most learned and eloquent nobleman so vehemently decried. Nothing was more distressing in the evidence that had been given before the Committee on India than the fact that the kindly feeling which had hitherto existed between the Europeans and natives whether in the army or Civil Service was on the decline—that there was not the same sympathy between them. In his opinion nothing was more likely to correct that want of sympathy than an improvement in the intellectual standard of those to whom they entrusted the management of the natives and the government of the country; because in the first place there was a close connection between the moral and intellectual qualities of the human mind; and in the second place it was well known that ignorance and stupidity led to the harsh and brutal treatment of inferiors.” The other member I have spoken of was

no less than Lord (then Mr.) Macaulay. He spoke on the subject as follows :—“ It appears we are agreed that it is of the highest importance that the Civil Service of India should be most capable and efficient. In this case it certainly necessarily follows that we ought to watch with the utmost care over the road to admission to that service—that we ought if possible to take such measures that this service may consist entirely of picked men, of superior men taken from the flower of the youth of India. Now it is because in my opinion this Bill does tend to produce that effect that I feel earnestly desirous that it should pass, and pass without delay. My right honourable friend Sir C. Wood, proposes that all places in the Civil Service—all admissions to the Civil Service—shall be distributed among young men by the competition in those studies—as I understand the plan—which constitute a liberal British education. That plan was originally suggested by Lord Granville in 1813 in a speech which, though I do not concur in every part of it, I would earnestly recommend every gentleman to read, for I believe that since the death of Burke nothing more remarkable has been delivered. Nothing, however, on this point was then done, and the matter slept till 1833, when my friend Lord Glenolig, the purest and most disinterested of men, proposed the adoption of a plan, not altogether framed according to those views, but still a plan which would have introduced this principle of competition. Upon that plan twenty years ago I remember speaking here. I ought not to say here, for the then House of Commons has been burnt down, and of the audience I then addressed the greater part has passed away. But my opinion on that subject has always been the same. The bill was passed, but difficulties were either found or made—the fault lies between the Government and this House. The Company were less to blame, and they had opposed the thing from the beginning. The enactments to which I have referred were repealed, and the patronage ran in

its own course. It is now proposed to introduce this principle of competition again, and I do most earnestly entreat this House to give it a fair trial. I was truly glad to hear the noble lord who proposed the present amendment (Lord Stanley) express approval of the general principle of that part of the Bill. I was glad but not surprised at it for, it is what I should expect from a young man of his spirit and ability and recent experience of academical competition. But I must say I do join with the honourable member for Kidderminster (Mr. Lowe) in feeling some surprise at the manner in which that part of the plan has been spoken of by a nobleman of great eminence, once President of the Board of Control and Governor-General of India, and of very distinguished ability both as an orator and a statesman. If I understood the opinions imputed to that noble lord, he thinks the proficiency of a young man in those pursuits which constitute a liberal education, is not only no indication that he is likely in after-life to make a distinguished figure, but that it positively raises a presumption that in after-life he will be overpassed by those he overcame in these early contests. I understand that the noble lord is of opinion that young men gaining distinction in such pursuits, are likely to turn out dullards and utterly unfit for the contest of active life. And I am not sure that the noble lord did not say that it would be better to make boxing and cricket a test of fitness than a liberal education. I must say it seems to me that there never was a fact better proved by an immense mass of evidence, by an experience almost unvaried, than this—that men who distinguished themselves in their youth above their contemporaries in academic competition, almost always keep to the end of their lives the start they have gained in the earlier part of their career. This experience is so vast that I should as soon expect to hear any one question it as to hear it denied that arsenic is poison or that brandy is intoxicating. Take the very simplest test. Take down

in any library the Cambridge Calendar. There you have the list of honours for a hundred years. Look at the list of wranglers and of junior optimes, and I will venture to say that for one man who has in after-life distinguished himself among the junior optimes, you will find twenty among the wranglers. Take the Oxford Calendar; look at the list of first-class men and compare them with an equal number of men in the third class, and say in which list you find the majority of men who have distinguished themselves in after-life. But is not our history full of instances which prove this fact? Look at the Church, the Parliament, or the Bar. Look to the Parliament from the time when Parliamentary Government began in this country—from the days of Montague and St. John to those of Canning and Peel. You need not stop there, but come down to the time of Lord Derby and my right honourable friend the Chancellor of the Exchequer. Has it not always been the case that the men who were first in the competition of the schools have been the first in the competition of life? Look also to India. The ablest man who ever governed India was Warren Hastings, and was he not in the first rank of Westminster? The ablest civil servant I ever knew in India was Sir Charles Metcalfe, and was he not a man of the first standing at Eton? The most distinguished member of the aristocracy who ever governed India was Lord Wellesley. What was his Eton reputation? What was his Oxford reputation? But I must mention—I cannot refrain from mentioning—another noble and distinguished Governor-General. A few days ago, while the memory of the speech to which I have alluded was still fresh in my mind, I read in the ‘*Musæ Cantabrigienses*’ a very eloquent and classical ode, which the University of Cambridge rewarded with a gold medal. The subject was the departure of the House of Braganza from Portugal for Brazil. The young poet, who was then only seventeen, described in very Horatian language and versification the departure of the fleet, and pictured the

great Portuguese navigator Vasco De Gama, and the great Portuguese poet Camoens, hovering over the armament which was to convey the fortunes of the Portuguese Monarchy to a new hemisphere; and with pleasure, not altogether unmingled with pain, I read at the bottom of that composition, the name of the Honourable Edward Law of St. John's College. I must say I saw with some considerable pleasure that the name of Lord Ellenborough may be added to the long list of those distinguished men who in early youth have by eminent academical success given an augury of the distinguished part which they were afterwards to play in public life; and I could not but feel some concern and some surprise that a nobleman so honourably distinguished in his youth by attention to those studies, should, in his maturer years, have descended to use language respecting them which I think would have better become the lips of Ensign Northerton or the Captain in Swift's poem, who says—

“ ‘ A scholar, when first from his college broke loose,
Can hardly tell how to cry boh ! to a goose.
Your Noveds and Bluturcks, and Omurs and stuff,
By George, they don't signify this pinch of snuff.
To give a young gentleman right education,
The Army's the only good school in the nation.’ ”

“ The noble lord seemed from his speech to entertain that opinion. (A laugh.)

“ ‘ My schoolmaster called me a dunce and a fool,
But at cuffs I was always the cock of the school.’ ”

“ But if a recollection of his own early academical triumphs did not restrain the noble earl from using this language, I should have thought that his filial piety would have had that effect. I should have thought that he would have remembered how eminently splendid was the academical career of that great and strong-minded magistrate, the late Lord Ellenborough; and as I have mentioned him, I will say that if there be in this world a trying test of the fitness of men for the competition of active life, and of the strength and acuteness of their

practical faculties, it is to be found in the contests of the English bar. Have not the most eminent of our judges distinguished themselves in their academical career? Look at Lord Mansfield, Lord Eldon, Lord Stowell, Sir Vicary Gibbs, Chief Justice Tindall, Lord Tenterden, and Lord Lyndhurst. Can we suppose that it was by mere accident all these obtained their high positions? Is it possible not to believe that these men maintained through life the start which they gained in youth? And is it an answer to these instances to say that you can point—as it is desirable you should be able to point—to two or three men of great powers who, having neglected the struggle when they were young, stung with remorse and generous shame, have afterwards exerted themselves to retrieve lost time, and have sometimes overtaken and surpassed those who had got far in advance of them? Of course there are such exceptions; most desirable it is that there should be, and that they should be noted, for they seem intended to encourage men who, after having thrown away their youth from levity or love of pleasure, may be inclined to throw their manhood after it in despair; but the general rule is, beyond all doubt, that which I have laid down. It is this—that those men who distinguish themselves most in academical competition when they are young, are the men who in after-life distinguish themselves most in the competition of the world. Now if this be so, I cannot conceive that we should be justified in refusing to India the advantage of such a test. I know there are gentlemen who say—for it has been said—‘After all, this test extends only to a man’s intellectual qualifications, and his character is quite as important as his intellectual qualifications.’ I most readily admit that his character is as important as his intellectual qualifications: but unfortunately you have not quite so certain a test of a man’s character as you have of his intellectual qualifications. Surely if there are two qualifications you want a man to possess and which it is very important he should possess, and if you

have a test by which you can ascertain the presence of the one qualification, but no decisive test by which you can ascertain the presence of the other, your best course is to use the test you have and to leave as little as you possibly can to chance."

I have copied this long extract even at the risk of being charged with prolixity. But it may be asked, what has all this to do with the present measure, which leaves intact the principle of competition so far as Englishmen are concerned? In the first place, then, I maintain that these remarks are as applicable to the admission of Natives to the Civil Service as to the admission of Englishmen. If they prove anything they prove this—first, that merit ought to be the sole door of introduction to the service, and secondly, that no test could be more permanently efficient for this purpose than a test which precluded even a possibility of any individual feelings, passions, or prejudices having a voice in the matter, than a test worked only by a mechanical system, than a test whose impartiality was guaranteed by its impassibility. Nay, further, that even if a system of patronage could be devised which would not admit of jobbery, no individual or even reasonable combinations of individuals could be found whose qualifications for discriminating merit for a whole service could be relied on for any length of time so well as those of competitive examinations. To borrow again some words of Lord Macaulay, "The most unscrupulous Governor-General would dispose of his patronage under the present system more properly than an upright Governor-General under a system by which he should be at liberty to appoint any one." I cannot help remarking that the Duke of Argyll in his criticism of the competition system, carried away by his historical reminiscences, has been totally unable to grasp this deep and comprehensive view of the problem. Applied to natives or Europeans, introduced in India or England, the system of patronage under any form or shape whatever, is open to the same fundamental objections,

and is under any circumstances far inferior to the system of competitive examinations. In the second place, it were well to remember the utterances of these great men in view of a contingency which, if this clause is passed, cannot, I apprehend, be far distant. It seems to me that the passing of this measure would open the door for the total overthrow of the competition system. The logic of popular inference is inexorable; and the day would not be far distant when the injustice of the inequality would be unanswerably advanced for an admission of Englishmen similar to that of the natives. That day would be a day of unmitigated calamity for India, the responsibility of which would lie, I cannot help saying, with the authors of this measure. It is true that the present Civil Service of India is sometimes unfavourably compared with its predecessor. I must confess I have never been able to discover the grounds of this unfavourable comparison. One stock argument which is generally used is to cite up an array of some half a dozen names, all put in the plural number, Clives and Metcalfes, Munros and Malcolms and Elphinstones. But this argument has never appeared to me anything more than a mere rhetorical flourish. For in the first place, I should say that most of these great men produced themselves, in spite of the East India Company and its Directors, and promoted themselves (on occasions of peril) to responsible appointments, which the Directors would never have thought of conferring upon them of their own free choice and motion. Their subsequent rise was due only to this successful assertion of their abilities. But, in the second place, taking this argument for what it is worth, is it any test at all of the comparative values of two entire services? The only proper test would be the average quality of the administrations, revenue, political, judicial, of the two services. In this respect I will venture to say that no one can rise after a careful perusal of the records of Indian administration without a feeling of devout thankfulness and gratitude to the authors of the Act of 1853.

It seems that the advocates of the old system have forgotten the terrible exposures of gross maladministration that were elicited during the inquiries of 1784, 1813, 1833 and 1853. I must again repeat that it would be a woeful day for India when this present Civil Service should be annihilated and its principle abolished. But such would most probably be the logical sequence of the measure now before Parliament. Like the thin point of a wedge, let patronage but once secure its footing, and it fails not to penetrate and undermine the whole service. We may say, in the words of the poet:—

“ It is the little rift within the lute,
That by and by will make the music mute,
And ever widening slowly silence all.
The little rift within the lover's lute,
Or little pitted speck in garner'd fruit,
That rotting inward slowly moulders all.”

In passing from this objection, it will perhaps be more proper to take up the objection on the score of the integrity of the Civil Service. The only difficulty of treating this objection lies in its being so palpably evident. It is impossible to select men for the same service by two distinct methods without producing jealousy and rivalry. In the case of the Indian Civil Service, the evil would be twofold. The jealousy and rivalry between race and race would be aggravated by inequality of facility for admission, and the result would not fail to be the utter annihilation of all unity and integrity. In connection with this subject may be mentioned the effect of the measure on the training of the service. Under the present constitution of the service, merit is not only selected, but there is also provision made for training it. The fallacy is nowadays exploded which maintained that scientific development was not necessary to ability and genius. It is now fully recognized that the greatest men are greater by training. The organization of the Civil Service embodies in itself a guarantee for graduated homogeneous training. If the present clause is passed, what becomes of that guarantee? It cannot fail to be

perceived that one effect of the measure would be materially to deteriorate the average efficiency of the service in this respect.

Another result of a similar character which is likely to follow may also be mentioned here. While on the one hand the measure takes away the guarantee for such an official or departmental training as we have just described, on the other it will encourage official and departmental knowledge of a very narrow and limited kind at the expense of that preliminary general liberal education which the present competition system renders indispensable, and which alone knows how best to employ and turn to account official knowledge and experience.

The next count of our bill of indictment against this measure relates to its tendency of promoting jobbery. The Duke of Argyll has not entirely overlooked this objection. But he maintains that there is no risk whatever of the Government of India being influenced by political jobbery or family nepotism. There are no grounds given by the Duke in support of his assertion except perhaps a theoretical inference involved in the assertion itself, viz. that political jobbery is confined only to family or racial nepotism. Now this is an assertion which is unwarranted by all the known facts or laws of human nature. The failing of favouritism is a feeling deeply ingrained in human nature, and is worked upon as much by a tropical as by a temperate sun. There are various species of it—there is the unscrupulous species; then there is the ignorant species. Then there is a species of a more subtle character, where the dictates of your conscience are constrained to yield more or less complacently to the dictates of what is called your heart. Now I hope I shall not be misunderstood when I say that the Government of India is no exception to the universal rule. I have no doubt that it comprises a body of men of high honour and integrity. But after admitting that, we may well say of them what Mr. Bright once said of the India Directors:—“He had not the least idea, in any

observations he made either in that House or elsewhere, of bringing a charge against the East India Company—that was to say, against any individual member of the Board of Directors—as if they were anxious to misgovern India. He never had any such suspicion. He believed that the twenty-four gentlemen who constituted the Board of Directors would act just about as well as any other twenty-four persons elected by the same process, standing under the same circumstances, and surrounded by the same difficulties.” We may thus fairly say of the Government of India, whatever that may mean, that if you place before them the temptation of patronage, it would not be long before there would spring up a system—if not of pure or quasi-family nepotism—of at least of what I may be allowed to call protegism. Not that such a system of protegism would be the immediate consequence of the passing of the clause. The process of development, on the contrary, would most probably be slow and gradual. But this we may assert without fear of exaggeration, as warranted by all the lessons of political experience, that it would be as sure and inevitable as the growth of despotism out of an absolute monarchy. In India this process is however, likely to be much accelerated on account of the peculiar circumstances of the relations between the governors and the governed. Whatever may be the cause of it, it is a well-known fact that the knowledge possessed of the natives of India by their rulers is by no means very extensive or accurate. There is almost a total absence of all social or even intellectual intercourse, without which it is almost impossible to form any just estimate of merit or character. Under such circumstances, the dispensers of the patronage would generally be obliged to be satisfied with second-hand information in itself subject to the sway of a thousand influences, which it would be by no means easy or pleasant to enumerate. Add to this difficulty that of having to select from a population which, in its differences, writers on India have been so fond of

comparing to the various races and nations that inhabit the whole continent of Europe. And what a task for the ablest, justest, most scrupulous, most virtuous, most discriminating dispenser of patronage! And even if we found for once such a giant of virtue and ability, the question would still remain how to perpetuate the breed of such a species. It is thus obvious that, in India, patronage would not only transform itself into protegism, but it would degenerate into protegism of a doubly unjust character. It would not only be tainted with the dye of favouritism, but also with that of a dangerous ignorance and uncertainty. It may, indeed, be urged against our conclusion, that it may be stigmatized as a theoretical inference equally with the proposition laid down by the Duke. But after distinguishing between inferences founded upon facts, however general, and those unwarranted by any experience, we must say that there is no way of practically proving our conclusions except by referring to the manner in which the patronage of the uncovenanted appointments has been dispensed by the Government of India in the case of the natives, except in those instances which are regulated by tests similar to the existing tests of the Covenanted Service. Now, even at the risk of being charged with incompletely handling so important a subject, I must disclaim the invidious burden of such a task, particularly when I apprehend that in any general reflections on the nature of the class of uncovenanted appointments, I might be supposed to include some, the holders of which have by performing their duties with equal honour to themselves and advantage to their country, triumphantly refuted the interested and hostile calumnies of would-be despots against the talents and abilities of the natives of India. I will only mention a suggestion that has occurred to several of my friends, that it was high time that the Uncovenanted Service should be subject to some such competitive examinations as the Covenanted Civil Service.

The last objection against this measure is, that it is unjust and demoralizing to the natives themselves. It is unjust, because the patronage would be practically confined to a small class of Government employés and hangers-on, and withholds the incentive of exertion from the natives at large ; it is demoralizing, because it takes away that potent impulse of emulation which would fight the Englishman on his own terms, and would be anxious to give while demanding fair play from him.

These are some of the positive objections against the measure. If we compare it with the other scheme which I sketched out at the commencement of this paper, we shall find that it has also negative defects of omission. No one who has watched the discussions that have taken place for some time past on the subject of the "Admission of Natives into the Civil Service," can have failed to observe that a visit to Europe has been laid down as a necessary and almost indispensable qualification for a native civil servant, by men whose Indian experience entitles their opinion to the highest weight and consideration. Now, while in our scheme we change the time of this visit to a period subsequent to the preliminary examinations, when the success of the candidate is ascertained, we fully admit the desirability of contact with English life, and of intercourse with English society. Indeed, the value of such a visit cannot be too highly estimated in a country which must guard against misunderstanding and exaggerating while adopting English civilization. The Duke of Argyll has completely ignored this consideration in the measure he has brought forward. It was the great difficulty of the problem. Without in any way attempting to meet it, the Government measure introduces other elements highly objectionable. Indeed, it is surprising that the other measure, so long advocated by our parent body in London, should not have recommended itself to the Duke as the only one at once safe, just, and efficient. The only change that it requires in the present organization of competitive examinations is.

that of holding them for a certain limited number of appointments in the capital towns of India instead of in London. Already the selected English candidates are kept two years in England before they are employed; so would the selected native candidates, with the advantage of seeing English life and civilization at a time when they could understand and appreciate them. The only possible objection which I have heard urged against this scheme is, that it would render the examinations here and in London unequal in their character. But surely such an objection could not be meant to be seriously urged, if we only remembered that the examinations taking place yearly at the present moment were equally unequal as if they were held at different places. The inequality is the same, whether it is that between the batch of selected candidates of one year and that of another or whether it is that between the batch examined in one place and that examined in another. It is really entirely immaterial, so long as the average efficiency of the examinations is maintained; and it is in the hands of Government to maintain this efficiency in India as in London. And now that we have our electric cable completely laid, it is not impossible to have even the same examination papers.

In instituting this comparison between the two schemes which require only to be brought face to face to perceive their relative values, it is impossible not to speculate on the existence of some silent reason operating in the background in the minds of the framers of the Government measure deciding them to give it preference. And that there is such a reason it is not difficult to discover from a careful perusal of what has been written and spoken on this subject since 1813 by its friends as well as its opponents. Stated in plain terms, it is this—that the average morale presumed by a competitive examination is not so high among the natives of India as among Englishmen. There are two assertions involved in this argument which we will examine separately. The first

is that of the relative inferiority of native to English morale. The second is, that intellectual cultivation does not induce moral improvement.

In examining the first dictum, I am not going to adopt the course of indignantly discarding the idea altogether. It would be childish to do any such thing, when it certainly could not be denied that such has been the honest belief of some of the most sincere friends the natives of India ever had. On the contrary, I am going to confess that there is apparently some ground for it. But let us calmly analyse this appearance. In the first place, an impartial comparison requires an independent standard. Now Englishmen always unconsciously compare English and Indian moralities by the tests of their own civilization. Now there can be no greater fallacy than this. I remember, during the late Reform debates, the leaders of both the parties in the House of Commons startling Englishmen by informing them that, in spite of the general impression on the subject, there was perhaps more social and political liberty in France than in England. The fallacy of the popular English opinion on the subject was that it persisted in gauging French liberty by certain forms and indices which represented it in their own country. Englishmen commit the same mistake in judging of Indian morality as they do in estimating French liberty. The science of comparative history shows us that it is quite possible that one morality may set greater store by one set of virtues, and another by an altogether different set. And if you attempt to judge of the one by the prominent characteristics of the other, the result must be at the same time unfavourable and unjust. Now English civilization is particularly strong in the point of its political morality. In India, on the contrary, where political development was, generally speaking, never allowed to advance beyond the ideal of "a good king," it has not perhaps arrived at the same perfection. But again Indian would be found superior to English morality in several other social

respects, such as in point of charity, hospitality, &c. From this point of view it may be perceived that, though possessing different characteristics, it would be difficult to say that English morality was positively and absolutely superior to Indian morality. In the second place, there is another element of error in the English judgment about Indian morality. This judgment is chiefly based upon the English experience of the morality of native employés of a very inferior class, who, badly remunerated, are not conspicuous for honesty or integrity. But would Englishmen placed in a similar position be impregnable to bribery and corruption? We must be strangely forgetting Indian history if we did not remember that, even in high positions, Englishmen, so long as the remuneration for their services was inadequate to their value, forgot this boasted integrity and gave in to the most rapacious extortions. But would all this be allowed to impeach at the present day the unquestionable integrity of English officials of the higher class? By no means. But then in common fairness no such presumption should be allowed to operate against the natives of India when placed in positions of responsibility and trust, and remunerated accordingly. The want of honesty discovered in certain people under certain circumstances no more indicates a low state of national morality among the natives than among Englishmen. If we were disposed to recriminate, the annals of English history are not difficult of access, and the long and continuous tale which they tell of parliamentary corruption, bribery, and treachery, beginning with the exploits of Danby and not ending with those of Pelham and Walpole, is, though undoubtedly instructive, far from being very edifying. The recrimination, however, would be as unjust and inconclusive as the charge in whose defence it would be employed.

The next dictum we have to examine is, that intellectual cultivation does not induce moral cultivation. To avoid misunderstanding, let us say from the beginning

that we define intellectual cultivation not as anything exclusively confined to a sort of pure mathematical training, but a culture based principally upon what are sometimes concisely termed "humanities." After this explanation, we may say that the dictum is both true and false. This is no paradox, but a description which may be faithfully given of generalizations, too wide if taken absolutely, and true only relatively with respect to certain times and circumstances. It would be hardly tenable to say that monarchy was the best form of Government, still the proposition could be maintained if applied to early states of society. Just in the same manner, if we denied our dictum with respect to all times and all states of society, the proposition would be far from being warranted by facts. For example, if we took those periods in the development of a society when morality did not exist separately, but was still absorbed in religion it would be perfectly true to say that intellectual culture did not teach morality. Thus, during the early ages of Christianity, what intellectual training there was would have been utterly insufficient to form the morale of its pupils. In those days nothing could have performed that task so well and so thoroughly as a religious education. History abounds with instances of such periods. There was a time when Judaism possessed its sole and best culture in the Mosaic books. There was a time when Hellenism had to look only to the theological poems of such men as Homer and Hesiod; there was a time when Mahometanism depended for its civilization on the Koran alone. The next stage, however, of the progress of these societies, if they succeed in advancing to it, is one in which morality emancipates itself from its religious shackles and appears under other shapes and other forms. Such has been the case with English in common with all Western civilization. The Apostles and the Fathers are now superseded by poets and historians and philosophers. Not that these people have taken to preaching and inculcating directly and indirectly the moral precepts

once contained in the Bible and its commentaries. The transformation takes place in a less demonstrative manner. The religious teaching slowly distributes itself in the shape of moral axioms and ideas, which in their tradition from posterity to posterity, instil themselves into the mind as its first principles. These first principles mould in after-life all your thoughts, your actions, and your utterances. The poet, the historian, the philosopher, cannot sing or write but on the condition of remaining true to this heritage which they receive. And once you have a complete literature so thoroughly and unconsciously imbued with the highest moral teaching of the day, then religion has done its peculiar work, and intellectual education coincides with moral cultivation. In a recent lecture delivered at Cambridge, Professor Seeley forcibly points out the value of history in education as the school of statesmanship. With perhaps greater force and truth it may be said that, as a means of education, history, in common with other branches of literature, is, first and foremost, the school of morality. We may say, then, that the dictum that we laid down above is not true, if applied to an education which has for its principal instrument such a literature as we have described. And that English civilization is possessed of such a literature will hardly be denied by impartial men. We are thus irresistibly led to admit that the competitive examination of the Civil Service, in testing intellectual ability, at the same time efficiently tests the morale of the candidates, whether they be Europeans or natives. And this conclusion is powerfully corroborated in the case of natives by our experience of the effect of English education in Indian schools and colleges. Out of many authorities on the subject, I shall select only one. The late Director of Public Instruction, whose opportunities of observation were equal to his abilities to interpret them, says in one of his reports,—“In the college I have invariably found that students improve in trustworthiness and respectability, in direct ratio to

their improvement as scholars." This testimony tallies exactly with our *a priori* reasoning. We may now conclude our examination of the only reason we can think of for the rejection of our scheme, with the unhesitating declaration that it is nothing but a tissue of subtle errors and plausible fallacies.

To sum up the main points of this paper. I hope I have now succeeded in showing to you that the measure in progress through Parliament is of a most dangerous and pernicious character, that it is not the only expedient for affording facilities for the admission of natives into the Civil Service of India, and that the present system can with perfect safety be extended for that purpose without destroying its most characteristic features. And, moreover, the leading advocates of the competition system when they introduced it in the Act of 1853 were far from being unmindful of such a contingency as the present. They distinctly foresaw that the principle of competition would be applicable to natives as well as Europeans. Lord Macaulay was one of those who clearly realized this fact, and in closing this paper I cannot do better than quote to you his remarks on the subject. He says,—“It seems to me that this plan provides the best means that can be imagined for effecting an object upon which much has been said and which I admit to be desirable—the gradual admission of natives to a share in the higher offices of Government. . . . I can conceive nothing more unfortunate for the people of India than that you should put into the Civil Service a native, because he is a native, if he is to be the last man in that service, a man decidedly inferior in attainments to all the other members of that service, and who would be looked down upon by his European colleagues. Above all, I cannot conceive anything more pernicious than the suggestion which has been made, that before you admit any native to the service at all, before any native has been an assistant collector or a judge, you should take some native and appoint him a

member of the Legislative Council. That of all propositions would seem to me least likely to promote the real benefit of the people of India. Under the proposed system, it would depend on the natives themselves, and upon them alone, at what time they should enter into the Civil Service. As soon as any native of distinguished parts should by the cultivation of English literature have enabled himself to be victorious in competition over European candidates, he would in the most honourable manner, by conquest, as a matter of right, and not as a mere eleemosynary donation, obtain access to the service. It would then be utterly impossible for his European fellows to look down upon him; he would enter the service in the best and most honourable way; and I believe that in this mode, and this mode alone, can the object which so many friends of the native population have in view, be attained in a manner at all satisfactory." Considering the time when these remarks were uttered, I cannot imagine a more forcible or a more eloquent commentary on the two measures compared in this paper for the admission of natives into the Civil Service.

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After a discussion at this and a subsequent meeting, in which among others Mr. Ranade took part, the following resolutions were passed:—

1. That this meeting, while grateful for the liberal spirit and generous intentions which have influenced the British Legislature in passing the East India (Laws and Regulations) Act, is of opinion that Clause 6 of the Act violates the integrity of the principle of competition with respect to the Civil Service of India, and is thereby calculated to deteriorate its high average of efficiency and trustworthiness.

2. That in the opinion of this meeting, the clause is likely to lead to the perpetration of political jobbery.

3. That it does not open the Civil Service of India to the natives "in the most honourable manner," in the words of the late Lord Macaulay, "by conquest, as a matter of right, and not as a mere eleemosynary donation."

4. That the natives of India, while protesting against exceptional obstructions which are not shared generally, are, however, ambitious of obtaining admission to the Civil Service of their country in fair fight and open competition.

5. That the Managing Committee of the Branch will be good enough to request the Council of the East India Association to take this subject into their serious consideration.

APPENDIX.

EAST INDIA (LAWS AND REGULATIONS).

33 VICT. CHAP. 3.

An Act to make better provision for making laws and regulations for certain parts of India, and for certain other purposes relating thereto.

[25th March, 1870]

Whereas it is expedient that provision should be made to enable the Governor-General of India in Council to make regulations for the peace and good government of certain territories in India, otherwise than at meetings for the purpose of making laws and regulations held under the provisions of The Indian Councils Act, 1861, and also for certain other purposes connected with the Government of India :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every governor of a Presidency in Council, lieutenant-governor, or chief commissioner, whether the governorship, or lieutenant-governorship, or chief commissionership be now in existence or may hereafter be established, shall have power to propose to the Governor-General in Council drafts of any regulations, together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his government or administration to which the Secretary of State for India shall from time to time by resolution in council declare the provisions of this section to be applicable from any date to be fixed in such resolution.

And the Governor-General in Council shall take such drafts and reasons into consideration; and when any such draft shall have been approved of by the Governor-General in Council, and shall have received the Governor-General's assent, it shall be published in the 'Gazette of India' and in the local 'Gazette,' and shall thereupon have like force of law and be subject to the like disallowances as if it had been made by the Governor-General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may from time to time withdraw such power from any governor, lieutenant-governor, or chief commissioner on whom it has been conferred, and may from time to time restore the same as he shall think fit.

2. The Governor-General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of this Act; and all laws or regulations hereafter made by the Governor-General of India in Council, whether at a meeting for the purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulation in anywise repugnant thereto which shall have been made under the same provisions.

3. Whenever the Governor-General in Council shall hold a meeting for the purpose of making laws and regulations at any place within the

limits of any territories now or hereafter placed under the administration of a lieutenant-governor or a chief commissioner, the lieutenant-governor or chief commissioner respectively shall be *ex-officio* an additional member of the council of the Governor-General for that purpose, in excess (if necessary) of the maximum number of twelve specified by the said Act.

4. Section forty-nine of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, is hereby repealed.

5. Whenever any measure shall be proposed before the Governor-General of India in Council whereby the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor-General, essentially affected and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in council then present shall dissent from such opinion, the Governor-General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the members of the council shall have recorded on the subject.

6. Whereas it is expedient that additional facilities should be given for the employment of natives of India, of proved merit and ability, in the Civil Service of Her Majesty in India: Be it enacted, that nothing in the "Act for the government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or in the "Act to confirm certain appointments in India, and to amend the law concerning the Civil Service there," twenty-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the Civil Service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said Civil Service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules as may be from time to time prescribed by the Governor-General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present; and that for the purpose of this Act the words "natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only; and that it shall be lawful for the Governor-General in Council to define and limit from time to time the qualification of natives of India thus expressed, provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

THE BOMBAY MUNICIPAL REFORM QUESTION OF 1871.

[*The following paper was read by Mr. Pherozeshah M. Mehta at a Meeting of the Bombay Branch of the East India Association held on the 29th November, 1871.*]

I venture to bring, what may appear at first sight to be a purely local question for discussion before this society, for two reasons which combine to prove it to be of *general* and *imperial* interest. The problem of introducing free municipalities in all the towns of India is fast becoming ripe for settlement, and the arguments and considerations concerning municipal government in Bombay would apply in almost all their integrity to, and furnish useful and instructive lessons for the inauguration of free municipal government in the other Indian towns. In the next place, the good, wise, and efficient administration of the municipal affairs of a town like Bombay,—the metropolis of Western India, the great emporium of Anglo-Indian commerce, and the connecting link between England and her great dependency,—is a question of imperial moment.

The history of municipal government in Bombay may be said to begin with a Board of Conservancy, which was superseded in the fulness of time by a constitution composed of a Bench of Justices and a Board of three Commissioners. Under Acts 24 of 1856 and 25 of 1858, this composite body continued to manage the municipal affairs of Bombay, till the year 1865, when Government, Justices and the Commissioners themselves, with one acclaim, proclaimed the utter inefficiency and failure of the system. In the early part of that year, Mr. Cassels, then a member of the Bombay Legislative Council, brought in a bill to organize a new Municipal constitution. This bill, which ultimately passed into Act 2 of 1865, formed the Justices into a Corporation, and abolished the Board of Commissioners in favour of one Municipal

Commissioner with full executive powers, under the deliberative guidance and financial control of the Bench of Justices, though appointed by Government.

It is now little more than six years that Act 2 of 1865 has been in operation and a cry has again risen for further reform. It is complained that Municipal taxation is falling heavily, oppressively, and unequally, chiefly upon the lower strata of the middle classes. It is complained that municipal expenditure is carried on at too grand and extravagant a rate for a town like Bombay. It is complained that the substantial benefits resulting from this oppressive taxation and this grand and extravagant expenditure, are of a very disproportionate character. It seems that these complaints have been long ripening, and the notice given by Mr. Forbes in the month of June of motions concerning municipal reform, was only the spark that kindled into a common explosion the train of the isolated gunpowder grains of discontent, pervading the whole town in respect of municipal mismanagement and oppression.

It must be acknowledged that Mr. Forbes and his supporters deserve great credit for their opportune boldness in coming out to give expression to the popular feeling on the subject, and constituting themselves the leaders of a municipal reform agitation. They deserve great credit for the energy and earnestness with which they brought the whole subject of municipal affairs for review and discussion in a formal and public manner. They deserve great credit for the persistency with which they pressed for practical and effective remedies for the evils complained of. At the same time, it is a matter of grave regret, that, with their boldness, energy, and earnestness, they did not combine qualities equally necessary,—moderation, wisdom, and farsightedness. The self-constituted leaders of popular movements have a two-fold duty to perform. It is not sufficient for them to stand forth boldly to give loud utterance to the confused and incoherent popular cries. It is not sufficient

for them to reiterate and proclaim the popular indiscriminate wailings and inconclusive analyses of the public grievances. There is another and a higher duty cast upon them, the duty of guiding and rolling the movement in its proper path, of extricating it from the confusion of words and thoughts under which it usually labours, of analysing the genuine and substantial causes of it, of discovering and proposing measures well adapted to meet the end in view. It must be said that, with a good, urgent, and substantial cause, the present leaders of municipal reform have completely failed to perform this higher and nobler duty, and, if the recent reform movement fails to attain its object, and succeeds only in retarding real reform, the responsibility of that failure will lie on their heads, the blame of it will lie at their doors. They have disdained to take the trouble of probing with care the real causes of the popular discontent, and of proposing, after mature deliberation, measures which might further, and not retard the progress of municipal reform. They seem, perhaps without consciously meaning to do so, to have rushed out in a blind spirit of partisanship, like some of the leaders of the late Commune of Paris, not caring to discriminate what they attacked, or what they proposed, so long as they overturned what they hastily considered the most obnoxious part of what existed. To them, the Municipal Commissioner was the head and front of the offence, and 'away with him' was the remedy they proposed, no matter if they substituted King Stork in the place of what might favourably compare as King Log. Unfortunately they are mistaken both in the evil they exclaim to have discovered and the remedy they indicate, and the double mistake fundamentally arises from a total inability to understand the real historical significance of the Municipal period between 1865 and 1871, what it was wanted to effect, what it did effect, and what it should lead to.

In proceeding to set this point in its proper light, it will be well to pause for a moment and look at the

municipal state of Bombay just before Act II of 1865 came into operation. It is a common remark that those who see a sick person recover before their very eyes, are unable to realize the change so truly or so vividly as those who observe it at longer intervals. Such has been exactly the case with the majority of the reform leaders. The municipal improvement of Bombay has been going on before their eyes for several years, and they have got so accustomed to it that they are now unable to recall the fact that it was not always much the same. I happened to leave Bombay about the end of 1864, and only returned after an absence of four years. In my mind, the two pictures therefore preserve their general features in marked and broad contrast, without suffering them to be gradually effaced by the continued and minute observation of the progress of the change from the one into the other. I can recall forcibly and vividly a condition of things when the uneven and broken state of the roads was not the exception but the rule. I can recall a state of things when a preparation of mud and filth was the normal maccadam of the streets and gullies. I can recall a state of things when you were liable any moment of a walk through the town to be greeted with showers of dirty water or dirtier kutchra. I can recall a state of things when the roads, streets and gullies were moreover uneven and narrow, with sudden projections over here, and dangerous obstructions over there. I can recall a state of things when the town excretions putrified at the will of the tyrant halalcores in uncleaned privies in the most crowded localities, or went spattering and splashing in open baskets or rickety carts under your very noses at the best times of the day when you might hope to get a whiff of pure fresh air. I can recall a state of things when you were not unfrequently exposed to be garotted and plundered in dark throughfares and darker gullies. I can recall a state of things when the near prospect of water-famine blanched the faces of men, women, and children, and

hurried them to propitiate the rainy deities with prayers, offerings, and sacrifices of the most grotesque character. I can recall a state of things when markets and slaughter-houses were not so much places for supplying the town with its daily food, as centres for disseminating infection and disease. I can recall a state of things when burial-grounds and cemeteries nestled side by side with habitations for the living. I can recall a state of things when the periodical recurrence of epidemics of the most terrible and virulent type was waited for with sinking and despairing hearts with as much certainty as the decrees of fate. Not unaptly, and without exaggeration might the state of Bombay in those days have been compared to that of a dirty filthy ugly wight, sallow and pinched, with the wiry fingers of grim disease and death tightening their clasp over his throat and piercing their sharp nails in his flesh.

That this is no fancy picture drawn from imagination can be easily ascertained by reference to the records of the times. I suppose we have not yet quite forgotten Dr. Leith's Report of the 29th February 1864, on the sanitary condition of the town of Bombay, nor Dr. Haines's able Mortuary Report for the year ending 31st January 1864, in which he stated that the mortality during that year had 'been the largest that has been recorded in Bombay and nearly one-third in excess of the average of the previous ten years.' After noticing these figures in moving the second reading of the Municipal Bill, Mr. Cassels went on to state, "I wish I could congratulate the community on their being the statistics of the official year which closed yesterday. These I am able by the kindness of Dr. Haines to state to you, and I regret to say that they are still more frightful to contemplate. Last year the total mortality was nearly 'one-third in excess of the average of the previous ten years;' this year that mortality is exceeded by 27 per cent. and the average of the preceding ten years by 58 per cent."*

* Proceedings of the Bom. Leg. Coun. p. 7. Ditto. 8.

Such was the state, or rather chaos of things in Bombay, at the end of 1864, which instantly required to be grappled with; such were the Augean stables that urgently required to be cleansed. There is a crisis in human affairs when slow and ordinary means avail not, when men must consent to strong measures on the sole condition that they are efficient, when they must give up their freedom and lay aside their most, cherished institutions, their most valued forms and guarantees of order and economy, and submit to the strong rule and the strong hand, absolute and arbitrary, on the sole condition that it fail not. Such crises are common in the history of the growth of minor institutions as of great states and commonwealths. The history of heroes and dictators is the history of such crises, and fortunate are the people who can get hold, in their hour of need, of one of such men at the nick of time. In their great Municipal crisis of 1865, were the people of Bombay fortunate enough to lay hold of such a man? We have looked at the Municipal picture of the town as it was in the early part that year. Let us now look at the other picture of Bombay as it is now after a Municipal administration of six years, and we may perhaps be able to answer the question. The first thing that strikes a person now is, that the dirty, filthy stinking narrow streets and gullies have mostly disappeared, and in their place are to be seen roads and streets, scrupulously clean, generally kept in good condition, well-watered and well-lighted, a good many of which indeed would do honor to some of the best towns even of the Western world. The tyrant halalcores no longer hold sway, and the open baskets are no longer allowed to offend your nostrils and infect your lungs, but are obliged to give way to light and compact carts emitting no noxious smells whatsoever, and trudging only at the late hours of the night. The night soil and rubbish no longer poison the atmosphere near your very doors, but are carried off to long distances to be burnt and destroyed. The burial places,

festering in the very heart of the town, are closed and removed to distant localities. The markets and slaughter-houses are transformed from centres of disease and infection into things of beauty and cleanliness, that might move the envy of towns like Paris and London. Water-famine is become a thing of the past, and good, wholesome water is now brought within easy reach of the poorest. Epidemics are no longer the constant and dreaded visitors of old, virulent and all powerful; their stray visits are few and far between, and their ravages are easily withstood and repelled. The frightful rate of mortality which prevailed in 1864-65 has been reduced to such an extent that, in the Registrar-General's Report of this year, the town of Bombay knows its old place no more. And not only has it become so healthy itself, but it has ceased any more to spread disease and death far and wide, a circumstance of incalculable importance for the outlet of all Indian trade. Nor have improvements for adorning and beautifying the town, not the less necessary even from a sanitary point of view, been neglected. Public promenades, boulevards, roads, footpaths, and shady walks planted with large trees and interspersed with cool and shady squares and triangles, splendid fountains, an Elphinstone Circle, and a Rotten Row, all combine to add at once to the health and beauty of the town. Indeed, the ugly, decrepit, diseased old wight of 1865, tottering almost on the brink of the grave, has drunk, it would seem, the Medean potion, and has undergone a magical transformation, from which he has arisen recovered and invigorated, glowing with health, strength and beauty, and giving promise of a continued development.

How then are we to answer the question, whether in her great Municipal crisis, our town was fortunate enough to secure a man able to cope with the emergency? I think there can be no doubt, in spite of the assertions of anonymous correspondents that there is nothing in all this beyond performing one's duty, in spite of their

modest belief, now that the ideas are created and the works accomplished, that they could have easily done the same, in spite of the innate assurance of copyists that if they are able to copy, say a Raphael, they could be Raphaels themselves, that the man who effected in six years the wonderful transformation of the Bombay of 1865 into the Bombay of 1871, deserves in the main to be emphatically proclaimed its great saviour and benefactor. He may have been guilty of great faults, committed great errors, and defied all restraints, forms and formulas whatsoever. But on these conditions only could the work have been accomplished, and their memory must in justice be lost in the general successful result. It is exactly like the case of the general, who, in the desperate hour of the battle, defies his strict orders, relies upon his own judgment, and gains the victory. Death, the just punishment of his insubordination, if he had failed; a grateful act of indemnity the reward of his successful intrepidity.

This, as I understand it, is the only just appreciation of the Municipal administration of Arthur Crawford from 1865 to 1871. He was placed at the head of Municipal affairs at a moment of great emergency. He found that he had a task before him to perform, which urgently demanded intrepidity and dispatch, while a Legislative Act hampered him with checks which, if strictly observed, could not but in the very nature of things be ultimately productive of great delay. He found that he must spend liberally to ensure quickness and efficiency, while the state of the Municipal exchequer was in the greatest confusion and disorder. A weaker, and perhaps a more conscientious man, with the narrow conscience of a French official who could never look beyond the strict letter of his orders, or a great financier would have succumbed before these difficulties, and we would have been at the present moment discussing the frightful penalty of delay instead of criticising, as we are now vehemently doing, the cost of the victory. Arthur Crawford rose to

the height of the occasion. He did his work, looked at his rules and orders afterwards. And that a great portion of the Bench understood his position and acquiesced in his way of dealing with it, is apparent. A gallant major, a warm supporter of Mr. Forbes, expressed this idea very characteristically at the reform debates. "The fact is, I really believed most conscientiously, that Mr. Crawford was all right; and that is my defence for having held up my hand in the way I did; I threw up my hand for every budget, because I thought, there is Mr. Crawford, the Commissioner, a high-minded man; he said it was necessary; and I had a gallant and honorable man, as my good friend Mr. Taylor has just told you, Captain Hancock, and his Committee; and they said to me it was all right, and I saw their hands up, and up went mine."* It may be true that he may have committed some excesses in carrying out such a policy. But the duty of keeping scrupulously from going beyond certain bounds, and refraining strictly from committing unnecessary excesses in such an emergency, is a lesson more easily preached than practised.

In urging this view, I am not unaware that many of the improvements I have described above, are claimed one by one person and another by another,—the Circle was projected by one and the Esplanade was adorned by another,—and that between them, the credit of very few ideas and very few works would be left to the Commissioner. Such claims are by no means uncommon, and greater men have had their titles to glory questioned in this manner. Francis Bacon was not the apostle of experimental philosophy, because forsooth long before him, the inductive method had been explained by Aristotle, and even just a little before him it had been practised and proclaimed here and there. And Mirabeau was not original, that is, to explain it in the quaint but forcible language of Carlyle, "The firepan, the kindling, the bitumen were his own; but the lumber of rags, old

wood, and nameless combustible rubbish (for all is fuel to him) was 'gathered from hucksters and ass-paniers of every' description under heaven. Whereby indeed hucksters enough have been heard to exclaim : out upon it, the fire is *mine*." Perhaps, just as similarly some of the ideas were suggested to the Municipal Commissioner and some of the works partially carried out by other men ; his merit and his genius lies in having, by a strong intellect and a strong will, by untiring energy and by a noble enthusiasm, furnished unity and organization, and moulded a complete Municipal system out of isolated, scattered elements.

Nor do I forget that another objection is taken to' the view I have advanced of Mr. Crawford's Municipal administration, *viz.* that the success was achieved by a ruinous outlay, and that the extravagance of the expenditure was entirely disproportioned to the result. In determining this point, it is hardly fair, as some people are at present doing, to single out works here and there, and to point out that a little economy might have been practised here, and a little saving effected there. But it is one thing, even in ordinary times, to ascertain the cost of works before they are finished, and another to criticise it by the light of past experience. And this is especially so, when the works are to be undertaken urgently, and to be finished without loss of time. At such times, freehandedness to a certain extent becomes even a virtue and a necessity, as it inspires enthusiasm and thus ensures efficiency and dispatch. The only fair and proper mode of settling the point is to take the total expenditure and the total results for the whole period in their general characters, and see if the one can be reasonably set off against the other. Now the total expenditure for the seven years from 1865 to 1871, both years inclusive, may be put in round numbers at something under three crores of rupees. One-fourth of that sum is represented at the present moment by property in the possession and ownership of the Municipality.

The remainder represents the cost of two important functions. In the first place, the sick man was to be cured and healed, and in the second place, he was to be supplied with the means of maintaining his established health and of satisfying his daily wants. If we strike an average for the seven years, it will appear that these two important functions were performed at a cost of something like thirty-two lacs a year. Now, remembering the annual expenditure incurred by municipalities of far less importance and of far less resources, established for centuries, and which have only to keep up and add to, without having verily to create from the very beginning, the most essential municipal works, remembering that the municipal expenditure of London is four crores of rupees, and of Paris and New York something like eight crores, remembering these things by which alone we can form a comparatively fair and proper judgment, can we say that thirty-two lacs a year is on the whole too extravagant a municipal expenditure for a town like Bombay? Whatever faults can be found with respect to particular transactions and isolated items, an unbiassed and dispassionate judgment can only come to one decision, viz. that under all the circumstances of the case, our municipal expenditure has been generally speaking far from being very wasteful or extravagant.

Unfortunately a just, calm, and impartial consideration of this point is rendered difficult at the present moment by the sudden declaration of a deficit in the Municipal exchequer. Under cover of this one discovery a thousand vague rumours about what are proclaimed to be new revelations of gross financial mismanagement and confusion, brought to light by Mr. Hope's Committee, are spread all over the town, diverting men's minds from the real questions at issue, and prejudicing their better judgments. Let us look steadily at these supposed revelations of Mr. Hope's Committee and see what they really are. A careful perusal of the Report of this Committee indicates the charges brought by it to be principally

two, the first being, that Mr. Crawford incurred expenditure in excess of or independently of the Budget grants during the last five years to the extent of Rs.34,33,945-10-0, and, 2nd, that he illegally manipulated funds set apart for special purposes to provide for this excess. Now in the first place, from the view which we have taken of the character of the municipal administration of Mr. Crawford, it may be urged that the want of authority in exceeding the limits on his power of expenditure, as also the diversion of funds from their special object without sanction, must be held to be condoned in the generally successful result. But secondly, so far from this charge being a new revelation which could now be brought against the Commissioner, the fact is, that the greater portion of this unauthorized excess, being no less a sum than Rs. 33,84,975-9-0 out of a total of Rs. 34,33,945-10-0 was incurred in the three years 1866-7-8, and retrospectively sanctioned by the Bench of Justices. Nay, for the two years in which this excess is the largest, amounting altogether to Rs. 31,66,410-3-8, a special vote of thanks was accorded to the Commissioner and his colleagues by the Bench, with all the facts before them, and with their eyes fully open. The only excesses for which the Commissioner is indictable, are those of 1869-70, which are however very trifling in amount, being Rs. 47,114-14-10 for 1869, and only Rs. 1,852-2-8 for 1870, fully warranting the Committee's admission that there has been a great improvement since 1868. And just as unfair is it now to show up as a new revelation of gross mismanagement and breach of faith this unauthorized excess, the greater portion of which was known and sanctioned so far back as 1869, equally so is also the proclamation of the other revelation of the illegal manipulation of special funds. That circumstance was also principally thoroughly well-known, and it is idle now to cry out that there was never any formal notice given of it. Indeed, both these charges would never have any weight at all, if they had not been brought under cover of the discovery

of the large deficit of nearly twelve lacs and a half. In this respect of the deficit, it is true that the Commissioner is seriously to blame for having allowed matters to drift so far, and not apprising the Bench in time for them to take measures to meet it as best they could. All that can be urged in extenuation of this grave dereliction of duty is, that the deficit is mainly due to causes over which the Commissioner had no control. About five lacs and a half of the deficit, as Mr. Hope's Committee says, or $7\frac{1}{2}$ as the Commissioner estimates it, are attributable to the faulty arrangements of 1869 induced pursuant to the calculations of Colonel Marriot's Committee, and a considerable portion of the remainder arose from the withdrawal of the Government Police grant, the sudden fall in the yield of the town duties, and the emergent expenditure necessitated by the discovery of serious defects in the Vehar Water Works. But, after all this has been said, the fact remains that Mr. Crawford committed a grave error of judgment and incurred a heavy responsibility in keeping the embarrassed state of the Municipal finances concealed from the Bench, in struggling vainly and hopelessly by illegal shifts to stave off the evil day, and allowing the discovery of it to fall like a thunderbolt on the Bench as well as the whole town. This, I believe, is the sum and total of all the faults and shortcomings which can be charged to the Commissioner from a careful consideration of the results of the enquiry prosecuted by Mr. Hope's Committee, and indeed that can be deduced from all our present authentic knowledge of Municipal affairs.

But for such faults and such errors of judgment, I ask you, gentlemen, to consider *temperately and impartially*, grave enough for the time though they may be, are we to forget that he steered us safely through a supreme Municipal crisis threatening the very life and existence of the town? But, for such faults and errors of judgment, are we totally to wipe off the memory of all that he had the daring intellect to conceive, untiring energy to

execute, and tender zeal and enthusiasm to direct, in so short a period as six years, in a time of supreme danger and anxiety? But for such faults and errors of judgment, are we to cancel all obligations for not only having saved our town from immediate danger, but for having set it on a career of increasing development and improvement? Are we to forget, in our day of safety and prosperity, that he has in so short a time—driven disease and death from our doors where they were such constant visitors before? Are we to forget that if he has touched our pockets too closely, he has put us in a position to enjoy in comfort and safety the remainder a thousand times more, nay, that in the case of the poorer classes, by improving their chances of health and vigour he has removed the continual drain which sickness and want of health cast indirectly upon their pockets, and actually supplied them with the means of fighting more vigorously for their livelihood? And not only so, but are we to heap disgrace and obloquy upon his name and fame for having preferred to work out our salvation in defiance of legal forms and authorized sanctions than tardily drag it out or ingloriously incur utter failure by line and rule, like Monsieur Tomes who would prefer to kill his patient according to rule than cure him against it, or the German Officer who preferred to lose a battle according to correct tactics than gain it in spite of them? Are we to hurl foul calumnies and slanderous invectives, because in times of great peril and urgent necessity, he sacrificed close haggling and rigid economy to efficiency and dispatch? Are we to follow him with curses, because, after achieving triumph against ugliness, disease and death, he left us—the citizens of a town standing in the foremost ranks for population and commercial and metropolitan importance—with a final deficit of four lacs and a half of rupees? It is a matter of sorrow and regret that, without guidance from leaders, clear-sighted, just, and generous, the popular feeling appears to tend towards such unworthy conduct. There is a

story told by Mr. Frederic Harrison in his recent able article in the *Fortnightly Review* on the Fall of the Commune, as having occurred during the massacres which followed the entrance of the Versailles troops into Paris: —‘ A woman, speechless and bleeding, was being dragged through the streets to be shot as a *petroleuse*; a furious mob were assailing her with imprecations and blows. She was on the point of being shot by the troops, when a bystander stepped forward to proclaim her innocence. The fury of the mob was at once turned upon him, and both he and the woman were in imminent danger of their lives. At length, almost by chance, it was recognised that the woman was the cook of a neighbour’s family, who had crossed the street to buy a bottle of salad oil.’ The same sort of unreasoning unthinking public mood, that the Versailles Government succeeded in exciting against the Commune on the strength of such monstrous falsehoods as organized attempts to burn Paris by petroleum, is agitating the public mind here at present with respect to Municipal affairs, and every act and doing of the late Commissioner, though not less harmless than that of the woman of the anecdote, is either defiance and disrespect to the Bench, gross financial mismanagement and confusion, if not something more, or unpardonable dereliction of duty. But I have faith in the ultimate instinct of popular judgment, and I feel confident that when the present general financial depression will have passed away, when men’s minds will have ceased to be unduly prejudiced by the sudden discovery of the deficit, when the incidence of Municipal taxation will have improved with time, with reflexion and with future experience, an impartial and a grateful verdict will honourably embalm the name of Arthur Crawford in the annals of the Municipal administration of Bombay as its founder and saviour.

I have attempted, at perhaps tedious length, to indicate the proper appreciation of the Municipal period from 1865 to 1871. Had the leaders of our present

reform agitation taken pains to realize this historical estimate of it, the narrative of their labours would have to be delineated in far other colours than those with which we are now obliged to characterize it. In that case, they would have easily and distinctly seen the true direction in which further reform ought to be pushed forward, and the only effective mode in which it could be accomplished. Dictatorial periods, dealing with crises of urgent emergency, are essentially of a temporary and exceptional character, and must be succeeded as soon as possible by periods of constitutional regime, when arbitrary discretion must give way before a systematic organization, when order and economy must be permanently ensured by strict forms and rules rigidly and unswervingly enforced, when a searching control and supervision must be maintained by a system of close checks and restraints, when the collection of the revenue must be conducted as thriftily and harmlessly as would be consistent with efficiency, when a just and equitable incidence of taxation must be settled after careful consideration and mature thought, when new projects must be taken up with great circumspection and adopted after great deliberation, and when every penny of the outlay must be made to show its substantial return. And it would also have been abundantly manifest, by what measures such a reform could be really secured. In the reform debates of July, Mr. Forbes and his followers advocated with all their might the overhauling of Act II of 1865, as being found utterly inefficient for the purposes of enforcing a strict control and supervision. But every fact which they stated, every argument which they produced, only led to the logical conclusion that the provisions of Act II., with very few exceptions, were pre-eminently adapted for such a purpose, and that the fault lay only in the constitution of the body by whom they were to be enforced. If there was one thing more than another conclusively established in the reform debates, it was this, that the Bench of Justices was a

body utterly incompetent to carry on municipal government under a constitutional regime. And this is just what might be expected from a body constituted as the Bench is. The Justices are elected by Government. In the first place, there is nothing in the mode of election to rouse an active sense of municipal duties and municipal responsibilities. As I have said elsewhere 'What is the popular meaning at present of a Justice-ship of the Peace? Some sort of honor, most people will say, in the main.' The idea that it involves municipal duties and municipal obligations is, at least, in the generality of cases, very vague, shrouded much in the background, and withal of a very passive character. In the second place, there is no guarantee for a judicious and well-proportioned choice in this mode of election. The Government are obliged to work second hand, and rely upon the judgment of people, themselves hardly alive to the responsibility of their task. Then the Justices are elected for life. Even if they started with some sense of responsibility, no better plan could have been easily devised to divest them of it as speedily as possible and to induce indifference, inactivity, and stagnation. Every motive is thus removed from the mind of the Justices which could instigate in them a desire to be active and useful, at some sacrifice of time and labour, and which could inspire them to persevere in such generous resolutions. Thus elected by Government and elected for life, the Bench of Justices is by the very conditions of its existence, organized only for inefficiency and incompetency. I have not the least idea in making this observation of bringing a charge against the present Bench of Justices,—that is to say, against any individual member of it. We may say of it as Mr. John Bright once said of the Board of Directors of the East India Company, that the Justices who constitute it would act just about as well as any other equal number of persons elected by the same process, standing under the same circumstances, and surrounded by the same difficulties. It is not the

men, but the system which is at fault. There is only one remedy for such a state of things, the only remedy which history teaches us, has been successful in ensuring an active and efficient municipal government. That remedy, I need hardly say, is the introduction of the free representative principle in the constitution of the municipal body. But, talk of government and representative institutions for the East in the same breath, and you are immediately met with the response, 'utterly out of the question,' given by Mr. James Mill when asked by the Select Committee of 1832 on Indian Affairs whether he thought representative government practicable in India and echoed by Lord Macaulay in his speech in the House of Commons in 1833 on the Government of India. Backed by the authority of two of the greatest champions of free and liberal forms of government, it has become the fashion to shrug one's shoulders and to wonder at the amazing stupidity of men who can have the hardihood to propose representative institutions for people to whose genius they are alleged to be so radically foreign and inappropriate. But if we look closely into the matter, no such inference of utter incapacity is deducible from the opinions passed by Mr. Mill and Lord Macaulay. To interpret them in that manner is to forget the limitations of time and circumstances, in the light of which alone ought such assertions to be read. In 1832 and 1833, a time when the country had not yet recovered from the shock of its great internal struggles, when the foundations of British supremacy were hardly yet assured, when tranquillity and repose so necessary for the successful initiation of great changes had not yet set upon the land, no other answer could have been given to the question of introducing representative institutions than that given by Mr. Mill, 'utterly out of the question.' Perhaps, even at the present day, the same answer must be returned, if the question was of introducing in India the full-blown representative institutions of the Western world. What is said to be stated by Mr. Mill

and Lord Macaulay goes no further than this, and does, by no means, warrant the further conclusion endeavoured to be drawn that it is chimerical to attempt to initiate even by slow and moderate degrees, the introduction of representative institutions. Nor would such a conclusion be borne out by fact and experience. Indeed it is not a little strange how a proposition so utterly belied by all history, should ever have come to be enunciated. A very moderate acquaintance with oriental history informs us that, while the higher political organization has seldom advanced beyond an enlightened form of despotism, the whole lower substratum and structure of oriental society are closely interpenetrated by free representative combinations. As was once said by our erudite townsman, Mr. Anstey, at a meeting of the East India Association, 'We are apt to forget in this country, when we talk of preparing people in the East by education, and all that sort of thing, for municipal government and parliamentary government (if I may use such a term) that the East is the parent of municipalities. Local self-government, in the widest acceptation of the term, is as old as the East itself. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of the country from west to east, from north to south, which is not swarming with municipalities; and not only so, but like to our municipalities of old, they are all bound together as in a species of net work, so that you have ready made to your hand the frame-work of a great system of representation.' Such is especially the case in India, where the caste organization, with its respective punchayets and mahajans, incrusts deeply in the very heart of Hindoo society, and leaving no portion of it untouched, is one vast and continuous chain of local self-governing groups. 'The true view of India is that, as a whole, it is divided into a vast number of independent, self-acting, organized social groups, trading, manufacturing, cultivating.' Then there are those institutions of larger dimensions and more complicated

functions, the village communities, indestructible and of immense antiquity. "In whatever direction," says Sir Henry S. Maine in his *Ancient Law*, "research has been pushed into Indian history, general or local, it has always found the community in existence at the farthest point of its progress."* We all know the description given of a village community by Mountstuart Elphinstone,—“The indestructible atom, from an aggregate of which the most extensive Indian Empires are composed.....Each township conducts its own internal affairs. It levies on its members the revenue due to the state; and is collectively responsible for the payment of the whole amount. It manages its police and is answerable for any property plundered within its limits. It administers justice to its own members as far as punishing small offences, and deciding disputes in the first instance. It taxes itself, to provide funds for its internal expenses.....

.....It is provided with the requisite officers for conducting all these duties, and with various others adapted to the wants of the inhabitants; and though entirely subject to the general government, is in many respects an organized commonwealth, complete within itself. This independence and its concomitant privileges, though often violated by the government, are never denied; they afford some little protection against a tyrannical ruler, and maintain order within their own limits, even when the general government has been dissolved.....

The village communities (writes Sir Charles Metcalfe) are little republics, having nearly every thing they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution, Hindoo, Pathan, Mogul, Mahratta, Sikh, English are all masters in turn; but the village community remains the same.....

A township in its simplest form, is under a headman.....

.....Though he is still regarded as an officer of the king, he is really more the representative of the people. The selection of an individual from the proper family rests sometimes with the village community, and oftener with the Government.....The headman, in short, does all the duties of municipal government. All this is done in public at a place appropriated for the purpose; and on all points affecting the public interest, in free consultation with the villagers."* Some of the townships are of a more self-governing character than the others. "It is not disputed," says Sir H. S. Maine in his recent work on *Village Communities*, "that villages are found in great numbers in which the Government is lodged with a council, neither claiming to be nor regarded as being anything more than a representation of the entire cultivating body."† Again, in another place the same author states, "I have good authority for saying that, in those parts of India in which the village community is most perfect and in which there are the clearest signs of an original proprietary equality between all the families composing the group, the authority exercised elsewhere by the headman is lodged with the village council. It is always viewed as a representative body, and not as a body possessing inherent authority, and whatever be its real number, it always bears a name which recalls its ancient constitution of Five Persons."‡

The existence of such village communities thus proves the utter falsity of the assertion of the racial incapacity of Easterns for representative institutions; but what is still more remarkable is, that recent investigations show that they exactly correspond to the original substrata on which Western municipalities themselves have arisen. The researches of Von Savigny and others tend to the conclusion that municipal communities were for a long time unknown to the Germans,§ and that the origin of Western

* *History of India* pp. 62-4.

† p. 155. ‡ p. 123.

§ *Savigny's Rom. Law.* 274-6. *Seq.*

municipalities is to be traced in an engrafting of the precise technical Roman form on the rude representative institutions of the old Teutonic mark. Now, in his work on *Village Communities* Sir. H. Maine identifies the Teutonic mark with the Indian village community. "If very general language," he says, "were employed, the description of the Teutonic or Scandinavian village communities might actually serve as a description of the same institution in India."* Thus, so far from the conditions of the introduction of free municipal institutions being different in the East and the West, the origin of Western municipalities indicates analogically as strong a suggestion as history ever furnishes, for the engrafting of the Western municipal system in Indian townships just as the Roman municipium was successfully engrafted on the corresponding Teutonic mark. The same qualities which fitted the Teutonic soil for the Roman graft are found in the Indian soil and the English plant, if transplanted, would, it may be surmised hopefully, be reared as successfully as its Roman parental stock.

But, as soon as the objection founded on a radical racial incapacity is made to disappear on a close inspection, another is urged, based on the incongruity of introducing free institutions in the heart of an empire, ruled by an essentially despotic, or as it is sometimes apologetically termed, a patriarchal form of government. It is urged that it would be productive of discord and confusion to combine institutions of so directly conflicting a character. The whole history of municipal institutions furnishes, however, the most convincing and instructive refutation of this objection. Not only does it show most conclusively that free municipalities are far from being discordant, unmanageable and dangerous elements even in the most despotic constitutions, but it also goes to establish in a very strong manner the wisdom and desirability of incorporating them in such governments. We

* p. 107.

learn from it that the existence of municipal self-government in despotic states acts as a safety-valve for the peaceful emission of popular irritation, discontent, and disaffection which might otherwise recoil upon them. We also learn that the instincts and habits induced by the experience of local self-government always assist in preventing the violent and revolutionary overthrow of the states in which it has been practised and fostered and favour gradual and well-considered constitutional changes. The history of Roman provincial government, so similar to the British government in India, is full of instruction on this subject. "It was the policy of the Emperors", says Mr. Merivale, "first devised by the prudence of Augustus, to extend and multiply the functions of the Roman municipality. Mœcenas, it was said, had counselled his master to furnish public occupation to as many of the citizens as possible, in order to attach them to the Government by interest, and at the same time give them experience in affairs. It might be deemed of no less importance to divert their restless energies into safe and useful channels."* We know that, in pursuance of this policy, Roman colonies enjoyed a municipal constitution, administered by a senate and officers of their own appointment; and this local arrangement was gradually extended under the first emperors to the provincial cities generally.† 'And it was something more than the mere shadow of domestic Government that was thus conferred upon the provinces. "Rome had a marvellous power", says M. de Champagny, in his recent valuable work on 'Les Cesars', "of perceiving how much of independence would suffice to content nations without being dangerous, and I doubt whether any free and sovereign city of our modern Europe, Cracow for instance, is so completely mistress at home, as Rhodes and Cizicus were allowed to be under Augustus, whether there is any Senate so much respected as the

* *Hist. of the Rom. under the Empire.* III. 518,

† Ditto 526-7

Curia of Tarragona, or the Council of Six Hundred at Marseilles ; or a burgomaster whose powers of police are so sovereign as those of the Suffete at Carthage or the Archon at Athens were allowed to be. ”

Coming down to modern times, Prussia and Russia will be perhaps acknowledged to be two European kingdoms, where centralization and despotism may be said to be most rampant. In Prussia, however, the King granted, of his own accord under the advice of his sage ministers Stein and Scharnhorst, a large and liberal municipal law which, with the other three great reforms inaugurated at the same time, the redemption of the peasant's glebe, the educational reform, and the landwehr system, have combined to raise that country to one of the proudest positions in Europe and the world. Mon. de Coulanges, in reviewing Mon. Hesse's Work on 'L'Administration provinciale and communale en France et en Europe,' thus describes the Prussian commune:—" Elle forme un petit etat libre; elle élit son conscil communal, qui nomme le maire et l'adjoint. Ce conseil se reunit sans qu'il soit nécessaire que l'autorité l'ait convoqué. Il vote son budget, nomme les employés communaux, et a la direction souveraine de ses écoles, de ses établissemens de bienfaisance, de sa police. Sauf certains cas prévus, il n'a pas besoin de solliciter l'approbation de l'autorité. Ses actes ne peuvent être annulé's que s'ils sont contraires aux lois. Ces communes Prussiennes, qui jouissent de tant d'indépendance, ne paraissent pas en faire un mauvais usage. Maitresses d'elles-mêmes et exemptes de tutelle, elles s'entendent bien à gerer leurs intérêts. Elles s'administrent sagement leur propriétés et reglent avec bon sens leurs affaires. La liberté communale, loin d'être un embarras en Prusse, est un gage de sécurité, de prospérité et d'ordre public. C'est peut-être elle aussi qui fait supporter la monarchie.† The same

*Vol. II. p. 338 *West. Rev.* July 71. p. 9.

† *Rev. des Deux Mondes*-1er Juillet 1871. p. 238.

lesson of, not only the harmlessness, but the positive wisdom and utility of introducing free municipal institutions in absolute and despotic governments is taught by Russian history. In Russia, the political despotism is of the closest character; still the Russian municipal commune enjoys great rights and liberties, and is allowed to manage its own local affairs. The history of municipal institutions in France affords a crucial instance in favour of the proposition we are trying to establish. Roman legislation early clothed the Gallic towns with municipal rights and privileges, and the French municipalities grew vigorously and flourished with great éclat till the end of the 15th century. About that period, Louis XI, equally anti-aristocratic and anti-democratic, as pointed out by M. de Tocqueville, destroyed the whole popular and democratic character of the administration of the towns, and restricted the government of them to a small number of families attached to his reforms, and bound to his authority by immense advantages.* Still some of the towns of France continued down to the close of the 17th century to form, as it were, small democratic commonwealths in which the magistrates were freely elected by the whole people, and were responsible to the people—in which municipal life was still public and animated. These elections, says M. de Tocqueville, were generally abolished for the first time in 1692 by Louis XIV. The municipal offices were then what was called put up to sale (*mises en office* was the technical expression), that is to say, the king sold in each town to some of the inhabitants the right of perpetually governing all their townsmen.† In its immediate effect, this measure cost the towns at once their freedom and their well-being; its more remote, but not less certain, results are thus described in an article in the *Edinburgh Review* for July on 'Communal France.' "We think it has been shown that the municipal institutions of France

* *France before the Revolution*, pp. 42 and 89.

† Ditto, p. 75-6.

have never enjoyed or received their proper functions, viz. the independent control of local affairs by elected magistrates in subordination to the general laws of the kingdom, and that whatever power they did possess in the Middle Ages had been gradually subverted by the crown, and was finally destroyed by the Revolution. But one of the effects of the destruction of legitimate municipal power has been that, in the absence of traditional or organized control, based on usage and law, the popular forces of the commune have made themselves felt in a violent and irregular manner at all periods of social commotion, that they have at once assumed military power and usurped a supreme authority in direct opposition to the sovereign will of the nation and the state."* "En France", says M. de Coulanges, "tous les mécontentemens et tous les désirs d'innovation se portent en un seul faisceau contre le pouvoir central, et le renversent tous les quinze ou vingt ans." The French communes have thus alternately proved to be instruments of despotism or centres of revolution.

I think we may now take it as established that, if historical analogy and experience are to guide us in this matter, they are strongly and uniformly in favour of the wisdom and expediency of conferring the municipal franchise on Indian towns. Such a measure would, so far from being inconsistent with, and dangerous to, British supremacy, tend powerfully to attach and reconcile the subject races to British government, would increase its strength and stability, and would go far towards providing against a sudden, violent, and revolutionary overthrow.

Having disposed of these preliminary objections, it now remains to be seen whether the Indian towns possess the positive qualifications laid down by writers on representative government as necessary before they could be declared fit for free representative institutions. These qualifications may be briefly described to be readiness

* *Ed. Rev.*, July 1871, No. 273., p. 268. See also p. 255.

and ability to preserve and work the institutions that may be conferred upon them. Confining ourselves to the town of Bombay, with which we are at present concerned, no one who has watched the active part which the public have taken for the last six months in the agitation about municipal affairs, can entertain any doubt as to their ready alacrity. Without proper guidance, instruction, or organization, they have discussed municipal questions, prepared petitions, formed rate-payers' committees, held public meetings, and passed-resolutions. It may be safely presumed that people who could improvise representation in this manner without being asked, would not be backward in availing themselves of a municipal franchise if it was conferred upon them. Then as to ability, if we take the masses of the people, the populations of Indian towns would compare most favourably with the populations of European towns with a municipal franchise, in point of shrewdness and intelligence. "The natives of India," says Sir H. Maine, "for poor and ignorant men, have more than might be expected of intellectual quickness."* In the case of Bombay, a commercial seaport and metropolitan town, this natural aptitude is enhanced by the enlightening influences of foreign contact, so much so, indeed, that anybody who has had opportunities of forming a comparison can safely say that our town can vie in this respect with some of the largest and greatest towns of England and France possessing the right of electing their own municipal bodies.

Perhaps here an objection might be raised, arising from the peculiar position of this country, subject to a nation superior to its people in point of civilization. It might be urged, that the higher education and civilization of the rulers, numerically inferior, would fail to be adequately secured in a free municipal representative body, and all the intelligence of the people would fail to point out to them the advisability of securing their invaluable co-operation. Such a consequence, however, need not be apprehended

* *Vill. Com.*, p. 56.

when we consider the high position and great influence which is possessed by Anglo-Indians. Still this difficulty, if it really existed, might be met by a similar expedient to that adopted in the constitution of the English Board of Guardians, in which the justices of the peace of the district sit *ex-officio* along with the elected members, in number limited by law to a third of the whole.* A number of members, holding positions of public trust and importance, might be similarly incorporated *ex-officio* in our elected body, thus ensuring the admixture of a certain amount of the highest intelligence and education in the town.

From all these considerations, it is thus obvious that the town of Bombay is pre-eminently fitted for the introduction of a municipal representative body, elected by the rate-payers themselves. And if this be so, very little reflexion will show us that no more efficient or better remedy can be proposed for all the different varieties of municipal grievances and evils, real or unfounded, which have been proclaimed from different quarters. If the executive officers are too dictatorial and overbearing, such a powerful responsible body can be confidently relied upon to check and control them. If the expenditure is too extravagant, such a popular responsible body can be safely trusted to reduce it within the farthest limits consistent with efficiency. If the incidence of taxation is unjust, unequal, and wrong in principle, such a representative body may be fairly expected to consider it carefully and maturely, and settle it with a due regard to the interests of all classes, rich or poor. If the present financial state of the municipality is in confusion and disorder, such an active and responsible body may be reasonably charged with the task of restoring order, of considering whether the deficit should be met by fresh taxation or by a system of loans and sinking funds in respect of expenditure incurred in reproductive and permanent works, of determining

* Mill's *Rep. Govt.*, 2nd. Ed., p. 277.

whether the appropriated special funds ought to be replaced or not, and of starting the new municipal era with a clear balance-sheet and an available surplus. Such an independent and popular body may also be expected fearlessly to fight the battle of the municipality against such inequitable encroachments of Government as the withdrawal of the Police grant. And, after the redress of immediate and pressing grievances, such a body may be left, not to administer and govern for which it is radically unfit, but to fulfil its proper function, to watch and control the executive government; to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which any one considers questionable, to censure them if found condemnable, and if the men who compose the executive abuse their trust or fulfil it in a manner which conflicts with the deliberate sense of the people to expel them from office, and either expressly or virtually appoint their successors.*

Instead of proposing a comprehensive measure securing such a thorough radical reform, the leaders of the present reform agitation have brought forward a remedy which might well make us exclaim, 'Heat not a furnace for your foes so hot that it do singe yourselves.' Not that they were utterly insensible to its merits, but they allowed themselves to forget its importance and deliberately to sacrifice the chances of obtaining it, in a personal quarrel with the executive as to the dignity of the Bench and of some of its members. Their conduct is open to this interpretation from the circumstance that, as if it were to obtain this, in a manner, personal end, they urged a scheme of reform opposed to one of those rare principles of political science, with respect to which all shades of opinion have come to a unanimous conclusion. I watched anxiously their speeches during the Reform debates to see, if in recommending the establishment of an executive Town Council, they had any special reasons for overruling one of the most

*Mill's *Rep. Govt.*, 2nd Ed., p. 104.

well-established of political axioms. But there was not one such argument advanced during the whole debate; indeed, in their hot anger, the advocates of the motion seemed wholly unconscious that they were supporting an exploded fallacy. And it would indeed prove not a day of blessing, the day on which the municipal reform agitation was launched, but a day of woe and curse, if the recommendation of its leaders is at all adopted. For with the Bench as it is at present constituted, or even with a Bench organized on such a popular and responsible basis as we have sketched above, the vesting of the executive authority in a Town Council would be a retrogressive step, plunging the Municipality into a gulf of mismanagement, inefficiency, and jobbery such as the wildest rumours have not dreamed of ascribing to the administration of the late Commissioner. The only safe and efficient way of disposing of the executive authority is to vest it in a single responsible officer. The description of an executive board given by Bentham in his *Letters to Lord Grenville* on Scotch Judicial Reform is well-known. 'A board, my lord, is a screen. The lustre of good desert is obscured by it, ill-desert slinking behind eludes the eye of censure: wrong is covered with a presumption of right, stronger and stronger in proportion to the number of the folds.*' In another place, he says, 'The greatest danger in plurality, either in a tribunal or an administrative council is that it diminishes responsibility in many ways. A numerous body may reckon on a kind of deference on the part of the public and may allow itself to perpetrate injuries which a single person would not dare to do. In a confederation of many persons, the single individuals may throw the odium of a measure upon the others: it is done by all, it is acknowledged by none. Does public censure rise against them? The more numerous the body, the more it is fortified against external opinion; the more it tends to form a kingdom within a kingdom—a little public having a peculiar

* *Bentham's Works*, Bowring's edition, Vol. 3., p. 17.

spirit and which protects by its applause those of its members who have incurred general disgrace.* That numerous bodies, popularly elected or otherwise constituted, ought not to administer, is a maxim 'grounded', says Mr. J. S. Mill, 'not only on the most essential principles of good government, but on those of the successful conduct of business of any description. No body of men, unless organized and under command, is fit for action in the proper sense. Even a select board, composed of few members, and those specially conversant with the business to be done, is always an inferior instrument to some one individual who could be found among them, and would be improved in character, if that one person were made the chief, and all the others reduced to subordinates.† The result of entrusting administrative and executive powers to boards, councils or representative assemblies, is, says the same great political thinker, 'jobbery more unblushing and audacious than the worst corruption which can well take place in a public office under a government of publicity.‡ History and experience verify the conclusions of both these thinkers. The English parliament, in its wildest mood, has not thought of meddling with the integrity of the executive powers of Secretaries of State. The most democratic republics have not yet ventured to entrust executive and administrative functions to any but singly responsible Presidents. Formerly it was the Council of Madras or Calcutta which decided everything by a plurality of votes; now the Governor decides everything in the last resort. To take examples more closely bearing on our present point, the example of English Town Councils was urged to recommend the establishment of a similar body in Bombay. Hear what a man of such liberal tendencies as Mr. Herbert Spencer says of them. 'Town Councils', he says, 'are not conspicuous for either intelligence or

* Vol. 1, p. 571; also, Vol. 6, p. 558; Vol. 9, pp. 214-5.

† *Rep. Govt.*, Sec. Ed. p. 90-1.

‡ p. 93. See also p. 284.

high character,* and extravagance is one of their most notorious vices. American Town Councils teach the same lesson. Under the New York Town Council, the New York people pay 'over a million and a half sterling, for which they have badly paved streets, a police by no means so efficient as it should be, though much better than formerly, the greatest amount of dirt north of Italy, the poorest cab system of any metropolis in the world, and only unsheltered wooden piers for the discharge of merchandise.† The greatest Town Council in the world, the Corporation of London, is characterized by Mr. Mill as 'an union of modern jobbery and antiquated foppery.' All these examples, however, are of boards and councils whose evil effects are to a great extent counteracted by the working of the popular elective principle on which they are constituted. When they are not popular elective bodies watched by public vigilance, they are apt to be more dangerous still. Look at the Town Councils of the English boroughs before the elective principle was universally introduced into them by the Municipal Corporation Act of 1835, characterized by the Commissioners appointed to enquire into them as hot-beds of inefficiency, corruption and jobbery. We are not also without local experience on this subject. We all know how much of municipal improvement was effected by the Board of Commissioners, the predecessor of our present municipal government. But not only did it effect nothing, but it also left the municipal accounts and municipal finances in a state of muddle and inextricable confusion, before which the present state of our accounts and finances, even taken at their worst, would be regularity and economy themselves. "Upon a recent occasion", says Mr. Cassels in his speech on the second reading of the Municipal Bill, "the President of the present Commission opposed the nomination of one of his subordinates as a candidate for the office of Commissioner on the ground

* *Essays*, p. 191-2.

† This was written in 1863.

that a sum of 3½ lacs of rupees in the accounts of his office had remained for many months unaccounted for, although that officer had been repeatedly called upon for explanation, and in the letter from which I have quoted, you will remember it was stated that a sum of over three lacs had figured at the credit side of the balance-sheet, although not a single rupee of the amount had been actually paid. Even in the statement laid by the Commissioners before the Bench as the justification of their letter, an error of ten lacs was discovered at the meeting."* With such facts before us, it is a matter of no little wonder that the municipal reform leaders should have allowed themselves to propose a remedy worse than the disease taking that disease even in its worst aspect and as diagnosed by themselves. It would indeed be reforming ourselves with a vengeance, to set up King Stork in the place of King Log, a hydra-headed Town Council in the place of a single executive officer. We may thus conclude, that if real reform is to be secured, the executive functions of the Municipality must be entrusted, under the control and guidance of such a popular representative body as we have described above, to a single responsible officer, call him the Municipal Commissioner or what you like, so long as he has undivided executive power and responsibility. In connexion with this subject is the question. With whom should the appointment of the executive officer rest? The most liberal political thinker of the present age emphatically lays down that such an officer should be nominated, not elected, as election by the population is a farce, appointment by the local representative body little less objectionable. Such bodies have a perpetual tendency to become Joint Stock Associations for carrying into effect the private jobs of their various members.† Watched and scrutinized, however, by these bodies, the appointment of the executive may be safely left to the Local

* Proceedings of the Bombay Leg. Coun., Vol. IV, p. 6.

† Mill's *Rep. Govt.*, p. 284-5.

Government. One appointment, however, that which we know by the name of the ControUership of Accounts, being essentially antagonistic to the executive and consequently requiring above every thing to be independent of it, may be advantageously left in the hands of the representative body. Elected by that body he could be confidently relied upon to watch vigilantly and report, if its controlling orders are properly obeyed and observed.

I have now indicated, though imperfectly and briefly, the direction in which municipal reform ought to be pushed, and the means by which it might be accomplished. We saw that municipal affairs were driven to an imminent and critical point by the end of 1864. We saw how a strong rule and strong measures were required to grapple with and overcome the great municipal crisis of 1865. We saw how an able and energetic, though irregular, informal, and sometimes illegal municipal administration of six years achieved a signal triumph over that crisis and steered us clear of it. We then observed that, its work done and its mission accomplished, such a dictatorial municipal government must, as speedily as possible, be superseded by government under a constitutional regime. We pointed out how such a constitutional regime could be inaugurated. We pointed out that the people of Bombay were as deserving of a municipal franchise as any town of the Western world, and that the real salvation of its municipality lay only in such a measure of thoroughness. We pointed out that, concurrently with such a popularly elected body, the executive functions must be vested in a single responsible officer, nominated by the Local Government, but watched by a Controller of Accounts elected by the popular assembly. Against such a plan of reform, the reform leaders in the wake of Mr. Forbes have centred all their hopes in an executive Town Council. But I repeat that it is not wisdom to propose a remedy worse than the disease in the face of all principle and experience, nor is it patriotism to sacrifice large public interests to vindictive anger against an

individual, however deserving even he may be of it. It is a pity to discover that all the public spirit and all the creditable exertions, brought out by the present municipal reform agitation, will have been utterly thrown away, or, if successful, will only end in retrogressive measures threatening to plunge the town into greater confusion and danger than ever existed before. It is not however too late. The obnoxious Commissioner is gone, the new Municipal Bill is still in course of construction. Before its completion, there is still a splendid opportunity for our reform leaders to earn the eternal gratitude of the town of Bombay for acquiring for it a really efficient municipal organization, and at the same time, of all India, for having inaugurated by their exertions a system fraught with the fairest promises of a great political development.

CONSTITUTION OF THE BOMBAY MUNICIPALITY.

[The following speech was delivered by Mr. Pherozeshah M. Mehta at a meeting of the Bench of Justices held on Friday, 21st June, 1871, in the Durbar Room of the Town Hall with reference to the question of the Reform of the Cōnstitution of the Municipality of Bombay.]

Mr. Chairman,—It is not without considerable hesitation and diffidence that I rise to offer a few remarks on the propositions that are now before the meeting, unable as I am to agree with the essential features of any of the schemes of municipal reform that are submitted to us for our consideration. I am not unaware that the taking up of such a position is deprecated on all hands by members of the Bench and people outside for whose opinion I have the highest respect. It is urged by them, that in the present juncture of municipal affairs, it is incumbent on us to be practical and moderate, that we should give in our adhesion to one or other of the schemes before us as the only ones having any chance of being viewed or received favourably by Government, and that we must not lose the little we can obtain in the quest of something more desirable. Now I confess, Sir, that this argument would be most convincing and conclusive if any of the schemes of municipal reform advocated before us today offered us a modicum (however small it may be) of municipal reform, but which was at the same time substantial and *bona fide* and which advanced us perceptibly in the path of the improvement of our municipal institutions. Now I have been obliged, though most reluctantly, to come to the conclusion that I can agree with the advocates of either scheme only so far as they expose the utter hollowness and inadequacy of the proposals of their adversaries. Both sides are perfectly successful in demolishing the arguments of their opponents but are totally unable to maintain their own and to show satisfactorily that their proposals, if adopted, would secure even a moderate settlement of the municipal

question. For let us examine these resolutions calmly and carefully, and I venture to say that we shall not have far to go to point out that actual experience has already shown that they are impotent for any real purpose of municipal reform. I think that the criticism of the essential point of Mr. Forbes's proposals contained in the first part of the amendment proposed by Captain Hancock, hits accurately a very great defect in Mr. Forbes's plan. I agree with Captain Hancock in thinking that to vest the executive authority in a Town Council assisted by a Secretary, is the resuscitation of a plan already tried and condemned by experience as wrong in principle and inefficient in practice. I must say with all due deference, that Mr. Nowrojee Furdoonjee's indignant disclaimer against instituting any comparison between the old Board of Conservancy and the proposed Town Council was characterized more by assertion than by argument. He did not even attempt to show what essential difference there was between the old Board and the present proposed Town Council that could justify the hope that the latter would succeed where the former had failed. Nor was his comparison with the Town Council of Liverpool more conclusive. I have no doubt that Mr. Nowrojee Furdoonjee took very great pains to make himself intimately acquainted with the constitution and working of that *beau-ideal* of his, of the Town Council of Liverpool, but when he proceeded to predict a promising future for the Town Council of Mr. Forbes's scheme from the proved excellence of the Liverpool Town Council, on the ground that they were similar, the *only* difference being that the latter was founded upon the elective principle, I also had no doubt that Mr. Nowrojee had familiarized himself with another English institution, the practice so well known to English shopkeepers of urging the irresistible argument of *only* a guinea. On that principle you could easily prove that a dead body was as good as a living body, the only difference being that the latter had what the former had not, a life, a vital principle.

If he thought so little of this difference, what he ought to have compared his Town Council with, were the Town Councils of the English boroughs before the elective principle was universally introduced in them by the Municipal Corporation Act of 1835, characterized by the Commissioners appointed to enquire into them as at once inefficient, mischievous and corrupt. I do not concur with those who pass a wholesale condemnation upon the system of municipal government in the English towns, not even after they press into their service the authority of the *Quarterly Review*—a review which, after all, is only the exponent of the views of the same party who struggled frantically against the passing of the Corporation Act of 1835; but I do believe that in recommending an executive Town Council, Mr. Forbes is copying by far the greatest blunder of the English Act, to which alone is attributable whatever inefficiency, mismanagement and corruption still lingers in English municipal government. It is the want of a responsible executive officer that has marred to a very great extent the utility of the English Municipal reform of 1835. The only effect of the establishment of Mr. Forbes's Town Council would be to substitute in the place of one responsible executive officer a heterogeneous body of men equally powerful, men incapable and difficult of being controlled and with their responsibility so attenuated by division and sub-division as to render them practically and really entirely irresponsible. I am afraid that the framers of Mr. Forbes's plan have failed to see that what they should have aimed at was not so much to destroy the executive authority, so far as it was necessary for good and energetic administration but that they should have devised some means sufficient and capable to keep that authority within its proper and defined limits. As I understand it, the complaint against the Municipal Commissioner, true or false, is not that his powers are inordinately large but that he exceeds them and defies the limits placed on them. I must say that the true remedy for such a complaint does

not lie in substituting in the place of one responsible Municipal Commissioner a whole host of practically irresponsible Commissioners.

But, while I concur with Captain Hancock in his estimate and criticism of the proposals brought forward by Mr. Forbes, I must say that he fails in making out a case for his own substantive plans. The Town Council proposed by him, and the same may be said of that of Mr. Narayen Vasudevji, would be nothing more than a consolidation of the already existing Standing Finance and other committees of the Bench, and if that is all that is considered necessary for municipal reform, there is no need for all this agitation or for an Act of the Indian Legislature, to carry out such a consolidation. But the general public feeling on this subject indicates a deeper sense of dissatisfaction and points to a greater failure than is suggested or encountered by Captain Hancock's remedies. Indeed it seems to me that all the schemes of Municipal reform presented to us fail in their object because their authors have not succeeded in probing the real causes of the failure admitted on all hands, of our present municipal system. I cannot help saying that it is a very superficial observation, that on the one hand ascribes this failure to the existence of a municipal dictatorship and on the other to the unwieldy and bulky character of the Bench of Justices. This may be so, but the radical causes of this failure lie deeper, and they lie in the nature of the very constitution of the Bench of Justices itself, elected by Government and elected for life. What is the popular meaning at present of a Justiceship of the Peace? Some sort of honor most people will say, at least in the main. The idea that it involves municipal duties and municipal responsibilities is, at least in the generality of cases, very vague, shrouded much in the back ground and withal of a very passive character. What can be expected from a conglomeration of men with such ideas? Mr. Forbes tried to excuse and justify the Bench at the expense of Act II of 1865. But when he was speaking on that point,

it seemed to me that every instance that he produced proved exactly the contrary. If the expenditure was extravagant, why did not the Bench exercise the powers given to it by sec. 35 of the Act? Mr. Forbes stated that Dr. Dallas once attempted to do so in a summary manner but was told that that could not be done. Very true; why did he not then attempt to do so in the manner indicated by the Act item by item? Mr. Forbes then drew a very dramatic picture of the terrible things that would have happened if they had reduced the budget estimates and the necessity they would have soon been under to prostrate themselves before the Commissioner seeking and begging for pardon. I must say, however, that with more respect for the dignity of the Bench he might have remembered that there was another alternative open to them. He might have remembered that not more than two-thirds of the Bench could have obliged Government to dismiss such a contumacious Commissioner under sec. 11. I must say that so far as Mr. Forbes's grievances are concerned, it is not Act II of 1865 that is to blame, but it is the Bench of Justices themselves. The only efficient radical remedy would be to change the constitution of the Bench of Justices in a manner to bring before them clearly, forcibly and vividly, a sense of municipal obligation and municipal responsibility disregard of which would entail exclusion from it. And here it is that the English Corporation Act deserves to be followed in the large popular and responsible basis on which it has founded its system of Municipal Government. There never will be efficient Municipal administration in Bombay till there is a popular and responsible Bench of Justices elected at regular intervals by the rate-payers themselves, a consultative Town Council elected out of it, with a responsible executive officer at its head appointed by Government, and a controller of accounts appointed by the Bench to control the Commissioner. I am aware that most people scout this idea as chimerical and visionary, and even if desirable, impossible to get accepted

by Government. One gentleman at our last meeting tossed it over to the next generation—a generation of Nowrojee Furdoonjees—though, with remarkable logical ingenuity, he immediately after proceeded to meet that very idea half-way. However, I say that, if desirable, it is our duty to present it firmly before Government, and I venture to say that the time is now past when strong popular opinion on any subject can be successfully resisted by Government for any length of time. 'But, say people, it is dangerous and absurd to bestow an elective municipal franchise upon people incapable of appreciating or exercising it properly. It is said that there is a radical incapacity in Indians for representative institutions, municipal or political. A more untrue proposition was never put forward, or one more opposed to the opinion of people most qualified to speak on the subject. I will not detain the Bench by quoting authorities, but I cannot resist the temptation of reading a short opinion of a gentleman well-known to us all, Mr. Anstey. It was given at a meeting of the East India Association in London:—

'We are apt to forget in this country when we talk of preparing people in the East by education and all that sort of thing for Municipal government and Parliamentary government (if I may use such a term) that the East is the parent of Municipalities. Local self-government in the widest acceptation of the term is as old as the East itself. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of that country, there is not a portion of Asia from west to east, from north to south, which is not swarming with municipalities and not only so but like to our municipalities of old, they are all bound together as in a species of net-work so that you have ready-made to your hand the frame-work of a great system of representation and all you have to do is to adopt what you have there and invite the municipalities to send you their delegates.'

For these reasons I feel convinced that the time has now come when the municipality of a town like Bombay ought to be founded on a larger popular basis, and that in such a bold and decisive measure alone is its real salvation and efficiency. I cannot therefore consent to vote in favour of measures which, without doing any perceptible good, nay, most probably proving mischievous, would only postpone real reform. I have given, Mr. Chairman, at some length my reasons for the position I have taken up, for as partisanship is supposed to be the order of the day, it may be misunderstood.

SPEECH ON THE VOLUNTEER MOVEMENT.

[A great meeting in support of the Volunteer movement was held in the Town Hall, Bombay, on Saturday, the 30th June, 1877, under the presidency of his Excellency the Governor. On his Excellency asking if any gentleman wished to address the meeting, Mr. Pherozechah M. Mehta made the following speech.]

After the very graceful compliment paid to the peace-loving and loyal character of the inhabitants, I think I shall not be wrong if I express a feeling of surprise at the character of the resolution which has now been laid before this public meeting of the people of Bómbay. (*Hear, hear.*) I have not the slightest object in opposing the very excellent project which his Excellency and the gentlemen who have followed him have laid before this meeting for the formation of a Volunteer corps for the better preservation of the safety of the town and island of Bombay. But, gentlemen, the proposition now laid before you is for forming a corps which shall consist of only one of the numerous classes which compose the varied community of this city. The Volunteer corps which is proposed to be formed is to be solely and exclusively amongst the European inhabitants of Bombay. (*Hear, hear* and some 'hisses'.) Now, gentlemen, I do not wish to say one word as to the advisability of such a corps, and I don't mean to say a single word as to the advisability of raising a Volunteer corps from the native portions of the community (*hear, hear*), but I think that the native inhabitants of Bombay who have attended this meeting in such large numbers may well complain at being called here simply to assist at an exclusive movement of this sort. (*Hear, hear.*) If the European inhabitants of this town had convinced themselves of the necessity and desirability of forming a Volunteer corps among themselves, it was certainly open to them to have called a meeting of their own people and to have taken such steps as they might think fit to carry out their project, but I must admit that it seems to me

extraordinary conduct on the part of the promoters of this meeting to try to do this in the presence of all the inhabitants of the town. It seems to me, and though I say it with regret and diffidence I think I should say it boldly, that the native inhabitants of this town, when a proposition of this sort is laid before a public meeting of the inhabitants, are called to attend simply—if I may be allowed to say so—to assist at passing a vote of want of confidence in themselves (applause). A proposition of this kind to a public meeting of the inhabitants of Bombay is simply asking the native classes to assist at their own execution. Now, there may or there may not be reasons for asking us to exclude ourselves from this Volunteer corps—I do not propose to go into that question now; but I do think that, in fairness and gracefulness, we ought never to have been called to attend a public meeting for the purpose of being asked not to allow ourselves to be included in a movement, the stirring nature and the very patriotic character of which have been laid before us so forcibly by his Excellency and the proposer and the seconder of the resolution now before us. These gentlemen have stirred up our patriotism, they have warmed our blood—(loud laughter: cries of “oh! oh!” and considerable uproar for some seconds)—I repeat, gentlemen, that the stirring eloquent appeals of the gentlemen who have brought this proposition before us have roused our patriotism, and I think the native inhabitants have an equally good claim to be considered patriotic and loyal as any other section of the community of this town. (*Hear, hear.*) I say they have stirred up our patriotism, and now they quietly ask us to sit still and watch the raising of a corps from which we are to be excluded. Your Excellency and the gentlemen present will allow me to say that I speak in no spirit of mere party obstructiveness; my object is simply to state that the inhabitants of this large town publicly assembled ought not to be asked, even for very good and valid reasons, to assist at their own execution. It is in order to avoid anything of

this kind being maintained in future action that I beg to propose this amendment—"That it is not advisable to resolve on the formation of a Volunteer corps composed exclusively of Europeans, in a public meeting of the inhabitants of Bombay." (Applause.)

Mr. Kashinath Trimbak Telang made the following speech:—In seconding the amendment, I do not intend to address the meeting at any length. All I wish to say is that if there are any native inhabitants of the town and island of Bombay who are desirous of joining this movement, no reason has been shown by the proposer or the seconder of this resolution why they should be excluded. I certainly expected, on seeing such a large number of natives present at this meeting and especially after the compliment which has been paid by his Excellency to the loyal and peace-loving character of the inhabitants, that some reason would have been assigned why the resolution proposes to exclude natives from the corps. I do not know that there are many natives who would wish to join (*hear, hear* and laughter), but probably some would, and I think the resolution should be worded so that there would be no such exclusion, and so that, if there are any natives who wish to join, they may be at liberty to do so. (Applause.)

The Governor, Sir Raymond West and others having given assurances that it was intended to call a meeting only of the European inhabitants of Bombay, and that the word "European" was inadvertently omitted from the notice calling the meeting, the amendment was withdrawn.

LEADERSHIP OF THE PARSEES.

[Mr. Pheroze Shah M. Mehta addressed the following letter to the "Times of India" on the above subject. It was printed in that paper on the 23rd July, 1877.]

Sir,—For several days your paper has teemed with letters on the subject of the public recognition of Sir Jamsetjee Jeejeebhoy as the head or leader of the Parsee community. If the loud assertions contained in those letters could be relied upon, there is a strong and extensive opposition, especially among the educated young men of the community, against the movement. I have no contemptible opportunities of observing the feeling of the community on this subject, and I am inclined to think that the opposition is more vehement and vociferous than general or widespread. Still it is not undesirable to jot down shortly and temperately, the reasons which have induced men like myself to join in heartily supporting and promoting this movement. In the first place, let us endeavour to realize clearly what it is that it is proposed to do. It seems to me that advantage has been skilfully taken of the vagueness with which the object and the extent of the movement have been proclaimed, to enlist on the side of the opposition our young men by working on some of abstractedly the finest impulses which their classical education has instilled into them. It is distantly insinuated that the object is something like that of appointing a king or a tyrant, a political ruler, a military chief, or a social censor, and immediately hands are lifted in astonished horror, that in these civilized times the idea should even be entertained for a moment of electing an inexperienced and untried youth for such a purpose. If this be indeed so, if Sir Jamsetjee by being nominated the head of the Parsee community is supposed to have sometimes to lay down laws and regulations for them, now to sit to administer justice, then again to lead forth the serried ranks of Parsee heroes determined to

to battle for any good cause whatever, then indeed there is not a word to be said in defence of the monstrous absurdity of the movement. But nobody has ever dreamed of proposing anything of the sort. The whole mischief is owing to the use of the unlucky word "leader." George Eliot says somewhere:—'O, Aristotle! if you had had the advantage of being the freshest modern instead of the greatest ancient, would you not have mingled your praise of metaphorical speech as a sign of high intelligence, with a lamentation that intelligence so rarely shows itself in speech without metaphor,—that we can so seldom declare what a thing is, except by saying that it is something else?' One cannot help regretting that a word was ever used in reference to this movement, the associations connected with which are peculiarly apt to carry away the young enthusiastic mind. When it is proposed to recognize Sir Jamsetjee as the head or leader of the community, all that is intended is to nominate him as a sort of life-chairman of its public meetings and its representative in its collective capacity for the purposes of communication and intercourse with other bodies or communities. It is not sought to endow him with any powers that can in the least degree interfere with the freedom and independence of the community. It is almost superfluous to add that it is not sought to confer any civil or criminal powers in connection with the headship. Those among the opponents of the movement, whose merits qualify them to lead as political rulers, military chiefs, or religious prophets may rest assured that their worth and their abilities will bring them to the front in the hour of need. But the qualifications required for a mere headship as I have described above are not of the same transcendent character. What is wanted for such a purpose is chiefly a name of prestige, a position of social precedence and social honours, the bearing and disposition of a gentleman. Now I entertain high respect for many of the leading members of the community. But at the same time, I venture to say that in no member of

it are these qualifications more eminently united than in the head of the Jamsetjee Jeejeebhoy family. But then it may be asked, where is the necessity for such a recognition of a head and a public recognition too, when we have been able to pull on so long without one? The answer is this. If the Parsees can manage to merge in the general mass of the Queen's Indian subjects, then there is no such necessity. But whatever may be the future destiny of the Parsees, such a thing is not possible in the present. On the contrary, Parsees, as at present constituted, are distinguished as inferior only to the Jews in the tenacity with which they cling to an exclusive nationality. Then if the community is anxious to preserve its cohesion for common action and for collective representation as it cannot act *en masse* it must have somebody to call it together for the one and represent it for the other. In older times, the Panchayat fulfilled these functions. But that old body degenerated and became extinct. The people who are now called in common parlance members of the Panchayat, are merely trustees of certain funds and are elected only among themselves under the provisions of their trust deeds. The place of the old Panchayat was more or less filled by the first two Sir Jamsetjees by the tacit force of their own works and their English title. But even they were not entirely able to suppress the feuds of jealousies and rivalries. This became most manifest at the time of the recent local riots, and those alone who had something to do with the Parsee movement of those days know what delay and vexation were entailed in consequence. But the necessity for a public recognition was never greater than now. While it is impossible to pass over the claims of the Jamsetjee family to the foremost position in the community with their native prestige and their English title, the youth of the present Sir Jamsetjee is likely to lead to a scramble for the honour of representing the community in which he is totally disqualified from joining by his modest and retiring disposition as well as by a sense

of the dignity which he is now bound to maintain as the head of his family. The result would not be a very edifying one. None of the likely claimants has any chance of securing the prize for himself while he might succeed in keeping Sir Jamsetjee in the back ground. The community in the meantime would remain in a state of disorder and confusion for its corporate purposes. The sole aim and end of the promoters of the present movement is to prevent such a consummation by adopting the only remedy available in time. It is the intelligence of the educated young men even more than that of the other members of the community that should now come forward to give warm and hearty support to a project of such foresight, instead of allowing itself to be led away by false analogies and vague denunciations. It is only by helping to create some organization of this sort that they can hope to introduce many desirable changes and reforms in the community. It may be that even then they may partially or totally fail, but without some such organization it is almost hopeless to think of them.

July 21st.

P. M. M.

THE ADMISSION OF NATIVES INTO THE INDIAN CIVIL SERVICE.

[A public meeting of the native inhabitants of Bombay was held on Saturday, 15th December, 1877, under the auspices of the Bombay Association at the Framji Cowasji Institute for the purpose of adopting a Memorial to the British Parliament in regard to the new Rules of Admission of natives into the Indian Civil Service. Sir Mangaldas Nathubhoy, Kt., presided.]

Mr. Pherozeshah M. Mehta in seconding the resolution,* said:—The task of seconding the resolution has been entrusted to my hands, and I have undertaken it most readily because, I feel persuaded that the time has now arrived when from all parts of India, we should send forth an united and energetic appeal before the people of England in Parliament assembled, protesting against the injustice and inexpediency of the policy which is being pursued with regard to the question of the admission of natives into the Civil Service of their country. I earnestly believe, that we should be wanting in our duty to both the countries with which we are connected—the country which gave us birth and the country which governs us, if we allowed this policy to be firmly established without strenuously lifting our voice against it. For the question involved in the resolution before you is fraught with far deeper issues and far larger considerations than appear on the surface. It is not a mere technical question of the limit of age causing certain minor difficulties and inconveniences. Considered in connexion with the measures which have preceded it, this reduction of the limit of age from 21 to 19 strikes a crowning blow at the fair and regular admission of natives to the Civil Service. And it is our right as much as it is our duty to protest

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

against the mischief and danger of such a policy. It is a policy which is at once in contravention of solemn pledges and binding compacts entered into after an eventful experience, after careful inquiry and after mature and deliberate consideration as to what was best for the true interest of both countries. So far back as the year 1833, on the occasion of those periodical renewals of leases to the East India Company for the government of India, the British Parliament declared with no uncertain voice the principle which they were prepared to follow with regard to this question. By the 87th Section of the Act which was passed on that occasion, it was enacted—‘That no native of the said territories, nor any natural-born subject of His Majesty resident therein shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company.’ Now-a-days we are not unaccustomed to hear the principle enacted in this clause ridiculed by a certain class of Anglo-Indians as the hysterical outcome of maudlin sentimentality or weak philanthropy. But, gentlemen, this noble principle was not embodied in an Act of Parliament by a representative body which has been remarkable for the practical good sense and sobriety of its measures over every other thing, from any such impulses of weakness. In these days it is well to recall that the British Parliament gave its adhesion to this principle because it was convinced that it was as essential for the safety and advantage of its own rule as it was just and generous towards the people of India. It fortunately fell to the lot of one of the greatest men England has ever produced, one who was no less remarkable for the practical soundness as for the enlightened large-mindedness of his views, to give utterance to the reasons upon which this conviction was founded. The class of people of whom I have spoken would fain make us forget, as they would fain forget it themselves, that there were any solid reasons upon which this conviction was

based. But let us tell them that they are much mistaken if they think that we shall ever cease to cherish the utterances¹ in which these reasons were recorded as heirlooms of inestimable value. Gentlemen, you remember that portion of Lord Macaulay's speech in the Government of India Bill of 1833, of which he had the conduct, in which he refers to the question. The same principle was acknowledged still more solemnly and emphatically in 1858. That pledge was given after a stormy experience of trouble and anxiety. Here again it is well to remember that noble and generous as was the pledge, it was not simply a voluntary pledge, it was also a binding compact; peace, obedience, order and loyalty were demanded from the peoples of India, and in return were these promises made of equality and fair play. At the same time with these pledges, the Acts of 1853 and 1858 threw open the Civil Service to admission by competitive examination, and natives were declared eligible just as much as English candidates. I have dwelt on these points more at length because I want to show that they concluded finally three things,—the binding character of the pledges; 2, the free and equal eligibility of natives for the Civil Service; and 3, that they were entitled to be examined by the same tests as English candidates. Now-a-days we hear a good deal from those who want to get out from these solemn pledges as to the inferiority of native *moralé* and the consequent necessity of special tests for examining it. But the point is *res judicata* as we say in legal phraseology. And look at the inconsistency of the argument. An Indian candidate, if he is examined in a room in London can be tested by the same examination as English candidates; let him sit in the Town Hall of Bombay and special tests are required. Now, gentlemen, see how these pledges have been fulfilled. From 1833 to 1853 not a single native was appointed to the Civil Service. From 1858 to 1863 not a single native was able to obtain admission to it. And from that time to this, nine candidates only have been able to compete

successfully for it. Attention was drawn to this state of things and considerable agitation took place in regard to it in the years 1868-70. And successive Secretaries of State for India, the Duke of Argyll, Sir Stafford Northcote, the Marquis of Salisbury, were all convinced that it was owing to the special obstruction in the way of natives in having to go all the way to England to compete in a foreign language at great expense and risk, and with but a chance of success. All the English authorities were honestly anxious to devise remedies to remove these obstructions, but unfortunately reference was made to the Indian authorities and from that moment all our hopes were doomed. I have the highest opinion of the Indian Civil Service. Competition has secured for us one of the best Services in the world ; but it was not fair to the Civil Service to ask them to devise measures for the purpose of enabling natives to poach on their ancient preserves. The result was what might have been expected. They recommended a measure which was embodied in clause 6 of the East India Laws and Regulations of 1870. The whole native press protested against it at the time, and I had myself the honour of reading a paper in this very hall on the subject* and resolutions were sent up for presentation to the Secretary of State for India. How have our fears been justified in an experience of seven years ? We said the clause would not be worked at all ; and that if worked, favouritism and jobbery would be the only outcome. Seven fair years have elapsed and throughout the length and breadth of India from her population of millions, one native has been appointed to a post in the Civil Service. Let us look at the character of the appointment. I wish to speak sincerely with all respect of the gentleman who has been so appointed. But it is well sometimes to speak what everybody thinks and feels, and this appointment, the first of the kind, in which great judgment and care would be naturally employed, shows that our fears about the way in which

* See above pp. 54-80.

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

CENSORSHIP OF THE VERNACULAR PRESS.

[*Mr. Pheroze Shah M. Mehta addressed the following letter to the "Times of India," on the Vernacular Press Act, on the 19th of March 1878.*]

SIR,—Fully recognizing the almost hopeless nature of the task, it is still impossible to sit quiet and not join in leading even a forlorn hope to save the imperial autocrats of the Government of India from the huge and frightful blunder which they are committing in passing the Act for muzzling the Native Press. Never perhaps since the advent of the British Power in India has a measure been brought forward which has caused such painful surprise and mortification to its truest and most sincere well-wishers and friends. Of all the forebodings which were entertained by those who dreaded that the assumption of the title of Empress denoted at the same time the abandonment of that policy so eloquently depicted by Macaulay as "the policy of true wisdom, of national prosperity and of national honour," for the narrow-minded policy of autocratic imperialism, none seemed less likely to be realized than that Englishmen, born and nurtured in one of the most glorious political principles which their forefathers had discovered after a varied experience and proclaimed after a hard struggle and severe tribulation—the principle that the liberty of unlicensed printing was more potent for exterminating ignorant and malicious sedition and slander than the repression of it—should have succumbed to the miserable sophisms which hold up the inevitable stages of blundering and groping in the dark through which all progress must pass as the only real truth of it. Nothing seemed more unlikely than that the poet-viceroy, to whom this principle, dear as "an inherited instinct" and sacred as "a national birth-right," ought to be as clear as daylight, should avow himself to be confused and led away from the steadfast perception of the firm basis underlying it, alike applicable to peoples with whom

such principles have been familiar watchwords for centuries and to peoples who are just struggling into political life and existence; that even he should so entirely forget that it was because the censorship of the press propagated and multiplied the evils which it was invented to put down, that it was condemned and abolished, that it was for the suppression of that very unbridled and extravagant license which has inspired such dread and hurry that the liberty of unlicensed printing was declared most essential. It is really a most melancholy spectacle to observe a statesman of such generous promise dealing in his deluded weakness a most cruel and most fatal blow to one of the noblest experiments that history has ever unfolded—that of initiating oriental nations into systematic political life and existence. For, that the unfailling results of this measure will be to crush down the nascent political growth which was hitherto fostered in this country by the far-sighted statesmen to whom we owe the consolidation of British rule into the mighty Empire it now is, there can be no doubt. Let not the promoters of this measure deceive themselves into imagining that it will not affect honest criticism of the Government and its officers, that it will only put a restraint upon seditious and libellous and malicious instigation and comment. I do not forget that this is all that the Government intends and proposes to do. It would be difficult not to be struck with the earnest assertions of the Hon'ble Mr. Ashley Eden, that criticism be courted, criticism fair and temperate. Though persons uncharitably inclined might insinuate that this is nothing more than what Sir Fretful Plagiary was himself always protesting with his utter intolerance of all criticism, deserved or undeserved, still it may be admitted that there is no reason to suspect insincerity or dishonesty in these professions. But that in process of time it must degenerate into an instrument for generating 'flattery and fustian,' all the teachings of history warrant us in regarding as inevitable. It is at all times

difficult to draw the line between severe, though just, criticism of Government and its measures, and the licentious abuse of them, bordering on the preaching of sedition and the propagation of disaffection. But when the judges of the distinction are to be the very men who are the objects of the criticism, they must be more than human if in course of time and by gradual stages all hostile criticism is not brought within the pale of the proscription. And while base adulation would on the one hand be lavished by servile time-servers, wild rant and unbridled scurrility would on the other, be spouted by unprincipled demagogues who would spring into notoriety and power as the apostles and martyrs of the oppressed masses. This is no idle and baseless speculation; historical experience has once and again verified this phenomenon. Milton tells us how in his time there flourished, 'not once or oftener, but weekly, that continued court-libel against the Parliament and city, printed as the wet sheets can witness, and dispersed amongst us for all that licensing can do.' Macaulay has still more accurately and minutely described the same results in later times in his history of the Revolution of 1688. 'No person', he says, 'who has studied with attention the political controversies of that time can have failed to perceive that the libels on William's person and Government were decidedly less coarse and rancorous during the latter half of his reign, than during the earlier half, and the reason evidently is, that the press, which had been fettered during the earlier half of his reign, was free during the latter half. While the censorship existed, no tract-blaming, even in the most decorous and temperate language, the conduct of any public department, was likely to be printed with the approbation of the licenser. In general, therefore, the respectable and moderate opponents of the Court, not being able to publish in the manner prescribed by the law, and not thinking it right or safe to publish in a manner prohibited by law, held their peace and left the

business of criticising the administration to two classes of men—fanatical nonjurors who sincerely thought that the Prince of Orange was entitled to as little charity or courtesy as the Prince of Darkness; and Grub Street hacks, coarse-minded, bad-hearted and foul-mouthed. The emancipation of the press produced a great and salutary change. The best and the wisest men in the ranks of the Opposition now assumed an office which had hitherto been abandoned to the unprincipled or hot-headed. Even the compositions of the lower and fiercer class of malcontents became somewhat less brutal and less ribald than in the days of the licensers. In truth, the censorship had scarcely put any restraint on licentiousness or profaneness.’ The experience of Italy, France, and Germany tells the same tale and teaches the same lessons. All the Papal interdicts with its famous Index Expurgatorius succeeded sometimes in proscribing books of merit, but were powerless to stem the torrent of the most uncompromising abuse and the most virulent hostility. In France, just before the Revolution, the restrictive measures were carried so far that in 1764, L’Anerdy published a decree ‘by which every man was forbidden to print or cause to be printed anything whatever upon administrative affairs or Government regulations in general, under penalty of a breach of the police laws, by which a man was liable to be punished without defence, and not as was the case, before the law courts, where he might defend himself, and could only be judged according to law’; and in 1767 he issued another decree which made it a capital offence ‘to write a book likely to excite the public mind’. The result was a flood of the most revolutionary literature such as has never been surpassed in malignant rancour or vile detraction. It is worthy of notice that all these repressive measures were justified on the plea of the supreme law of the safety of the state, and particularly in the English instances, of the safety of Governments which have been the salvation of the country, and during the most critical

periods of their establishments. So that, these instances do not fail of application to Indian circumstances for want of proper analogy. The lesson they inculcate is of universal application, viz., that repression only aggravates the mischief it is intended to obviate, and strangles what it fondly hopes to sift out and preserve. If the Native Vernacular Press is licentious and scurrilous, the system of licensing will but aggravate and intensify its mischievous tendency, and annihilate nothing but honest and useful criticism. Such a consummation would take place more quickly in India than elsewhere, just because the press is here only beginning to rear its head and is only in its infancy. Moderate and respectable men, their functions not yet hardened into habits; would retire from the field without hardly a struggle. Violent and unprincipled agitators would thrive on the persecution which would furnish the very nourishment necessary for their existence. And while thus the sound and healthy political growth of the people would be indefinitely retarded, the Government would be deprived of all trustworthy sources of keeping itself well informed of the real inner feelings and thoughts of the people towards it. Deprived of free and sincere criticism, it would hardly know how to steer its way through servile adulation or scurrilous abuse. With all its generous intention and its sincere benevolence, it would one day awaken, only too late, to discover its energies misapplied, its benevolence misdirected and its intentions frustrated. To this would be added another danger of a more serious kind. If there be disloyalty and disaffection among the people to the British rule, the gagging of the press will be simply tantamount to pressing down a lid on the seething cauldron. For it must be remembered, that the measure is and can only be directed towards the promulgation of the perilous stuff, not towards the extermination of its very existence. In that case it would go on boiling and bubbling and generating more and more under the cover clapped on it, unnoticed and

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

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

I confess I took them up with trepidation. I put them down in bewildered surprise. There were a few selections of a somewhat gross character; but surely a vernacular press, spreading over the four quarters of

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

forgotten that nations are not trained and educated in a day; they do not acquire moderation and intelligence without a large and eventful practice. The laws of human progress teach us that the native press must pass through these stages of blunders and excesses before it can arrive at the discretion of man's estate. To destroy it for this reason is to cut down the growing tree because it first puts forth fruit which is raw and bitter. Such conduct betrays only short-sighted impatience. The policy of wisdom tends it, on the contrary, carefully and gently, till the fruit has time to ripen. It must be boldly said that the gagging measure of the Government of India denotes the impatience and adopts the policy of short-sightedness.

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

March 19.

PHEROZESHAH M. MEHTA.

SIR RICHARD TEMPLE AS GOVERNOR OF BOMBAY.

[The following letter was addressed by Mr. Pheroza Shah M. Mehta to the "Bombay Gazette" to protest against the movement in honour of Sir Richard Temple, on March 14, 1880.]

Sir,—I think it is necessary to enter a strong protest against the bold attempt that has been made to represent the address voted to Sir Richard Temple as having emanated from 'the citizens of Bombay' instead of simply from his admirers. The requisition to the Sheriff only asked him to call a meeting of 'the European and native inhabitants of Bombay *desirous of publicly expressing their respectful and grateful recognition of the administration*' of Sir Richard Temple; the address passed at the meeting called in compliance with this requisition presumes to speak generally in the name of the citizens of Bombay. If the intention of the promoters of the meeting was really to convene a public meeting of the inhabitants of Bombay, it was their duty to have taken care, as it certainly would have been most easy, to express themselves without ambiguity. I venture to say that if any such intention had been openly expressed, the proposal to erect a statue to Sir Richard Temple would have encountered very strong opposition.

I know that many gentlemen attended the meeting with that object who were dissuaded from expressing their views, by the representation that the meeting was meant to be only of those who concurred in their common admiration of Sir Richard Temple's services. It would be hardly worth while to expose the true character of the address voted to Sir Richard Temple, if it would have gone the way of most farewell addresses to departing governors and were destined to be interred in the calm oblivion in to which they generally retire after leaving India. But those who know anything of electioneering tactics

in England on the eve of a general election, know well that this address, in the name of the public citizens of Bombay, will figure prominently in every Conservative paper in East Worcestershire and will be placarded in large type throughout its length and breadth. The electors of East Worcestershire need never know that it proceeded only from the admirers of their candidate, such as a man in his position could always command in India, and that it is only by clever manipulation that it is transformed into a public address. If there was any reason to suppose that this manipulation was consciously performed, the first city in India would be fairly entitled to claim the credit of having initiated, for the first time in the history of British rule, an active participation in the warfare of an English general election by successfully carrying out a device such as would gladden the heart of the sharpest electioneering agent in England. Under its shelter Sir Richard Temple can now pose before the East Worcestershire electors as a candidate whose Conservative opinions on the many important questions of Indian policy on which the two parties have now joined issue, are stamped with the approval of the unanimous public opinion of the foremost presidency in India, and cover with confusion the pretensions of the Liberal candidates to speak and fight on behalf of its voiceless population. I am afraid that a very large majority of the native gentlemen who attended the meeting to give vent to their admiration of Sir Richard Temple's great services never contemplated the prospect of their admiration being turned to such good account. Otherwise, with all their lack of public spirit and independence, I do firmly believe that they would have hesitated before placing in the hands of a candidate who has now openly pledged himself to support an Indian policy against which they have so often pronounced themselves, a weapon which he can use with such pernicious effect against those great statesmen who have been fighting their battle so nobly and so valiantly in and out of Parliament,—such

men as Bright, Gladstone, and Fawcett, whose names are cherished with affection and veneration by all thinking and intelligent natives. God knows we do little enough, or rather absolutely nothing, in the way of active co-operation with the efforts of these great defenders of Indian interests. But nothing could exceed our humiliation if we lent ourselves in utter ignorance, in apathetic indifference, in blind adulation, to thwart their generous exertions on our behalf. That such a stigma should not attach against us, it is desirable to proclaim widely and loudly that the address to Sir Richard Temple does not represent the unanimous or independent public opinion of this Presidency. I am in a position to know that a large proportion of the native public holds very different views of the title of Sir Richard Temple to a statue, and I trust that they will come forward in such ways as may be open to them to give expression to their views, so that though it is a far cry to East Worcestershire, some echo may even penetrate those distant lands.

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

A departing Governor, leaving with the prospect of high promotion, can always gather round him men who have reason to be grateful to him, or who are connected with him by personal or official ties, and men who will follow because others have gone before them. Leaving these alone, the meeting was singularly thinly attended. The Mahomedan community, in spite of the sop thrown out to them only the day before, was represented by certainly not more than three or four members, while the gentleman whom we have generally seen leading them with spirit and independence was conspicuous by his absence. The Hindoo community was not much better represented, and it is worthy of note that the only one of them who took part in the day's proceedings was a gentleman unknown to fame in that way. The Parsees were certainly in stronger numbers: but they openly

avow that they are grateful to Sir Richard for the sweet words he has showered upon them. Even their numbers, however, were eked out by some very diminutive specimens of Bombay citizens, and it would not be without interest to ascertain if any of the Parsee schools had not a half holiday on the day of the meeting.

But the numbers that attended the meeting would not be very material, if the title of Sir Richard Temple to the grateful recognition of the people over whom he ruled, stood on a solid foundation. That he possesses many high and estimable personal qualities, nobody, I think, will be disposed to deny. That he possesses administrative talents of no mean order will be readily admitted by all. His untiring energy, his single-hearted devotion to work, physical and mental, his astonishing versatility, his amiable private character, are worthy of all respect. But unless we can find that these qualities and talents were devoted to noble and statesmanlike aims and were productive of good and useful work, we cannot recognise his right to rank with those great statesmen whose names are landmarks of Indian progress, and whose memories are gratefully perpetuated in marble and bronze. Do we then find any great act of statesmanship distinguishing Sir Richard Temple's administration of this Presidency? No better man could have been found than Sir Michael Westropp, who presided at the meeting, to lay his finger with unerring precision on any such act, if there was one. One might also imagine that the Chief Justice was quietly indulging in that keen and polished irony for which he is so famous, when he singled out Sir Richard's exertions to push on the native contingent to Malta, and his two expeditions to hurry on the construction of the Kandahar line as giving him high rank among the foremost Indian statesmen, and deserving to be commemorated by the erection of a statue. The Hon'ble Mr. Mowat, who has been earning for himself the reputation of an orator, and who moved the principal resolution, had absolutely nothing to say. It

was painful to observe the way in which he floundered among rhetorical plâtitudes and at length took refuge in discreet brevity and poetry. Mr. Latham spoke of Sir Richard's services to the cause of University education, but I am sure nobody would be so ready as himself to acknowledge on reflection that he was carried away by the impulse of the moment when he eulogized Sir Richard Temple as a second founder of the University. That Sir Richard Temple took great interest in the advancement of scientific education must be warmly recognised; but it must not be forgotten that he set about it in a way that was fraught with danger to the independent growth and development of the University. In a public lecture which years ago Sir Alexander Grant delivered in Oxford, he earnestly warned Sir Bartle Frere never to confound the Chancellor with the Governor. Sir Richard Temple never forgot that he was Governor when he presided as Chancellor. While grateful for the interest he took, Sir Richard's departure releases all true friends of the University from the anxiety that the very warmth of his interest occasioned—*viz.*, that he might transform it into a department of Government. Mr. Budruddin Tyabji, who followed Mr. Latham, went into ecstasies, because Sir R. Temple promised him the assistance of Government to found a Mahomedan school. Turning from the speeches to the Address where, if anywhere, we might expect to find his titles to glory set forth clearly if succinctly, our astonishment at the courage of its promoters is only destined to increase. A more wonderful document it has never been my fortune to come across. Concocted to bless, it only curses him beyond redemption. First and foremost it mentions Sir Richard's services in alleviating the severity of the Deccan famine. Surely the framer of this paragraph must have been an unconscious disciple of the bold Danton with his famous battle-cry of *l'audace, toujours l'audace*. How did he chase away, when he penned those lines, the gaunt and hungry spectres that must have thronged round him of

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

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

March 14.

PHEROZESHAH M. MEHTA.

SPEECH ON THE PROPOSED EXTENSION OF LORD RIPON'S VICEROYALTY.

[A public meeting of the Indian citizens of Bombay was held on Saturday, 17th February, 1883, under the auspices of the Bombay Branch of the East India Association to memorialise Her Majesty the Queen-Empress for an extension of the period of office of the Most Noble the Marquis of Ripon, Governor-General and Viceroy of India. Mr. Dinshaw Manockji Petit presided. Mr. Pherozeshah M. Mehta proposed that the following memorial be adopted and that the Chairman be requested to sign it on behalf of the meeting. In doing so he spoke as follows.]*

The task of proposing the adoption of this memorial is entrusted to my hands; and in doing so I could perhaps have wished that it had been in point of language a more polished or a more classical production. But I think you will agree with me that the language, if rugged and uneven, is powerful, and if there are some rather precipitate turns, the writer seems only overpowered by the earnest enthusiasm with which he has contemplated the grounds and object of this memorial. The prayer of the memorial is founded, gentlemen, upon two circumstances: 1st, the inauguration by Lord Ripon's Government of the various measures you have already heard enumerated; and 2nd, the desirability of having the same hands to protect them during their future progress and development as those which have launched them. With regard to the first circumstance you have already heard the

*To Her most Gracious Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland and Empress of India.

May it please your most Gracious Majesty—We, your Imperial Majesty's devoted subjects, the inhabitants of Bombay, in public meeting assembled, at the invitation of the Bombay Branch of the East India Association, approach your Gracious Majesty's throne with feelings of deep loyalty and affection with the following prayer:—His Excellency the Most Noble the Marquis of Ripon, Viceroy and Governor-General of India, has already inaugurated a number of great and good measures calculated to promote the happiness, prosperity and elevation of your Imperial Majesty's Indian subjects. It is enough for us here simply to enumerate some of the more important ones among them. That of Local self-Government is by far the most important. The progress and ultimate success of this great measure crowned by further concessions we expect of the Legis

various measures eloquently described and eulogized by the able and accomplished speakers who have preceded me, particularly by my hon. friend Mr. B. Tyebji. All that I was going myself to say in this matter was to quote from Lord Hartington's recent Lancashire speech. But as is not uncommonly the fate of subsequent speakers, I have been forestalled by my friend Mr. Javerilal. (Laughter.) I will therefore content myself by saying that the measures of Lord Ripon's Government bear ample testimony to the energy, the experience, and the sympathy which Lord Hartington so justly and truly recognizes and appreciates in him. (Cheers.) But admitting the value and importance of these measures as good work done well and truly, it may still be asked why it is necessary that we should seek for a departure from the regular fixed periods of Viceroyalty and not trust to his successors to preserve and continue his work. They would be just as much responsible for the success of these measures as for the general good government of the country which would be entrusted to their charge.

lative Councils being made truly representative and of an adequate employment of native agency in the whole administration and Government of India will be the highest and noblest boon with which Britain can and will bless this great Empire earning its ever-lasting gratitude. Besides this noble scheme of Local self-Government there are others proposed by his Excellency the Viceroy in Council to develop the resources and industries of the country, to grant free, open and adequate expression to public opinion in the consideration of legislative enactments, to ameliorate the present deplorable condition of the vast mass of our agricultural population by mild and suitable systems of assessments and agricultural banks, to promote popular education, &c. &c. All these beneficent measures for the very inauguration of which we are deeply grateful and others of the same character which we hope for in the near future, require that the same benign and righteous representative of your Imperial Majesty who has launched them, may have the time and opportunity also to watch, nurse, and develop them to complete practical success. We, your most Gracious Majesty's devoted and loyal subjects, therefore, at this earliest opportunity pray humbly and earnestly that when the present term of the Viceroyalty of Lord Ripon expires, his Lordship may be graciously appointed again by your Imperial Majesty for another term of Viceroyalty of this country. And as in duty bound, we shall ever pray.

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

settled and strictly levied. But has it ever been closely inquired into as to how excessive has been the expenditure of resources on these improvements (cheers); whether the same resources could not have been better and more profitably employed, whether gross blunders might not have been avoided by a better knowledge of real wants? It is almost sacrilegious to say so, but I believe it would not be impossible to cite instances of sage collectors committing blunders as bad as, if not worse than, those which might be expected from the most ignorant municipal board. (Hear, hear.) In making these remarks I do not intend in any way to speak depreciatingly of the general average of ability that cannot fail to distinguish such a Civil Service as that of India. But I would say of them what Mr. Bright once said about the Board of Directors of the East India Company when he urged their reform. 'He had not the least idea (he said) in any observations made by him of bringing a charge against the East India Company, that is to say against any individual Member of the Board of Directors as if they were anxious to misgovern India. He never had any such suspicions. He believed that the twenty-four gentlemen who constituted the Board of Directors would act just about as well as any other twenty-four persons elected by the same process acting under the same influences, and surrounded by the same difficulties.' All that I mean to say is that no bureaucracy could in the long run be equal to the task of executive administration, and where there is no intimate mutual knowledge between the rulers and the ruled, the task is simply impossible after a time. (Cheers.) The second admission is that it is politically expedient that the people of India should be asked to co-operate in the work of administering their own affairs and that the thin end of the wedge must be driven into that pleasant vision of a perpetual paternal government with our Civil Service autocrats acting the wise, honoured and exalted fathers. (Laughter.) This point is admirably though incidentally put in the excellent

preface which introduces the *Voice of India* in Indian journalism under the superintending care of a gentleman who has always been ready to spend his time, money and energy for the welfare of our country. I mean my respected friend Mr. Dadabhai Naoroji. (Applause.) After alluding to 'certain idols which Bacon forgot to include in his classification,—the idols of the official mind which are nowhere so vigorous as in India,' the writer whom I have no doubt you recognize, goes on to say, 'The belief that internal tranquillity or material prosperity or administrative success will make up for the loss of other things which energetic minds value is one which has a firm hold of the merely official mind and sometimes offers an impenetrable barrier to the influx of new light.' Lord Ripon's scheme knocks this idea on the head and reminds the bureaucrats that to educate the people of India for self-government is the true path, in the oft-quoted but none the less true words of Lord Macaulay, 'of national wisdom, national prosperity and national honour.' (Cheers.) Now, gentlemen, both these admissions which underlie Lord Ripon's scheme of local self-government are not unnaturally, I admit, totally repugnant to the present administrators of India. They alternately frown or smile contemptuously at people who ignorantly imagine that any combination or organisation of the inferior natives of the country could possibly come up to, much less excel, their trained and cultured capacities for administration. They are benevolently sceptical as to whether these same natives could be better off than by relying on such wise and well-intentioned paternal rulers as themselves. Lord Ripon's scheme, therefore, though planted in a congenial soil depends for being nursed and otherwise taken care of on subordinate *mallees* who are thoroughly intolerant of these new-fangled fashions. (Cheers.) What would be its fate then if Lord Ripon withdraws his superintending care before the plant is more than a year or two old and has scarcely reared its head above the ground? (Cheers.) How would it fare at

the hands of a new successor even if that successor was at first friendly inclined? We will be best able to realize that successor's position by realizing what Lord Ripon's own position has been in introducing his scheme. Many of you perhaps are acquainted with that beautiful allegory contained in that noble English classic, Bunyan's *Pilgrim's Progress*. You remember, gentlemen, how Christian sets out on his errand and how he is assailed and tempted by all the sophisms of selfishness, prejudice and vainglory. We may well compare Lord Ripon to the hero of that allegory. There have been worldly-wise men after him who have tried to pass off their selfishness and narrow-mindedness by calling them practical common-sense. There have been jingoes after him shouting martial hymns about 'the magnificent pride of English birth.' There have been homœopaths (like the excellent members of our own Bombay Government) who have solemnly warned him that the Indian patient can bear none but the most infinitesimally minute doses. (Laughter and applause.) But, gentlemen, Lord Ripon, like the true Christian hero that he is, has held on his way firmly and valiantly and resolutely pushes on towards the straight gate which is his goal. It is said in one of the Gospels, 'strive to enter in at the straight gate, for straight is the gate and narrow is the way that leadeth into life and few there be that find it.' Gentlemen, it is not given to everybody to emulate such heroism. We cannot easily expect to secure another such Lord Ripon. These qualities which have enabled him to prove himself so consummate a statesman are not common. Almost alone I believe among the English statesmen of our age, one man has been distinguished for his firm moral and intellectual grasp of the great principles of right and justice, unaffected by the most plausible sophistries of interest or pride, Mr. Bright. (Cheers.) It seems to me Lord Ripon shares to a considerable extent this trait of Mr. Bright's political character. This it is which has enabled him to inaugurate the memorable work for which we are

all so grateful to him. (Cheers.) But this great trait is rare and therefore it is that it is imperatively necessary to ask for a renewal of his period of office. And, gentlemen, it seems to me that we can approach the throne of Her Majesty with peculiar propriety for the favour we ask. For Lord Ripon fulfils in him that fervent prophecy which the Poet Laureate has addressed to Her Majesty in his touching dedication of his poems :—

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

(Cheers.) Such a statesman has Her Majesty' in Lord Ripon and such an august decree is his scheme of local self-government. (Renewed cheers.) Let us wish him God-speed in the nobler career of statesmanship on which he has valiantly entered and in which he has already advanced so far. Ignorance and prejudice may prate about the ingratitude or disloyalty of the people of this country. When he retires, I don't know if Lord Ripon's deeds will be commemorated in brass or marble, but this we can say for a certainty that the name of Ripon Saheb will be handed from generation to generation, his memory embalmed in their tender reverence, his epitaph engraved on their grateful hearts. (Cheers.) Before I sit down I am reminded by my friend, Mr. B. Tyebji, to refer to a point on which he as well as I had considerable misgivings, viz., whether it is not premature to ask for a renewal when Lord Ripon's tenure of the Viceroyalty has hardly been three years old. I confess, gentlemen, this point has exercised my mind very much. But when we remember what time it takes to move the political forces in England to make up their mind in a matter of this sort, how early sometimes these arrangements are made beforehand in political circles, how many considerations have to be taken into account, how

many obstacles to overcome, perhaps it is well to err on the safe side, to take time by the forelock, in a matter which is of such vital importance to us. There is another point also, gentlemen, we must bear in mind. It is all very well for us to ask for a renewal of Lord Ripon's term of office, but we must not forget what he himself may have to say in the matter,—whether he will consent to tie himself to another term of arduous and harassing work of no common order, for the Viceroyalty to an energetic and a conscientious man is no bed of roses. We will hope, however, that that generous sympathy, which as Lord Hartington has pointed out, Lord Ripon has for the legitimate aspirations and wants of this country, will persuade him not to leave it till his great work is fairly matured. (Loud cheers.)

SPEECH ON THE ILBERT BILL.

[At a public meeting held in the Town Hall, Bombay, on the 28th April, 1883, for the purpose of considering the Ilbert Bill, Sir Jamssetjee Jeejeebhoy presided, and the Hon'ble Mr. Budruddin Tyabji moved the following resolution:—'That in the opinion of this meeting the Bill to amend the Code of Criminal Procedure is necessary for the just and impartial administration of justice and is in consonance with the righteous policy which the British Government has followed in the administration of this country.' Mr. Pherozeshah M. Mehta, who was received with loud and prolonged cheers, seconded the resolution in the following speech.]

Mr. Chairman and Gentlemen,—In rising to second the resolution which has been just moved by my honourable friend Mr. B. Tyabji, in a speech which you will agree with me in admiring as equally remarkable for its ability and eloquence as for the studied and dignified moderation of its tone (cheers), I confess that I undertake the task which has been assigned to me with some degree of trepidation. Within the last few days we have been generously inundated with advice to preserve the utmost judicial calmness and moderation without the slightest admixture of even judicial severity, not to allow an angry word or syllable to escape us, while we are also to put forth our case with force and vigour. Now, gentlemen, this advice is more easy to preach than to practise, and though I have resolved to use my best endeavours to achieve this golden mean, I cannot quite escape a feeling of some nervousness as to the success of this rather difficult experiment. But gentlemen, I have one consolation that, in whatever I may say I will be guided by two sentiments of which I am firmly and sincerely conscious and which will never permit me to say anything which will be needlessly offensive or malicious. (Hear, hear.) If I entertain one political conviction more strongly than another, it is that this country in falling under British rule, has fallen into the hands of a nation than which no other is better qualified to govern

her wisely and well. Look among all the leading nations of the world, and you will not find one who, both by her faults and by her virtues, is so well adapted to steer her safe on the path of true progress and prosperity. It is true that the English are a stubborn piece of humanity who might well be asked sometimes to take to heart the exhortation addressed once to the chosen people of God, "Circumcise, therefore, the foreskin of your heart and be no more stiff-necked", but it must be acknowledged at the same time, that it is perhaps this very trait which has preserved this country from rash and extreme experiments, and has put it on a path of sure, though slow, development. (Cheers.) Secondly, in setting up as a critic of Englishmen in India, I fully recognize that I do not set up any claim of superiority. I do not set up as a superior person who could have done better under similar circumstances. On the contrary, gentlemen, I believe most of the natives who have devoted any thought to this subject, are ready to recognize that if they were placed in the position of the dominant race, God knows how they might have strutted before high Heaven and performed antics which might make angels weep. At the same time, gentlemen, I feel confident that Englishmen will frankly admit that this circumstance gives them no immunity from criticism, nor gives them any right to be impatient if they are judged by the principles they themselves have introduced and taught as the principles on which their work in this country must be finally judged. (Cheers.) The nervousness which I have admitted is therefore allayed by the consciousness, that even if I err, I will not set down aught in malice. My fear and trembling however are not quite at an end, and that is in consequence of the attitude which our European friends have taken up in regard to the public expression of native opinion on this Jurisdiction Bill which we are met here to consider to-day. That attitude is not unlike that of the amiable Scotchman described by Charles Lamb, who pitched into you for your presumption

if you ventured to go in for praise of his great national poet and performed the same operation on you for your ignorance if you dared to find fault with him. (Laughter.) Much in the same humour our European friends are disposed to rebuke us for our obstreperousness if we make bold to express our opinion of this Bill in public meeting assembled, and are just as ready to take advantage of us on the score of our indifference if we sit quiet without blowing the feeblest counterblast to the incessant sounding of trumpets and clashing of cymbals which is kept up even until now all over the country to fright away this poor little Bill. This attitude may lay claim, I admit, to some amount of rather grim humour, but I trust our European friends will not be very hard upon us if we refuse to be tossed about in this manner on the two horns of such a dilemma as they present to us, and prudently hold fast by the one which does us least injury. But as soon as we decide, gentlemen, after anxious consideration, to hold a public meeting, another mine is sprung upon us. We are told that we have no concern with this Bill at all, that it is only a little matter between Lord Ripon and the Europeans in India, in which the parties have got rather hot with each other, that in fact we have no *locus standi* at all to take part in the argument. Now, gentlemen, of all the cool and astonishing things which have been said in the controversy on this Bill (and they are not few), it seems to me that this is about the most cool and astonishing (laughter), for nothing can be clearer than that the natives have the most immediate and vital concern in the subject-matter of this Bill. I do not refer here to the handful of native civilians who might get extended jurisdiction under it. I do not speak here of the educated English-speaking natives who might be supposed to sympathise with native civilians. But I speak of the masses of the native population, and I say that they are as directly and strongly interested in this Bill as any European British-born subject. As sure as there are two parties

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

further, as they had a very poor chance in the case of ordinary offences before a European magistrate when the offender was a European. And they gave me an instance within their own knowledge of a European (a man not highly placed be it fairly admitted) who went about bragging in their part of the country that he could ill-treat natives as he liked as no native magistrate could try him and no European magistrate would believe any d—d lot of native witnesses. (Laughter.) The word 'd—d' is a free translation of my own of the vernacular word used in the conversation. Gentlemen, I do not offer this European as a representative European, or this story, either, as a representative story. It is unfortunately too much the fashion both with natives and Europeans to moralise on isolated instances as if they were always typical ones. But I think this story very forcibly illustrates both the interest which the natives have in the subject-matter of this bill and the interest which they take in the controversy and agitation about it. (Applause.) A *locus standi*, gentlemen, we most assuredly have in this controversy; if European British subjects hold that of the accused we have the *locus standi* of the complainants. Now, gentlemen, I don't propose to take up your time by entering into a discussion of the merits of this Bill after the able and exhaustive treatment of it by Mr. Tyabji. But all his arguments rest upon one assumption, his inferences follow logically and irresistibly, if there is no question about this assumption. Mr. Tyabji was perfectly justified in arguing upon the basis of this assumption, for it is founded upon the declared policy of the Crown with regard to the Government of this country. But in the progress of this controversy the opponents of the Bill have perceived that their arguments cannot be maintained till they attacked the wisdom of this policy. So now they deliberately urge that this Bill is in itself a matter of little moment, but their fears are aroused as it indicates the shifting of the foundations of British power in India.

Denouncing the wisdom of the declared policy of the Crown, or urging that its declarations in that respect were not meant to be practically acted upon, they boldly say that India has been conquered by force and must be governed by force. In preaching this gospel of might with regard to the government of this country, they have found a devoted supporter in England in Sir Fitzjames Stephen and a somewhat doubtful one in Lord Salisbury. They ridicule the policy of righteousness as one of weak sentiment and seem almost to adopt, with scarcely disguised approval, the vigorous summary of their position given recently by Mr. Bright (loud cheers) in his own peculiarly happy manner, that having won India by breaking all the Ten Commandments, it is too late now to think of maintaining it on the principles of the Sermon on the Mount. (Cheers.) Our European friends will pardon me if I say that a good many of them have a sneaking, when they have not a pronounced, partiality for this proposition while they consider that the platitudes about England's duty to India, and the other quotations from Lord Macaulay and others about a 'policy of national wisdom, national prosperity, and national honour' have no business to intrude in practical politics but are only good enough to be spouted by native orators on public occasions. For many years the policy of governing India on principles of justice and equality for all the Queen's subjects of whatever caste and creed has never been so openly and so furiously called in question as now. It therefore seems to me, gentlemen, that this is a time, when, without overstepping the limits of our loyalty or our gratitude, we may properly and justifiably examine the propositions which have been thus advanced, and try to show that the declared policy of the Crown was adopted after long and careful consideration not on grounds of weak sentiment, that it was adopted not simply because it was a policy dictated by honour and justice (which we cheerfully and gratefully acknowledge that it is), but also because it was a policy dictated by the true interest of

England herself, because in no other way could England hope to preserve her great dependency with the greatest amount of safety and profit to herself. In the first place, gentlemen, it is said that India was won by the sword. Now I say that Englishmen don't do justice to themselves when they read Indian history in this way, though it cannot be denied that there are many pages in this history blotted by error and crime. England has won India not simply by the sword, but in a large measure by the exercise of high moral and intellectual qualities which have not only guided its victories, but have always been on the alert to neutralise its baneful influences. (Cheers.) But, gentlemen, however India was won, can it be maintained with safety and profit by the sword only? This is too large a question to be treated fully in a public meeting like this, but I will lay before you three considerations which I think show that it is impossible. First, India maintained by England by the power of her armies would be a heavy burden on her in case of her being involved in European complications. It is utterly improbable that England can always escape being dragged into the contests, rivalries and ambitions of the other European powers. What with France with her desire to extend her colonial empire, with Italy anxious for the African coast right against her, with Russia intent upon extending and consolidating her power in Asia, with the other powers jealously watching these,—however great and powerful England may be, the strain of such entanglements cannot but tell upon her, and one day she may find herself in a predicament in which India may simply hang as a mill-stone round her neck. (Loud applause.) We must not forget the contingency of the American powers appearing on the scene and complicating matters dreadfully. Ireland is another thorn in the side of England, and what a lesson she teaches as to how hard and difficult it is to undo the mistakes of a policy of force, centuries after they were committed! How nobly has England been struggling to redeem the conse-

quences of such a policy and yet how slowly she succeeds in undoing the mischief of the past! But secondly, there is another Nemesis attending a policy of force. That policy would require day by day larger English armies and larger English Civil Services. In progress of time large numbers of Englishmen trained in the maxims of despotism and saturated with autocratic predilections, would return to their native home, where they could not but look with intolerance on free and constitutional forms. This is no visionary speculation. Careful English observers have already noticed traces of such a tendency. In the course of a few generations, such a tendency, if not checked, would develop into a mighty influence and the free and constitutional government of England which has been so long the pride of the world would be placed in the deadliest jeopardy. (Cheers.) Rome was once proud of her sturdy freedom and her republicanism; she lost both in the extension of her despotic empire. She has left, however, a valuable lesson and it has been well and truly said that for the sake of all that she values most, her own freedom and civilization, England must raise India to her own level or India will drag her down to hers. (Loud cheers.) The third consideration on this point I have to lay before you relates to the benefit to be derived from the commercial intercourse between the two countries. With a policy of force, as I have said before, the resources of India would be drained in the first instance in maintaining large costly armies and huge services; the country would be thus too much impoverished to admit of her developing the great material resources which nature has showered on her. In India, impoverished and emasculated, the English merchant would only be an emaciated attendant in the rear of the English soldier and the English Civilian, and English commercial enterprise, more glorious even than her military enterprise, would find no congenial field. I have thus, gentlemen, very hastily and very imperfectly sketched the consequences to England herself

of a policy of force. Now look at the other picture. With India educated, civilized, contented and loyal, what a help she would be to England in her time of need, what a field for commercial enterprise, what reciprocal benefits from inter-communion in every way. (Loud cheers.) How great England is even now, with her Indian possessions governed on the present declared policy of the Crown? She would wax greater and greater with every legitimate development of that policy. I say, therefore, gentlemen, that of the two policies on which India could be governed, England has chosen that which will secure her own best interests with those of India herself. When in the inscrutable dispensations of Providence, India was assigned to the care of England, one can almost imagine that the choice was offered to her as to Israel of old: 'Behold, I have set before you this day a blessing and a curse: a blessing if ye will obey the commandments of the Lord your God which I have commanded this day; a curse if ye will not obey the commandments of the Lord your God, but turn aside out of the way which I have commanded this day, to go after other gods which ye have not known.' England has chosen wisely and well, she has discarded the temptations held forth by the passions of selfishness, prejudice and vainglory, she has chosen to follow 'the Eternal that maketh for righteousness.' She has deliberately declared by the mouths of her greatest and most trusted statesmen, she has proclaimed it through the lips of Her Gracious Majesty herself (cheers), that India is to be governed on the principles of justice, equality and righteousness without distinctions of colour, caste or creed. (Loud cheers.) Our English ends, therefore, gentlemen, must make up their minds to discuss this Bill on the basis of this declared policy of the Crown. (Cheers.) On that basis I say, the case for passing the Bill is simply irresistible as my friend Mr. Tyabji has shown. I will only refer to one argument which may be shortly described as the 'anomaly' argument. Now, gentlemen, this word 'anomaly' has a good

deal to complain of as to the treatment it has received at the hands of the opponents of this Bill. Never has any word in the English language before been so cruelly maltreated. But it must sit quiet under its injuries at present, as till the Bill is passed it cannot secure conviction before a European magistrate. This anomaly argument however is perfect if it is properly regarded. It derives its force from actual fact and experience. However anomalous the position of Englishmen in India, still, it can be made, and has been made, the basis of a righteous policy. In the prosecution of that policy, native magistrates have already exercised jurisdiction over Europeans, with the most satisfactory success in the Presidency towns. Race feeling and native perjury have not been able to mar the experiment. But it is said that that is because of the existence of a public opinion in the Presidency towns which does not exist in the mofussil. But this plausible argument yields to a close examination. The argument admits that public opinion is sufficient to countervail the dreaded consequences of race prejudice and false swearing. Let us see then if in the mofussil, there is not a force which can operate in the same way. I say that there is, and a stronger one than public opinion, that of the official opinion of the European district officers, which would work on the native magistrate more directly, more expeditiously, and more closely as all his interests and predilections and associations would closely connect him and make him dependent on them. (Applause.) I say, gentlemen, this argument takes the whole question from the domain of speculation and brings it within that of observed fact and experience which establish that native magistrates can be safely trusted with jurisdiction over Europeans. Before concluding, however, I am desirous of saying a word about the storm of passion and prejudice which, commencing in the Calcutta Town Hall, has so spread over the whole land. Some of my native friends are disposed to be very hard upon these angry and excited

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

As through the land at eve we went,
 And plucked the ripened ears,
 We fell out, my wife and I,
 O, We fell out, I know not why,
 And kissed again with tears.
 And blessing on the falling out,
 Which all the more endears,
 When we fall out with those we love,
 And kiss again with tears,

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

SPEECH ON SIR EVELYN BARING (EARL CROMER.)

[At a public meeting of the European and Indian citizens of Bombay held at the Framjee Cowasjee Institute, on the 27th August, 1883, for the purpose of adopting an address to Sir Evelyn Baring expressing their appreciation of his services to the country while he occupied the post of Finance Minister, with the Hon'ble Rāḍ Saheb V. N. Mandlik, C.S.I., in the chair, Mr. Pherozezshah M. Mehta made the following speech in moving the adoption of the address which was read to the meeting by Mr. Javerilal U. Yajnik.]

Mr. Chairman and Gentlemen,—I beg to move the adoption of the address which has been just read to you. You have already heard Mr. Mowat expatiating in an able and exhaustive speech on the financial and economical aspects of Major Baring's administration. You have also heard my hon. friend, Mr. Budruddin Tyabji, who like the coy maiden that 'yielding not, yieldeth,' after repeatedly saying that he was not going into details, went into a discussion one by one of most of the measures of the same period. (Laughter and cheers.) Then we have had only the preliminary, but rather elaborate, remarks of Mr. Javerilal. So that, gentlemen, nothing really is left for me to say, and I think it best to confine myself to a few general remarks. I happened the other day, gentlemen, to glance through the historical chapters of a well-known guide to Bombay which would be excellent, were it less disfigured here and there by the strong prejudices of the writer, a gentleman well-known to us in Bombay. I will read to you, gentlemen, a passage I found in it. 'It should never be forgotten,' says the writer, 'that the conquest of India is really the fruit of the incomparable fighting qualities of the British soldier. After all is said about statesmanship and culture, it remains true, as Bulwer Lytton put it, that 10,000 English soldiers, not one of whom perhaps could repeat a line from any English author, might over-turn the empire of China to-day as easily as they overturned the

empires of Mogul and Mahratta. Without entering into the question of how far this historical estimate requires to be modified by a true reading of Indian history, I venture to say that if British soldiers helped to conquer the British empire in India, it could never have been founded and consolidated into the great and stable empire it now is without the incessant exercise of that statesmanship and culture which the writer sneeringly holds in such slight account. The history of British India will no doubt reserve to the great military heroes who fought its battles a page of glory all their own, but a still more brilliant page will have to be accorded to that long list of noble and far-seeing statesmên and administrators, which, headed in our own presidency by the venerable name of Mountstuart Elphinstone (cheers), has received within the last three years two most illustrious additions. (Loud cheers.) It is only a short time ago, gentlemen, that we met in this hall to do homage to one, in whom the people of India love more and more, with pardonable, if exaggerated, enthusiasm, to trace the lineaments of a new Buddha, stainless and spotless, true and tender, come to life again for the welfare of India—

Lord Buddha, Lord Ripon styled on earth.

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

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

the natives among whom they have lived and worked. It is a matter of deep regret that the exigencies of the public service deprive us so soon of a minister like Major Baring, but we shall have this consolation that not only his good work will remain after him, but he will have left footprints on the good government of India which future ministers, 'seeing, may take heart again.' (Cheers.) With these remarks I beg, gentlemen, to move the adoption of the address just read to you. (Cheers.)

THE CONCORDAT.

[The following letter on the Ilbert Bill was addressed by Mr. Pheroze Shah M. Mehta to the "Bombay Gazette," and printed in its issue of the 11th January 1884.]

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

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

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

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

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

is finally settled in select committee, I beg to offer this proposal for consideration as best calculated, under all the circumstances of the case, to obviate the mischief which there is but too good reason to believe the Concordat will otherwise work.

I have commenced this letter by venturing to condemn the Concordat as a political blunder, let me end it by pointing out the ray of comfort which should sustain and cheer the Indian people in this crisis. The Ilbert Bill and the agitation against it have secured a distinct political gain to the natives. When the din and turmoil of the agitation will have dissipated, it will be found that the rule of the sword and prestige theories have received blows from which they will never wholly recover. Even that doughty knight, the Goliath of the Philistines, will have assisted in this good work. He may be better compared to Balaam. He was called by his countrymen to curse ; he has been unable to do so without intermixing blessing as his latest contributions on the subject of the Bill amply testify. As the old proverb says, his curses, like chickens, will go home to roost, the blessing will remain with us and fructify.—Yours, &c.,

January 9.

PHEROZESHAH M. MEHTA.

SPEECH ON LORD RIPON.

[At the Dinner given to Mr. Nowrozjee Furdoonjee, on behalf of the Parsee Community at Petit Hall on Government conferring the distinction of a C. P. E. on him, with Sir Jamsetjee Jeejeebhoy, Bart., in the chair, Mr. Pherozeshah M. Mehta made the following speech in proposing the toast of "The Marquis of Ripon, Viceroy and Governor-General of India."]

Sir Jamsetjee and gentlemen,—Under ordinary circumstances I should have laid before you the toast which is entrusted to me, in the quiet and formal manner in which such toasts are usually taken. But I know that a gathering like the present one will never consent to receive with cold formality the toast of the present Viceroy and Governor-General of India, the Marquis of Ripon. (Cheers.) And gentlemen, if we take this toast with warm enthusiasm it is not, I venture to say, in the partisan spirit of any offensive counter-demonstration against any other body of Her Majesty's subjects in India, as has been said of recent displays in other parts of the country. (Hear, hear.) Nor do we thus receive it because, as has also been said, we exult in the thought that Lord Ripon is promoting the interests of the natives of this country at the expense of those of his own countrymen. True children of the soil which has given us kindly nurture for near upon 1,100 years, we are natives to the very back-bone. But we are also bound by all the strongest ties of interest and gratitude to the British Crown and the British rule. (Cheers.) We honour thus the toast of Lord Ripon's health because we are firmly persuaded that his policy is calculated to promote our loyalty to the British Crown and to strengthen the stability of the British rule. We honour his toast thus because, we admire in him the rare combination of grandeur of heart and loftiness of intellect which cheerfully and unflinchingly recognizes that righteousness is an essential and important factor in

Indian as in all other true and far-sighted statesmanship. (Cheers.) We honour his toast thus because he bravely proclaims that solemn pledges and proclamations are not like pie-crusts made only to be broken, are not like Dead Sea apples goodly to behold but dust and ashes in the mouth; nor are they like the gorgeously bound Bibles of men like the now historic member from Madras in the Legislative Council, deceptive cloaks for unjust and unrighteous action. (Hear, hear.) One of the incidental benefits of the agitation against the Ilbert Bill has been to make the people of India widely familiar with the simple and touching words in which the matured wisdom of the Queen-Empress after 20 years of the cares of empire gave directions to Lord Derby to frame the great Proclamation of 1858—words which make us appreciate and feel the well-known dedicatory verses of the Poet Laureate:—

Revered beloved, O you can hold
A nobler office upon earth
Than arms or power of brain or birth,
Could give the warrior kings of old.

(Cheers.) It seems to me that Lord Ripon has truly interpreted his mission as the Viceroy of such a Sovereign by setting himself to work steadfastly and honestly to match her noble words with equally noble deeds. Through good report and evil report, Lord Ripon has worked and is working hard to fulfil this mission. Nothing that has happened recently has abated one jot of the honour, the admiration, and the confidence in which he is universally held by the natives of this country. (Cheers.) Whether we condemn the Concordat as a political blunder with the veteran *Rast Gofdar*, a host in himself, or whether we accept it as a prudent and timely compromise with the *Jame*, the *Samachar*, the *Kaiser* or the *Indian Spectator*—that 'little' paper, but which has none the less done excellent and admirable work in Indian journalism—whether, I say, we condemn or accept the Concordat, our cordial and respectful feelings for Lord Ripon himself have undergone no change

whatsoever. At a recent public gathering to do honour to Major Baring—whom by the way we can never forgive Egypt for depriving us of—I ventured to say* that the natives of India were learning more and more to regard Lord Ripon as a new Buddha born again for the welfare of this country. (Hear, hear.) I was twitted with having indulged in oriental hyperbole in making the observation. But that observation has been amply verified by the magnificent proof of unabated confidence and almost reverential regard which the natives of this country have given to Lord Ripon at this trying juncture of events. It is not given to all men to be so honoured, and I will say that such a proof honours those who give it as him who receives it. When the history of this agitation comes to be calmly written, I have no doubt that Englishmen themselves will admit that Lord Ripon has done more to uphold the true prestige of the English name than they suspect at present. (Cheers.) The explosion of passion and prejudice which has convulsed Anglo-Indian society high and low, official and non-official, has been of a character to leave bitter and deplorable impressions on the native mind. But fortunately, while it has shown how far the English character can deviate in its selfish and vain-glorious moods, the example of Lord Ripon has proved how high it can rise in its nobler and more earnest phases. (Cheers.) When I ask you therefore to drink the toast of Lord Ripon, I ask you to drink the toast of the noble Englishman, the honest and far-sighted statesman, and thus the truest and most faithful representative of that noble Sovereign who has told us that her native and European subjects are equal in her eyes. (Loud cheers.)

* See above pp. 170—3.

THE CIVIL SERVICE AGE QUESTION.

[A public meeting of the native inhabitants of Bombay was held on Saturday, the 2nd September, 1884, at the Framji Cowasji Institute on behalf of the Bombay Branch of the East India Association to adopt a memorial to the Secretary of State for India on the question of raising the age of candidates for the Indian Civil Service.]

Mr. P. M. Mehta in seconding the proposition* said they would pardon him if he looked upon the meeting with some curiosity because they had been recently told that in resorting to this kind of political agitation they were resorting to what was called treason and sedition-mongering. (Cheers and some hissing.) There was no necessity for any such expression of opinion as hisses. But he could not suppress a smile of amusement at the superior persons who gave vent to such absurd utterances. This only showed what knowledge of the natives and of their ways of thought and living those superior people possessed who said they wanted to rule the natives with wisdom and foresight. (Hear, hear, and a laugh.) He was led to make these observations by a letter which had appeared in the *Bombay Gazette* a short time ago under the signature of "Plancus." (Applause.) This gentleman, who had been good enough to disguise his greatness under the modest description of a Government drudge, told them in very solemn words that political agitation was an instrument which the natives could use only to their own ruin: He told them that in respect of political agitation they were in the position of the person who got hold of the magician's wand only to raise spirits in an irregular way. The spirits came, but destroyed him. Such was the fate predicted for them, if they ever resorted to agitation. Though "Plancus" had been busy cursing them, he had still left them a ray of

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

consolation. He had pointed out the remedy by which they could save themselves from his curse. He said he was an exact counterpart of that worthy and estimable gentleman so admirably depicted by Dickens in one of his novels, Sir Joseph Bowley. (Applause.) "Plancus" said he was a friend of the natives of India just as Sir Joseph was the friend of the poor; and told them, natives of India, 'Give up all thinking for yourself and leave me to do it for you. (Laughter and cheers.) I know what is good for you. I will be your perpetual parent. Such is the dispensation of an all-wise Providence.' (Cheers.) So saith "Plancus." Yet another oracle had recently been brought into prominence by his friend Mr. Malabari, who, he regretted to say, had shown less than his usual political sagacity in invoking legislative interference in regard to the evils, the admittedly enormous evils, of infant marriage and early widowhood. Mr. Malabari gave an opportunity to Sir Auckland Colvin to express himself on the subject, and that gentleman advised them to give up political agitation and the self-imposed task of reforming him and his countrymen, and confine their sole attention to remedying their social evils. (Hear, hear.) But, said Mr. Pherozeshah, the natives had never set themselves up for superior persons. On the contrary they admitted that there were a good many points in which their British rulers were far superior to them. But they would maintain nevertheless that, superior though the English might be in the possession of many good qualities, they still required to a certain extent their guidance even in the shape of political agitation, because in the first place the rulers required to protect themselves from their selfish instincts, and secondly from the ignorance under which they laboured with regard to the people among whom their lot was cast. He would say with all deference to Sir Auckland Colvin, that this very question of admitting natives to the Civil Service of India most remarkably illustrated the utmost desirability, nay, the necessity, for the natives to carry on a political agitation

of that sort, for the purpose of throwing light on a subject of great difficulty. (Applause.) While all these superior people were never weary of telling them with great modesty, which surely they did not want the natives to imitate, that they were prudent and full of wisdom and foresight, these very men had in the fulness of their wisdom and after a deliberation of years, evolved a system of statutory civilians. And what were the opinions which these prudent and far-sighted men had since been obliged to pass on the scheme? Were it not for the agitation on the Ilbert Bill, they would not have heard anything like a plain avowal of the fact that the provision in regard to the creation of statutory civilians was a step in the wrong direction. (Hear, hear.) It was necessary all the more to resort to agitation, because those who told them that they wanted to rule over them as benevolent despots had to remember that the only condition on which the forces of benevolence and despotism could co-exist, was this, that there might be an incessant fight between benevolence and despotism in which the force of benevolence must ever triumph over that of despotism. Otherwise despotism would swallow up the benevolence to the utter destruction and demoralization not only of the natives but also of their rulers. (Hear, hear, and cheers.) The existence of men like Mr. Atkins of great notoriety (hisses), to begin with, at one end, and of men like Sir Auckland Colvin at the other, with "Britannicus" and "Plancus" interspersed between them, with their wonderful theories of benevolent despotism pure and simple, showed the necessity of an agitation steady, combined, persistent, and strenuous. (Cheers.) He trusted that when a scheme was laid before them for the purpose of having an independent organization formed with that object, it would secure their serious attention and cordial support. Passing on to the question which they had assembled to consider he asked them to remember one thing, that there were proposals made about reserving certain places in the Indian Civil Service for Europeans

alone. Now the Crown had declared by a free charter that the natives of India were eligible for all offices of state from the highest to the lowest. (Cheers.) In view of this charter, which would never be revoked, the question arose whether it would not be fair and just that the special disabilities under which the natives laboured should be removed. When the question had reached this stage the unfortunate scheme of statutory civilians was brought forward. At that time the Indian bureaucracy was far too powerful to allow free scope to the hope entertained by Indian statesmen that the disabilities in the way of their countrymen would be removed. The natives of India immediately saw through the proposal which had been made, and from one end of the country to the other the general opinion was that the creation of such a service was a mistake and would be found to be a mistake. (Hear, hear.) In that very hall a large meeting was then held at which he himself had read a paper* pointing out the great defects of the proposed system, and it was unanimously resolved after discussion that the scheme was fraught with great mischief. There was ample testimony in support of the fact that the reduction of the limit of age had rendered more disastrous a most disastrous solution of the problem, and matters were made much worse by the introduction into the service of Government patronage and Government jobbery. In the late agitation the statutory civilians were branded as inferior officers altogether, and an able writer calling himself "Civilian" had admitted that the selection of statutory civilians had degenerated into patronage and jobbery. At first, however, there was some little chance of natives overcoming the difficulties in their way and entering the Civil Service in an honourable and proper manner. But the reduction of age had taken away from them the last chance of getting into the service by open competition. Even under these well-nigh insuperable difficulties and obstacles there might be found a rare

* See above pp. 54-80.

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

* He moved the resolution which Mr. Mehta seconded.

LORD RIPON'S VICEROYALTY.

[A public meeting in honour of Lord Ripon on his retirement from the Viceroyalty was held in the Town Hall, Bombay, on 29th November, 1884. Sir Jamssetjee Jeejeebhoy was in the chair. The Hon'ble Mr. Budruddin Tyabji moved the first resolution which ran as follows —'That this meeting representing the various native communities of Western India desires to place on record the deep sense of gratitude entertained by them for the eminent services to India rendered by the Marquis of Ripon during his administration as Viceroy of India.' In seconding it Mr. Pherozeshah M. Mehta, who was received with cheers, spoke as follows.]

Mr. Chairman and gentlemen,—When we remember the numerous meetings and demonstrations that have taken place all over the country during the last fortnight, and when we behold the vast and enthusiastic concourse of people that has assembled here to-day from all parts of the Presidency, it is impossible not to recognize that Lord Ripon has succeeded in moving the heart of all India, as it has never been moved before, even by the most illustrious of the many illustrious men who have been his predecessors in the high office of Governor-General or Viceroy. (Cheers.) And numerous and representative as these gatherings have been, they still most imperfectly indicate the depth and extent of this emotion, which can only be fully understood by those who have opportunities of coming across and witnessing the free expression of native thought and opinion in its ordinary current of daily life. Sir T. Madhava Rao never spoke more truly or more eloquently than when he said at the great meeting at Madras, that Lord Ripon had come to win the entire confidence of three hundred millions of keen and critical Orientals, and that one word from him could do more than a hundred thousand bayonets. (Loud cheers.) Finding it impossible to deny the existence of this universal feeling, our local mentor of the *Times of India* has tried hard to persuade us, and the *Hindu Patriot* has since followed suit, that it is all owing to the circumstance that 'the natives seem to recognize

Lord Ripon's generous good-will towards them as the highest attribute possible in a Governor-General', adding, that 'Europeans, however, demand something sturdier in a statesman officially responsible for the prestige of England and for the welfare and safeguarding of two hundred and fifty millions of people.' And the writer finds it impossible to read Lord Ripon's recent speeches without seeing that they are filled 'with amiable regrets.' If persistent tenacity in enforcing a view could achieve success, these views were bound to prevail, for during months past the writer has gone on enforcing them, like

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

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

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

said he, 'but it may be our high road back to Europe.' 'Then,' I replied, 'I wonder you, as Governor of Bombay, have set it on foot.' He answered, 'We are bound under all circumstances to do our duty by them.' (Applause.) Then, gentlemen, in 1857 and 1858, there came a time of grief and terror, of tribulation and gloom, of exultant triumph and revengeful excitement; and even at such a momentous time these principles were confirmed and ratified in a State document in which the sober statesmanship of England shows off at its best. Well, gentlemen, since then more than a quarter of a century has passed away, and those principles and those measures have been slowly bearing fruit. Palpable and tangible evidences of their working have been springing up on all sides. But unfortunately at the same time, the march of events and the force of the altered condition of things have been changing the English ruler from the vigorous conqueror and statesman into the energetic administrator. It is impossible to deny, gentlemen, that in the Anglo-Indian Civil Service, India has trained up a body of men who are unsurpassed all over the world for excellent administrators. But in undergoing this transformation, they have almost inevitably lost their old grasp of principle in the multitude of details they have to deal with; and though, rising step by step, they sit in the highest councils of the State and may deceive themselves into the belief that they possess their old cunning of statesmanship, the fact is that they have lost it almost altogether. No man is a hero to his own valet, and the Anglo-Indian Civil Servant, coming into too close contact with the Indian people but not close enough for sympathetic comprehension, is more impressed with the unfavourable, outlandish and grotesque side of their qualities and character. (Cheers.) In him, therefore, the evidence of the result of the progress that has been going on creates only alarm and amazement. The children have shot up into disagreeable hobbledehoes, and

are fast growing into aspiring and importunate youths ; and the startled step-parent, against whom they are inconveniently pressing closer and closer, feels utterly ill at ease, and does not know what to do with them. (Laughter.) And thus, our Anglo-Indian rulers come to be in the position of the hero who sets out on high enterprise in many an Oriental allegory. Half-way up the goal, he is assailed by dire threats and forebodings, by hideous shouts from beasts and demons, and warned to turn back for very life. You know, gentlemen, that if, cowed by such menaces, he wavers and looks back, he is lost. He triumphs only if he resolutely pushes forward. It is through this intermediate stage, gentlemen, that our English rulers have been passing. Half-way on their great mission of governing India they are assailed by fears and alarm at the consequences of the progress around them, and 'the coolest, shrewdest and most distinguished' of them see nothing but disaffection and mutiny and ultimate ruin if they did not retrace their steps. (Cheers.) This spirit of alarm and reaction found full play during the administration of Lord Lytton. The results of his Viceroyalty may be shortly described 'as the preparation of the hero of the enterprise to turn back alarmed.' The native press was gagged, the promises and charters given to the people were declared to be made only to be broken, the prestige of England was proclaimed to be one of fear and force, and not of good faith and honour. Imperialism and jingoism were installed in tawdry pageants, and the country was involved in a wanton war, with its attendant heavy financial embarrassments sought to be concealed by discreditable financial manipulations. Gentlemen, there never was a more anxious and critical period in the history of British rule in India, than when Lord Lytton resigned the reins of office. He left the country in a state of doubt and perplexity, of alarm and uneasiness. At this juncture, Lord Ripon assumed the reins of office ; and fortunately for India, in him we got back

the true old English statesman, wise in his noble generosity, and far-sighted in his righteousness. (Applause.) It is no exaggeration to say that he has saved the country from grave disasters that would have followed the false and perilous reactionary step that was being taken. More than a century ago, the military sagacity and enterprise of Clive had enunciated the maxim that helped in creating the British Empire in India. The same comprehensive *coup d'œil* and the same strong spirit led Lord Ripon to perceive that it was necessary to hold fast to the same maxim in maintaining and governing it, *viz.*, 'to stand still is danger, to recede is ruin.' (Cheers.) There was no retreat possible from the old declared policy, and history will record it to his lasting honour and glory that Lord Ripon honestly and conscientiously girded himself for the work before him, stopped the reaction and ordered an advance all along the line. (Cheers.) It seems to me, gentlemen, that this is the keynote to the whole of Lord Ripon's policy, and every important act of his administration can be properly referred to it. He restored the liberty of the native press. He gave a vigorous push to the principles of local self-government, avowedly with the double aim of securing improved local and municipal administration as also to give political education to the people. He invited the co-operation of able and qualified natives in the work of government. He has supported in every way the educational progress of the country; he has encouraged sympathetically the march of high education, and he has cleared and prepared the way for the educational elevation of the masses, so that it should keep touch with the percolating influences of higher education. (Cheers.) Whatever may be thought of the immediate result of the Ilbert Bill, one great good it has undoubtedly effected, in consequence of the controversy being carried to England. Through the passing uproar, one assurance for the natives of India has come out clear and strong,

that the English nation will never consent to upset or modify the great principles of justice and equity on which the declared policy of the Crown for the government of India is based. Add to this that he restored peace, and vigorously promoted the economical and industrial advancement of the country, so that all the other measures may have a free and fertile field in which to flourish and fructify. True that in all these measures Lord Ripon has taken no leaps and bounds, and the general advance has been gradual and measured so that it may be harmonious. (Cheers.) But such a reproach comes with ill-grace from people who, on the other hand, were alarmed at the haste and rashness of his policy. It is the height of inconsistency in such people to say that the outcome of all Lord Ripon's policy is exhausted in 'amiable regrets.' I would answer them in the words of a great book, and tell them that the work Lord Ripon has done is 'like to a grain of mustard seed which a man took and sowed in his field, which indeed is the least of all seeds, but when it is grown, it is the greatest among herbs, and becometh a tree, so that the birds of the air come and lodge in the branches thereof.' I say then, gentlemen, that history will gratefully record Lord Ripon's name among those great men who guided the British Empire in India at a crisis of great anxiety and peril, and steered it clear of dangerous rocks. And I am sure it will come to pass, that it will be acknowledged that he has done as great service by his steadfast policy of righteousness, which has been derided as weak sentiment, as ever Lord Canning did, as is now admitted, by his firm policy of justice, which was then derided as clemency. (Loud cheers.) 'Memorials and monuments of all sorts bearing his honoured name are being raised in all parts of the country to commemorate his great and good work, and it is said that he will be rewarded with a dukedom on his return to England. (Applause.) This is as it ought to be, but he has raised a surer monument to himself in the grateful hearts of the people of India ;

he has secured a nobler reward in their blessing, which will fervently accompany him on his leaving these shores. In giving an account of his stewardship to his country and its royal mistress, he can point to them as the surest testimony of how he has discharged himself of the great trust reposed in him, and say that he has left peace where he found war, he has left content where he found uneasiness and alarm, that he has restored the true prestige of England—the prestige of its good faith and honour—and that he has left the loyalty of the people firmly anchored in their confidence and gratitude instead of in fear and force. Gentlemen, is not this a record of as true and faithful service and of as great and good work as ever was performed? The verdict which is given by your cheers which have rung through these halls as they have never rung before, will, I doubt not, be endorsed by the great English people and their sovereign, who, as her own poet-laureate has sung—

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

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

ESTABLISHMENT OF THE BOMBAY PRESIDENCY ASSOCIATION.

[A public meeting of the native citizens of Bombay was held on the 31st January, 1885, at the Framji Cowasji Institute, in response to an invitation from the Hon'ble Mr. Budruddin Tyabji, Mr. Pherozechah M. Mehta and the Hon'ble Mr. K. T. Telang, to take steps to start a new political association in Bombay for the promotion and advocacy of the public interests of this country. There was a very large and representative gathering of natives of all classes and denominations. Sir Jamssetjee Jeejeebhoy, Bart., C. S. I., was in the chair. In seconding the resolution appointing the President and Vice-Presidents of the Association, which was moved by the Hon'ble Mr. Telang, Mr. Pherozechah M. Mehta made the following speech.]

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

I cannot help wishing to express the extreme satisfaction which I experience in observing with what alacrity and self-abnegation the chief citizens of Quebec, gentlemen whose private occupations and engagements must be extremely absorbing, are content to sacrifice their domestic

* He moved the first resolution.

† The latter seconded the first resolution.

leisure and the interests of their private business in order to give their time and attention to the public service. Gentlemen, I take it that there is no more healthy sign of national life than this, or rather that there would be no more fatal indication of an unpatriotic, selfish, and despicable spirit, than were what are called the business men of the country, that is to say, those persons, who by their education, character, habits, and intelligence, are best fitted to serve her, being tempted by an over-absorption in their private business to abstain from all contact with public affairs, and from a due participation in the onerous and honourable strife of municipal or parliamentary politics. Were such a defection on the part of the most intelligent, energetic, and high-principled men of the country to prevail, the consequence would be that the direction of its affairs would fall into the hands of corrupt adventurers and trading politicians, and that the moral tone of the nation as a nation would deteriorate throughout every stratum of society; and what, I ask, is the worth of the largest fortune in the world, of the most luxurious mansion, of all the refinements and amenities of civilization, if we cannot be proud of the country in which we enjoy them, if we cannot claim part in the progress and history of our country, if our hearts do not throb in unison with the vital pulse of the national existence, if we merely cling to it as parasites cling to a growth of rotten vegetation. Of course, I do not mean to imply that we should all insist on being prime ministers, secretaries of state, or mayors, or members of Parliament, or town councillors. Such aspirations in all would be neither useful nor desirable. A large proportion of the energies of the community must be always employed in building up its mercantile, manufacturing, and agricultural status, and in its learned professions; but I venture to think that no one, especially in a young country, no matter what his occupation, should consider himself justified in dissociating himself altogether from all contact with political affairs. The busiest of us can examine, analyse, and judge; we can all canvass, vote, protest, and contend for our opinion; we can all feel that we are the active members of a young commonwealth whose future prospects and prosperity depend upon the degree of patriotism, self-sacrifice, and devotion with which we apply our energies in our several stations to her material, moral and political development.

I say that I cannot have used more eloquent language than this in making the appeal which we now make to you for the purpose of securing your help in the foundation of this Association. Gentlemen, I appeal all the more strongly because I think the time has now come when the individual and isolated efforts of a few men, however good and true, should be supplemented and pushed forward by the young raw material that is accumulating before us day after day. Gentlemen, it has been remarked more than once that in this country our

first veteran reformers and leaders have not been succeeded by men from the younger generations. I have more than once said that this is not the right way of looking at the phenomenon. I am quite ready to admit that our old and veteran leaders, men like Dadabhai Naoroji and Nowrozjee Furdoonjee, and others whose names will occur to you at once (cheers), have done right good work in their time, and have rendered most important and valuable services to their country. (Cheers.) But, gentlemen, my faith is large in time and that which shapes it to some perfect end, and I devoutly believe that just as good fish is in the sea as ever came out of it. (Cheers.) And I sanguinely look forward to the day when our younger generations will produce, even though they be rare, other Dadabhai Naorojis and Nowrozjee Furdoonjees and the rest of them. (Cheers.) But before that could be done we must ask you to devote yourselves even at some sacrifice to the cause of the country. (Mr. J. M. Patel: 'As you are doing.' Cheers and laughter.) It would, in fact, be no sacrifice: life would lose its relish without its sacrifices, and I ask every one of you, however small your means may be, to make some sacrifice for a general and important cause of this character. I trust before the meeting separates we shall receive assurances of support from a large portion of this assembly who have been so good as to respond to our invitations. (Cheers.)

SPEECH ON PROFESSOR FAWCETT.

[A public meeting to commemorate the services rendered to India by the late Professor Fawcett was held in the Town Hall, Bombay, on 2nd September, 1885. His Excellency Lord Reay, Governor of Bombay, presided. Mr. Pheroze Shah M. Mehta spoke as follows in moving the second resolution.]

Your Excellency, ladies and gentlemen,—The proposition entrusted to me is ‘That in the opinion of this meeting it is desirable to raise a fit memorial to perpetuate the memory of the late Professor Fawcett.’ I do not think that it will require many words from me to commend this proposition to your cordial acceptance. The greatness of England and of the English character has been often measured by the great men she has produced. Many of the gentlemen present here will perhaps remember how at a recent memorable Convocation of our local University, the then Vice-Chancellor, Mr. Justice West, dwelt on the traits of character by which she was enabled to achieve this greatness, and referred us to those well-known lines, in which the most natural and musical of English poets boldly delineates them in a few happy touches—

Pride in their port, defiance in their eye,
I see the lords of human kind pass by.

I think, gentlemen, that these lines very fairly describe the qualities by which, among other things, the English were able to found the British Empire in India. But with the need to settle down to steady good government after the era of ‘the daring aims irregularly great,’ the English character has undergone a beneficent change and development in its highest phases. Strong still in the old pride and prowess, it has become stronger and nobler still in the lofty and thoughtful conception of moral and political duty which illumines the life and career of such a man as Professor Fawcett. (Applause.) To my mind there is no more touching spectacle than that of

the blind Professor, who had achieved for himself one of the most remarkable positions in the House of Commons, devoting himself as the champion of a country he had never seen, and the steadfast friend of a people with whom he had never come into personal contact, simply because that country needed a champion and those people wanted a friend to represent their interests. (Applause.) Such a figure strikes me as even more chivalrous than the figures of the ideal knights, of whom the Poet Laureate has in our day sung so much, 'who went about redressing human wrong.' And this advocacy was as valuable to us as it was honourable to him. It was valuable to us, because Professor Fawcett was no weak sentimentalist or mawkish philanthropist, but, on the contrary, he had what his distinguished literary friend Mr. Leslie Stephen has described as characterizing one of the most masculine and vigorous of English intellects, that of Dr. Johnson, a huge contempt for the foppery of high-flown sentiment. Those who knew him well all testify to his thoroughly practical turn of mind, his sobriety of judgment, and his close powers of reasoning. And his advocacy was most honourable to himself, as he gave it with that fearless independence which was ingrained in his very character. (Applause.) Not a few here can probably call to mind how, though a thorough Liberal in politics, he severely and unhesitatingly condemned the action of the Gladstone Government at the last moment with regard to the abolition of the purchase system in the army. With the same independence, he was never deterred by any unworthy fears of jeopardizing his popularity with the constituencies from firmly reminding them that England was constantly casting burdens on the shoulders of the people of India which she was bound in justice to bear herself either wholly or in part. (Applause.) To appreciate the courage of such utterances, we must bear in mind that the English people are most delicately and peculiarly sensitive in the region of their pocket. It has been said, ladies and gentlemen, that Professor Fawcett's

exertions in the interests of India were barren of results. Those who say so seem to me to fail utterly in recognizing the vast influence exercised by the moral forces of sympathy and example. (Hear, hear.) It cannot but be that the people of India would feel a more generous loyalty and attraction towards a nation which can produce such sons and a civilization which can produce such culture. (Cheers.) And it cannot but be also, that Professor Fawcett's own countrymen would be induced to give respectful attention to the views of a man so practical, so sober, and so independent, and more and more learn to think with him that a foreign government must not only be pervaded by justice, but must also be tempered by sympathy. (Cheers.) If Professor Fawcett did aught to promote these ends—and this numerous and enthusiastic gathering testifies that he did—he has done enough to earn the lasting gratitude of both the countries which he so nobly and so usefully represented. (Applause.)

INDIA AND ENGLISH PARTY POLITICS.

[At a meeting of members of the Bombay Presidency Association, held on the 29th September 1885, to appoint Delegates and take steps for interesting British electors in Indian questions at the General Election, Mr. Pherozechah M. Mehta made the following speech.]

Mr. Pherozechah M. Mehta said that, at that late hour they must have made up their minds not to expect a long speech from him. He had listened with the greatest interest to the eloquent and vigorous speeches made by the speakers who had preceded him, for he found in their utterances the fulfilment of one of his most earnest political convictions. This movement was the beginning of the most important step they were going to take for the political advancement of this country. Going beyond Mr. Budruddin, and also going a little way beyond Mr. Dadabhai, he would say the time was come when they must submit Indian questions to the keen and searching criticism of party warfare. Until that was done, Indian questions would never be thoroughly sifted in England, and what they asked for would never be fully understood or granted. They must ask the English people not to listen to Anglo-Indians only, but to hear both the one side and the other. Although no doubt Indian interests would sometimes be sacrificed in the heat of party warfare, the intellect and the conscience of England would move, as it had always done in the long run, in the path of true progress and beneficent reform. They might have to incur some incidental risk and make some incidental sacrifice, by submitting Indian questions to party warfare, but he was sure that in the end they would be the gainers. Most of them must have read the letter which recently appeared in the *Times* from the pen of a Bombay correspondent. The subtle fallacies and superficial views which pervaded the whole of that letter must have proceeded from a typical Anglo-Indian. These fallacies could never be detected by the English

people, even if they were simply to sit down in calm deliberation and try to get at the truth. It was a very plausible but pernicious fallacy, which had unfortunately gained a very general acceptance, that Anglo-Indians possessing experience of this country must be the best counsellors of England on Indian matters. (Hear, hear.) The fallacies and misapprehensions of the letter he had referred to would never be exposed till they were examined by the sharp and sifting criticism of party warfare. The writer had described the political movements going on through the country as the work of ambitious agitators. Till Indian questions were made party questions, the English public would never find out that these movements were really something very different; that they were more like coming events casting their shadows before, or rather, as the poet says:—

Even now we hear with inward strife,
A nation toiling in the gloom,
The Spirit of the years to come,
Yearning to mix himself with life.

That, Mr. Mehta went on to say, was what was going on. (Hear, hear.) They were the first efforts to realize the higher political life of the future. The typical Anglo-Indian could never understand that, and to him might be said as to the sophist,

And yet though its voice be so clear and full,
You never will hear it; your ears are so dull.

Able and strong-minded as he might think himself to be, he would never hear it till he learned to illumine the present with the light of the future. Their only salvation lay in bringing all Indian questions to the searching criticism of party warfare in England; and if that was done, even though they should have to make sacrifices now and then they would ultimately be the gainers. (Applause.)

ANSWERS TO SOME OF THE PUBLIC SERVICE
COMMISSION'S QUESTIONS—SET E.

Q. 1. What is the prevalent feeling in your province regarding the existing Statutory system? If the feeling is one of dissatisfaction, is the dissatisfaction general or is it confined to certain sections of the community?

A. The feeling in this province regarding the existing Statutory system is one of dissatisfaction. The dissatisfaction is not confined to particular sections of the community. It prevails very largely among the official as well as the non-official classes of the Anglo-Indian community as was made manifest at the time of the agitation against the Criminal Jurisdiction Bill (popularly called the Ilbert Bill). As regards the Indians themselves, it is general among those members of the sections—Mahomedan, Parsi, Hindu—who at all think or speak about public affairs. The only exceptions have been of those—and they are very few—who have hoped or hope that they might secure a share of the patronage under the system. Since very recently, some of the members of what are called the backward races have begun to be less emphatic in their condemnation of the system, but I believe this has not originated from themselves, but it is owing to its being suggested to them that the advanced classes will otherwise have a monopoly of entrance in the Civil Service.

Q. 2. What are the grounds upon which any such feeling is based?

A. The grounds upon which this feeling of dissatisfaction is based will be best understood by a brief reference to the circumstances under which the measure originated and the action adopted from time to time to carry it out.

By Act 3 and 4, Will. IV., C. 85, Clause 87 (Government of India Act of 1833), it was enacted that no native of

India nor any natural-born subject of his Majesty resident therein shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the said Company. This clause was deliberately enacted as a measure of sound policy, and in an explanatory dispatch the Court of Directors interpreted the clause in the following words:—

‘The Court conceive this section to mean that there shall be no governing caste in British India, that whatever other tests of qualification may be adopted, distinction of race or religion shall not be of the number; that no subject of the King, whether of Indian or British or mixed descent, shall be excluded either from the posts usually conferred on Uncovenanted Servants in India or from the Covenanted Service itself, provided he be otherwise eligible.’

The same policy was reaffirmed by the Government of India Acts of 1853 and 1858, and in throwing open admission into the Covenanted Civil Service to public competition, Parliament recognised the right of all natural-born subjects of her Majesty to enter the lists. In 1858 when the paramount necessity of maintaining the stability and permanent security of British rule in India was prominently present to all minds, this policy was further enforced by her Majesty’s Proclamation in which she announced her will that—

‘So far as may be, our subjects of whatever race or creed be impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability and integrity, duly to discharge.’

A general knowledge of those pledges and promises contained in these enactments and declarations has been far more widely spread than is usually imagined, and has not been confined to the educated classes only, but has penetrated very low down among the peoples of India. In these days, when the formation of a distinct English service, or to speak plainly the establishment of a governing class is advocated in one form or another in

the name of the paramount necessity of maintaining British rule, it is well to remember that the declaration of this broad and liberal policy has been a potent factor in forming and consolidating Indian loyalty to British rule, while the discontent arising from the non-fulfilment of the pledges has spent itself on the local administration; which alone has been held responsible for not carrying out pledges given in all honesty and good faith by the English people and their Sovereign. In process of time, experience commenced to make it evident that the natives of India were heavily handicapped in the race of competition as against English competitors—firstly in consequence of the examinations taking place through the medium of a language foreign to them, which however was right and proper under the circumstances of the case; and secondly in consequence of the examinations being held in England, which was not considered fair or essential. Representations with regard to this latter point continued to be made from time to time by public bodies in India, till at length about 1868, it began to be admitted by successive Secretaries of State for India that the complaints and grievances in this respect were well founded, and measures should be adopted to remedy them. What was urged by native public opinion, such as it was, with regard to the grievance and its remedy was clearly embodied by the late Professor Fawcett in the motion of which, as member for Brighton at that time, he gave notice in the House of Commons in 1868. It was as follows:—

‘That this House, whilst cordially approving of the system of open competition for appointments in the East India Civil Service, is of opinion that the people of India have not a fair chance of competing for these appointments as long as the examinations are held nowhere than in London; this House would therefore deem it desirable that, simultaneously with the examination in London, the same examination should be held in Calcutta, Bombay and Madras.’

After long correspondence and consultation with the Government of India, the measure that was laid before Parliament and passed was as different as it was unexpected; and Cl. 6 of 33 Vic., C. 3, after reciting that it was expedient to afford additional facilities for the employment of the natives of India of proved merit and ability, gave power to the authorities in India to appoint natives of India to places in the Covenanted Civil Service. This measure was received with the greatest dissatisfaction by all natives who at all thought on the subject; and I believe I have correctly given the reasons for that dissatisfaction in a paper which I read before the Bombay Branch of the East India Association* when the Act was being passed through Parliament and which is published in the *Journal of the East India Association* Vol. V., No. 1 (a copy of which I beg to lay before the Commission herewith). Those reasons briefly stated, were, 1st, that when they had asked to enter the service in the way pointed out by Lord Macaulay, 'in the most honourable manner, by conquest, as a matter of right, and not as a mere eleemosynary donation,' they were asked to enter it by a backstairs door, that would stamp them as inferior to and different from their English colleagues; and 2nd, that the power of nomination, however attempted to be safeguarded by rules, was inevitably destined to degenerate into favouritism and jobbery through the combined operation of the forces of interest, ignorance, insufficient knowledge, and prejudice. It was further felt, as pointed out at the time in the *Hindu Patriot*, then I believe under the guidance of the late Mr. Kristo Das Pal, that though the measure might benefit individual natives, it could not raise the status of the people of India. The feeling of dissatisfaction with which the Statutory Act was received was intensified by the events that followed, realizing all the forebodings that had been entertained regarding it. For a long time nothing was done under the Act except the occasional exchange

* See above pp. 54-80.

of dispatches between the Secretary of State for India and the Viceroy in Council. Then a spasmodic effort was made to give effect to it, in the sense that natives of proved merit and ability from the Uncovenanted Civil Service might be promoted to posts in the Covenanted Civil Service. In the Bombay Presidency one such appointment was made, and the person designated by the entire native public as exceptionally and eminently qualified for it was passed over through misconception and prejudice. In 1878, Lord Lytton's Government framed rules under the Act, and what Sir Charles Wingfield had said at the time of the passing of the Act—that 'he had every reason to believe from what he had been told by the members of the Council and the Under-Secretary of State for India that the power of appointing young men to the lowest grades in the Civil Service would be hardly ever exercised at all'—was actually proposed to be done systematically by these rules. What he had predicted as the result of such an attempt actually came to pass. He had said that 'he did not think it would be desirable to give the Governor-General power to appoint young men to the Civil Service at the bottom of the list, because he thought it exceedingly probable that his selections would be made merely by favour and interest.'

What took place in the Bombay Presidency was summed up by Principal Wordsworth in a letter which he addressed to the *Pall Mall Gazette* on the 16th June, 1884, in the following words:—

'The people now selected are in reality representatives as little of the aristocracy as of the intelligence of the country. They are members of respectable families who happen to enjoy the favour of some elevated official, a Secretary to Government, a member of Council, or a Police Commissioner. In this Presidency a College education and a University Degree appear to be regarded as positive disqualifications for selection. A young man of independent character and high talents cannot now hope to enter the Civil Service by competition, and he

has generally no wish to enter it by the back-door of favour. Every one, again, who knows India also knows how far the official world here appreciates the independence of educated natives and what chances it is willing to give them. Deferential ignorance, conciliatory manners and a plentiful absence of originality and independence are now, and always will be, at a premium.'

The feeling of dissatisfaction against the Statutory system has grown and formed itself through these circumstances. At one time it had almost grown into a feeling of alarm which has not yet altogether subsided. That was at the time when the blue-book containing the papers relating to the admission of natives to the Civil Service of India was published. Just before the rules were framed by Lord Lytton's Government, the limit of age for the open competitive examination was reduced to 19. Ever since the limit of 23 fixed in the recommendation of Lord Macaulay's Committee was gradually begun to be reduced, suspicions had been entertained and complaints made that the object was to render it difficult for the natives to go to England to compete. When in 1876 Lord Salisbury, in opposition to the advice of the majority of the members of the Government of India, including the then Viceroy, Lord Northbrook, of a majority of the officials consulted in India, and of the Civil Service Commissioners in England, and against the opinion of Professor Jowett, the only surviving member of Lord Macaulay's Committee, decided to lower the limit of age from 21 to 19, it was felt in India, that, whatever the object, the competition entrance into the Covenanted Civil Service was very nearly practically closed against them, and the failure of the Indian candidates who still presented themselves confirmed this view. The publication of the blue-book I have mentioned above followed soon after, and it was perceived with dismay how near the natives had been from being altogether shut out from the English Covenanted Service, the pledge of free equality guaranteed to them so long and so solemnly desired to be taken away, and a Statutory Civil Service

somewhat extended given in its place. Lord Lytton's proposal, which was only given up because there was no hope of obtaining the sanction of Parliament to it, virtually amounted to reversing the old declared policy of the Company and the Crown and forming a governing class. It was felt that all this arose out of the policy of having a Statutory Civil Service for natives, and the feeling of dissatisfaction in regard to it deepened accordingly. This feeling is not entirely allayed, as it is apprehended that the existence of the native Statutory Service will always be suggestive of the revival of such an impolitic and unwise course.

Through these circumstances, the feeling of dissatisfaction against the Statutory Service has been gradually generated and can only be fully understood by keeping them well in mind.

Q. 3. Is the feeling of dissatisfaction, if it exists, directed against the Statute itself (33 Vic., Chapter 3, Section 6), or is it directed against the rules framed thereunder?

A. It will be seen from my reply to question No. 2 that the feeling of dissatisfaction is mainly against the Statute itself. In so far as the Rules establish the system of selection by nomination, they contribute also towards fostering the feeling of dissatisfaction.

Q. 4. If the Statute itself is objected to, is it because its provisions admit persons to specific appointments only and not to membership in an organized 'Service'?

Q. 5. Are the objections based on other and, if so, what grounds?

A. 4, 5. The Statute is partly objected to, in consequence of the circumstance mentioned in this question. I have already indicated the other objections in the previous answers.

Q. 6. If a desire is felt for enrolment in a general service, what are the reasons for this desire?

A. The reasons for the desire felt for enrolment in a general service cannot be better described than in the

words of Lord Macaulay in his remarkable speech on the Government of India Bill of 1853:—‘I can conceive nothing more unfortunate for the people of India than that you should put into the Civil Service a native because he is a native, if he is to be the worst man in that service, a man decidedly inferior in attainments to all the members of that service, and who would be looked down upon by his European colleagues. Under the proposed system, it would depend on the natives themselves, and upon them alone, at what time they should enter into the Civil Service. As soon as any native of distinguished parts should by the cultivation of English literature have enabled himself to be victorious in competition over European candidates, he would in the most honourable manner, by conquest, as a matter of right and not as a mere eleemosynary donation, obtain access to the service. It would then be utterly impossible for his European fellows to look down upon him; he would enter the service in the best and most honourable way; and I believe that in this mode, and this mode alone, can the object which so many friends of the native population have in view, be attained in a manner at all satisfactory.’

Q. 7. What amendments do you advocate in Section 6 of the Statute ?

A. I consider no amendment, short of abolition of Section 6 of the Statute, sufficient. It will be remembered that so far as cases of exceptional merit or administrative exigencies are concerned, they are provided for by clauses 3 and 4 of 24 and 25 Vic., C. 54, which are still law.

Q. 8. Do you consider that Section 6 of the Statute supplies such a definition of the words ‘Natives of India’ as describes with sufficient clearness, fulness, and accuracy the various classes of persons for whose appointment to Covenanted posts it is desirable to provide ?

Q. 9. If not, can you suggest any more complete or more satisfactory definition ?

A. 8, 9. The definition of the words ‘Natives of India’ in Section 6 seems to me to be sufficiently clear and full.

If all inequalities and anomalies were removed, I should consider it just and proper to include all domiciled Europeans in the term.

Q. 10. If the objections are directed against the rules framed under the Statute, do they relate to the mode or modes of selection actually adopted?

Q. 11. Do they relate to the general conditions, in regard to pay, promotion, and retiring annuity under which Statutory Civilians hold their offices?

A. 10, 11. The system of nomination is certainly regarded as very objectionable, as it undoubtedly is. So far as the rules as to pay, promotion, &c., are concerned, they also contribute to accentuate the position of inferiority in which the Statutory Civilians are placed or find themselves.

Q. 12. Assuming the Statutory system to be retained, what amendments would you suggest in the Rules with a view to remove any reasonable objections which may be felt to them?

A. I cannot consider that any amendments in the rules will remove the worst and most objectionable features of the Statutory Service, above all, its political unwisdom.

Q. 13. Are Statutory Civilians regarded by the general public as occupying a position inferior to that of persons who enter the Covenanted Service through the competitive channel?

Q. 14. If such a feeling exists, on what grounds is it based?

A. 13, 14. So far as my experience goes, Statutory Civilians are regarded as occupying a position inferior to that of persons who enter the Covenanted Service through the competition channel, the reasons being that they are regarded as not having given the same proof of merit and ability, as having got in through interest and favour, and as not enjoying the same position, rights, and privileges.

Q. 15. Do the general public view with any difference the status of Statutory Civilians and that of Uncovenanted Officers? :

Q. 16. If so, on what grounds?

A. 15, 16. No comparison, so far as I am aware, has been actually made between the status of Statutory Civilians and that of Uncovenanted officers.

Q. 17. On the assumption that the Statutory system is retained, how would appointment to the Statutory service by nomination be regarded by influential sections of the native community in your province?

Q. 18. How would a system of nomination to be followed by a period of probation be regarded by the same classes?

A. 17, 18. It is difficult to answer this question, as different meanings are attached to the term 'influential sections of the native community.' On the whole, however, the system will continue to be regarded by all influential sections of the community with a feeling of disfavour and dissatisfaction, except by those individuals indicated by me in my answer to the first question. The military and aristocratic classes dislike a position of inferiority and inequality even more than the other classes, which is likely to deepen more and more by time. The feeling will be much the same whether nomination is followed by a period of probation or not.

Q. 19. Would a system of nomination, with or without probation, be likely to secure well-qualified persons?

Q. 20. Has experience actually shown such a system to secure well-qualified officers?

A. 19, 20. A system of nomination with or without probation will never, as a rule, be likely to secure well-qualified persons, and the likelihood is sure to continue to diminish with time. I do not deny that occasionally not only qualified persons, but exceptionally superior persons, may turn up even under the worst system of nomination. We all know how even in the Anglo-Indian Service in the days of the grossest jobbery and

patronage, even a few great men, or men who turned out great, were unwittingly nominated. But as a rule, the system would not succeed. And the difficulties of a system of nomination for the purpose in question are greater in India even than in England, inasmuch as English authorities are necessarily obliged to rely and act upon second-hand information, and upon very imperfect knowledge of the relative positions of people in native communities and the circumstances and tests by which they are regulated. English people hardly realize to what extent their knowledge is thus imperfect, and their information is unreliable, and even positively misleading. I believe these observations are justified by actual experience of the working of the system, at least in this Presidency.

Q. 21. Do you consider that nominations should be confined to persons of proved merit and ability ?

Q. 22. If so, how do you consider that merit and ability should be held to have been proved for this purpose ?

Q. 23. How would a system of limited competition amongst persons nominated for this purpose by the Local Governments or by the Universities, or by those authorities concurrently or alternately, be regarded ?

A. 21—23. I have partly answered these questions in my reply to question No. 7. In the view I have ventured to present of the character of the Statutory system, it is useless for me to answer these questions further. I may be permitted to point out, however, that different significations have been attached to the words 'persons of proved merit and ability' by the Secretary of State for India and the Viceroy in Council at different times.

Q. 24. In preference to either of the above systems (nomination and limited competition), would a system of open competition pure and simple for the Statutory Service commend itself to the native community ?

Q. 25. If competition (whether limited or open) is preferred, should there be one competition for all India or separate competitions in each province ?

Q. 26. If there were only one general competition, how would you ensure a due proportion of appointments falling to the population of the several provinces ?

Q. 27. Having regard to the varying educational standards reached in the several provinces, and the varying conditions prevalent therein, is it possible to have any one system of selection for all India which would not result in the inhabitants of some provinces being more or less excluded from a due share of appointments ?

Q. 28. Under any of the three systems of nomination, limited competition and open competition, would you prescribe any tests of preliminary qualifications on the part of nominees or candidates in regard to (1) age, (2) intellectual capacity, (3) moral, social, and physical fitness ?

Q. 29. If so, what should be the tests under each of the heads specified ?

Q. 30. Do you consider that (after selection whether by nomination or competition) there should be a period of probation ?

Q. 31. If so, what should be the duration of the probationary period ?

Q. 32. Should the period of probation be passed in the ranks of the Uncovenanted Service, or of the Covenanted Service, or in what other manner ?

Q. 33. Do you consider that after selection and before entering on probation (or on duty) the person selected should undergo special training ?

Q. 34. If so, should the special training be carried on in India or in England ?

Q. 35. If in India, would it be possible, and, if possible, advisable, to establish an India Civil Service College on the basis of the Haileybury College which formerly existed in England ?

Q. 36. If you do not consider special training in England essential, would you encourage nominees or selected candidates to visit England with a view to add to their qualifications for the service ?

Q. 37. If so, what form should such encouragement take ?

Q. 38. Should it be offered before, or during, or after the probationary period, if any, through which nominees or selected candidates may be required to pass ?

Q. 39. Should it be offered before or after the nominees or selected candidates enter on their duties ?

A. 24—39. The assumption upon which these questions are based is to me so regrettable to contemplate that I beg to be excused from attempting to answer them even hypothetically.

Q. 40. Are you in favour of the establishment of scholarships tenable by natives in England for the purpose of enabling them to qualify for the Civil or Statutory Service ?

Q. 41. If so, how would you connect such a scheme with selection of natives for employment in the higher administrative posts in India ?

Q. 42. Do you think that any distinction should be made between the emoluments of nominees or selected candidates who have been trained in England or have gone to England to add to their qualifications and those who have not ?

Q. 43. If the opportunity of residence in England at a University for two years with a sufficient allowance were offered to nominees or selected candidates, is it likely that it would be taken advantage of to any great extent ?

A. 40—43. I consider the existence of the Statutory Service to be of so disastrous and retrograde a character for the true interests of the peoples of India, that rather than that it should be retained, I should be in favour of the foundation of numerous scholarships—and they would have to be very numerous indeed—tenable by natives in England for the purpose of enabling them to qualify and to compete for the Covenanted Civil Service, provided these scholarships were not bestowed by any system of nomination of any kind or sort whatever, but by free and open competition in India.

Q. 44. If the system of examination in England were revised with the result that natives availed themselves of it in considerable numbers, would it still be necessary to retain the Statutory system ?

Q. 45. If so, to what appointments or classes of appointments would you restrict the latter system, and what conditions over and above those already existing would you impose ?

A. 44, 45. No, but I do not think that such a revision as is put in the question is very feasible. I should certainly not be in favour of lowering the standard or character of the examination.

Q. 46. Is competition of natives in the examination in England favourably looked upon by large and important classes in India ?

A. If the question refers, as I suppose it does, to an examination held in England, I believe competition for such examination in England has more and more come to be regarded with disfavour. Among numerous other causes, it is come to be considered that there is more or less risk in sending youths at an early age to England where it is very difficult to secure for them safe guidance, control and supervision.

Q. 47. Should additional facilities be given to natives for proceeding to England and entering the Indian Civil Service by the channel of the English competition ?

Q. 48. If so, what forms or form should such facilities take ?

Q. 49. What conditions, if any, should be attached to them ?

A. 47—49. I do not think that any additional facilities that could possibly be suggested would prove satisfactory or meet the real demands of the question.

Q. 50. What is your opinion as to giving Statutory appointments to natives who, though they may have failed to secure a place amongst the successful candidates, have shown merit in the English competition ?

Q. 51. Assuming it to be advisable to appoint to the Statutory Service in India natives who have failed in the English competition, should such persons receive the same training as successful candidates in England, and be subject to the same final examination?

Q. 52. Should they on appointment to the Statutory Service in India be subject to the same incidents as apply to other persons appointed under the Statutory Rules?

A. 50—52. If such a thing were generally done, it would still further degrade the Statutory Service.

Q. 53. Can you say what number of natives belonging to your province have presented themselves annually at the competitive examination in England, and what degree of success they attained?

A. I believe one Hindu, one Mahomedan, and three Parsis have hitherto succeeded in passing the competitive examination in London from this Presidency.

Q. 54. What class or classes of natives in your province readily go to England?

A. Parsis come first, then Mahomedans, then Hindus.

Q. 55. Are objections entertained to going to England; and, if so, what are they, and by what classes in particular are they felt?

A. 55. All the classes have two objections in common—first the great expense, and secondly, risk attendant on a visit to England, especially for young lads, in consequence of the circumstance mentioned in my reply to questions 44, 45. Hindus have a special objection on the score of caste and religion, but it is gradually wearing away.

Q. 56. Should the examination for natives in England be distinct in standards and conditions from that for English candidates, or should there be one and the same examination for all?

A. 56. I know of no reason or justification for such a proposal or suggestion. I should be strongly against

any such distinction, as all other distinctions regarding free and fair competition between natives and Europeans.

Q. 57. If the standards and conditions were different, how would it be possible to compare the results in the two examinations so as to bring out one list in order of merit?

A. It would in my opinion be practically impossible.

Q. 58. Would it under such circumstances be desirable to allot a fixed proportion of appointments to each of the two examinations?

A. To do any such thing would be as undesirable as the circumstances contemplated.

Q. 59. If a fixed proportion of appointments were allotted for a native examination in England, do you consider that in view of the objections against a voyage to England and life there, the cost thereof and the chances of failure, a sufficient number of suitable candidates from your province would be available to make the competition a real competition?

Q. 60. If the examinations were distinct, what should be the limits of age for the native examination?

Q. 61. What should be the conditions, nature, and subjects of the separate native examination?

A. 59—61. My answer to this is involved in the above answers.

Q. 62. Assuming only one examination in England for both English and native candidates, do you consider that the subjects and standards of examination and the conditions as to age and other matters in any respect place native candidates at a disadvantage as compared with English candidates?

A. They certainly do.

Q. 63. If so, in what respects are native candidates placed at a disadvantage, and what alterations would you recommend with a view to remove that disadvantage?

Q. 64. If there should be only one examination for all candidates, should the limits of age for natives be higher than those at present fixed for European candidates?

and, if so, what should the limits for native candidates be ?

A. 63, 64. The present limit of age is one of the most important of the circumstances which have placed natives at a disadvantage. It has gradually operated as almost prohibitive, so far as native candidates are concerned. This has been shown conclusively by the late Viceroy the Marquis of Ripon in his minutes of the 26th September 1883, and 10th September 1884, and it is needless to do anything further than to refer to them for the reasons and causes of this prohibitory operation. Another circumstance which has placed native candidates at a disadvantage is the value assigned to subjects connected with oriental history, languages, and literature as contrasted with that assigned to Greek and Latin. The limit of age for both natives and Europeans should be the same, and what that limit should be cannot be more effectually stated than in the words of his Honour the present Lieutenant-Governor of the Punjab, Sir Charles Aitchison. 'I would have the maximum limit of age fixed at 23; for I believe that the nearer we can return to the position of 1854' (that adopted on the recommendation of Lord Macaulay's Committee) 'the better will it be for the country, the more just to the people, and the less need there will be to have recourse to the Statutory arrangements, which, if defensible at all, are only defensible as a temporary means of admitting natives of India to appointments now practically closed to them by the present rules for the open competition.'

Q. 65. If higher limits of age were fixed for native than for European candidates, might not the latter complain that they were placed at a disadvantage ?

A. They might.

Q. 66. What is the average age at which natives at the Indian Universities pass the examinations for F.A., B.A., and M.A., respectively ?

A. There is no F.A. examination in the Bombay University. The average age at which our students

take their B.A. Degree, I believe, ranges from 20 to 22, and their M.A. Degree two or three years later.

Q. 67. From what classes of native society are the persons who graduate at the Indian Universities usually drawn in your province ?

A. From the middle classes of the Parsi and the Hindu communities. Mahomedans have recently commenced to come in, in larger numbers than before, and a strong desire is growing up among them to advance in the path of education.

Q. 68. Do you advocate a competition in India for the Civil Service simultaneously with the competition in England, the same question papers being used at both examinations ?

A. I advocate very earnestly a competition in India for the Civil Service simultaneously with the competition in England, the same question papers being used at both examinations. I have given my reasons in detail for so advocating the measure in the paper annexed hereto (*Journal of the East India Association*, Vol. V. No. 1). It is the only course consistent with a sound and far-sighted political policy, without which the pledges given by the Crown and Parliament will never be fairly or adequately fulfilled. Political danger there is none in adopting it ; and it is again the only course which will secure full administrative efficiency, for it will bring into play in the best manner the knowledge which comes naturally and intuitively to a native, of native, feelings and modes of thought ; and the inability to grasp and comprehend, which so often neutralizes the highest talents and accomplishments of Englishmen. In advocating this measure, I would suggest safeguarding it in three ways : (1) I would insist upon the successful candidates proceeding to England, and spending there their probationary two years in further qualifying themselves for the service. I consider it preferable that the stay and training in England should be subsequent to the competition than prior to it, because I do not think that

natives of India should be entirely Anglicized and their distinctive nationality lost and submerged in Anglicism, as would be more or less the case if they stayed and were trained in England at too early an age. I would however have them thoroughly familiar, almost saturated, with English thought and culture, so as to be properly qualified and fully equipped to act their part in an administration which must be guided by the principles of English civilization and culture. (2) I would raise the maximum limit of age to 23, so as to secure, not precocious boys, but young men well grounded in English culture. (3) And thirdly, I would raise the character of the examination as high, as possible in the direction of requiring a thorough acquaintance with English literature, history and science, such as will secure both a high moral and intellectual training. And I would be prepared in such a scheme of examination to be satisfied with having a comparatively much lower value placed upon aknowledge of oriental languages and literature.

Q. 69. How would this method of selection be regarded by the native community generally ?

A. I believe this method of selection is likely to be regarded with satisfaction by the native community generally.

Q. 70. If you advocate such a system, would you restrict the competition in India to natives, and that in England to English candidates, or would you admit both classes freely to either examination ?

A. I would admit both classes freely to either examination.

Q. 71. If native candidates were admitted to the competition in England, while English candidates were excluded from the competition in India, on what grounds could this distinction be justified ?

A. I do not think the distinction could be justified.

Q. 72. Do you consider that the educational institutions available in India are at present capable of giving

the very high-class education which it was the object of the competitive system as introduced in 1885 to secure ?

A. I do not consider that the educational institutions in this Presidency are at present capable of giving the very high-class education in question, but I think they are fairly progressing towards it, and the demand which would arise in case competitive examinations were held in India as stated by me, would give this tendency a further strong impetus.

Q. 73. Would an open competition in India be likely to give decided advantages to any particular class or classes of the native community over others ?

Q. 74. Would it be likely to lead to the undue preponderance of any one class or caste in the public service ?

A. 73, 74. For a time the Parsis and those classes of the Hindus among whom education has already made considerable progress, may have some advantage over the Mahomedans and what are called the backward classes among Hindus. So far this may lead to a preponderance of the members of the former classes over those of the latter. But this preponderance cannot be designated as undue. Education and training have always been recognized both by the aristocratic as well as the backward classes, and by Mahomedans in relation to Hindus, as giving a legitimate right to employment in the public service. It has not been resented in the past, and I do not think it will be in the future, except to the very desirable extent of creating that healthy and stimulating sort of jealousy which may be potent in drawing the classes I have named towards the path of improvement and education.

Q. 75. Do you think there are any objections on political or administrative grounds to open competition in India ?

A. No political measure can claim to be perfectly free from all objections, but I believe the proposed system of open competition in India is free from objections

on political or administrative grounds. The fear that natives will inundate the service is not justified by the reasonable probabilities of the case. I do not believe that if the maximum limit of age is raised to 23, and the character of the examination raised and strengthened in the direction indicated by me above, native candidates will be able to beat their English competitors in any very large numbers for a long time to come. As to the jealousy between the different classes of the Indian people I have stated my view above. I do not believe that there will be any such jealousy or resentment as would constitute a political danger. As to objections on administrative grounds, I do not think there are any which cannot be obviated by administrative arrangements, as for example, with respect to officers who may be required for Frontier Districts. I would much prefer natives of one province appointed to serve in another.

Q. 76. Would the introduction of an open competitive examination in India have the effect of deterring cadets of leading families from aspiring to enter the ranks of the Civil Service ?

A. Up till now, 'cadets of leading families' have seldom aspired to enter the ranks of the Civil Service. If the introduction of an open competitive examination is likely to have any effect upon them in the future, it will not be a deterrent, but of a stimulative character. It will be remembered that in India, leading and aristocratic families have always been recruited to a considerable extent from people of the lowest ranks and positions in life as soon as they have forced themselves into power.

Q. 77. Under such a system how would it be possible to provide against natives of a province in which education is comparatively backward being excluded from appointments in their own province ?

A. I have partly answered the question above. I would trust to the influence of time, and if necessary, afford educational encouragement and facility to enable them to qualify themselves for the service.

Q. 78. Would a system of provincial examinations be preferable to one examination for the whole of India ?

A. One examination for the whole of India would be preferable.

Q. 79. Under a system of open competition in India, would the successful candidates be regarded as occupying a position inferior to that of persons who enter the service through the channel of the open competition in England ?

A. No; as the competition, though held in two different places, will be a common competition.

Q. 80. Supposing that the Covenanted appointments were allotted in fixed proportions, a certain number to be obtained by competition in England and a certain number by competition in India, the examinations in each case being open on fairly equal conditions to native and English candidates alike, and the Statutory system being abolished, how would such a system be viewed ?

A. The system will be viewed as objectionable, as there would not be equal and common competition.

Q. 81. If an open competition were established in India, what should be the preliminary qualifications required on the part of candidates in regard to age ? *and*

Q. 82. In regard to minimum educational attainments ? *and*

Q. 83. In regard to moral, social and physical fitness ? *and*

Q. 84. In other respects. (if any) ?

A. 81—84. The maximum limit of age should, I think, be 23. The limit of minimum educational attainments should be so framed as to ensure in the lowest successful candidate a thoroughly broad and liberal education of the character indicated by me in my previous replies. The usual certificates required by the University, for example, of moral character and respectability, may be demanded. With regard to physical fitness, such an examination as at present the candidates for the competitive service have to undergo, would, I think, suffice.

Q. 87. Circumstances being different in the case of persons who enter through the examination in England and of persons who enter through the examination in India, is there any reason why the rules in regard to pay, leave, pension, &c., should not also be different ?

A. I should say as a matter of principle, that the same service should be remunerated in the same way, whether rendered by a native or a European.

Q. 88. Should successful candidates go through a period of special study in India like the English candidates who spend two years in special preparation ? or

Q. 89. Would it be preferable (a) to require them to go to England, or (b) to give them the option of going to England, suitable allowances being given to enable them to prosecute their studies there ?

A. 88, 89. It would not only be preferable, it would be necessary to require the successful Indian candidates to go to England.

Q. 90. Should successful candidates at the Indian competition be required to pass through a probationary period before final appointment ?

Q. 91. How should it be passed—in the ranks of the Uncovenanted Service, or otherwise ?

A. 90—91. I think successful candidates should be required to go through a probationary period before final appointment, such probationary period to be passed in England.

Q. 92. If so what shall be the duration of the probationary period ?

A. The duration of the probationary period should be about two years.

Q. 93. What special provision, if any, do you think should be made for the appointments to Covenanted posts of deserving members of the Uncovenanted Service ?

Q. 94. If such appointments are made, should they be restricted to the holders of any particular classes of

appointments in the Uncovenanted Service, and if so, what classes ?

A. 93, 94. Clauses 3 and 4 of 24 and 25 Vict., C. 54, are, I think, sufficient for the purpose.

Q. 95. Should persons so appointed be appointed provisionally and be required to pass through a period of probation before final confirmation ?

A. Yes.

Q. 96. Should provision be made for the appointment of qualified members of the Uncovenanted Service to the *higher* Covenanted offices without requiring them to pass through the lower grades ?

A. I do not think any such provision should be made.

Q. 98. Should special provision be made for the promotion to Covenanted posts of European members of the Uncovenanted Service ?

Q. 99. Should special provision be made for the promotion to such posts of Eurasian or other members of the Uncovenanted Service who, though not natives of pure descent, fall within the meaning attached in the Statute of 1870 to the term 'Natives of India' ?

A. 98, 99. If a simultaneous competitive examination be held in India, then I think no special provisions should be made.

Q. 100. Ought not the Uncovenanted Service equally with the Covenanted Service, to be open to all natural-born subjects of her Majesty who possess the qualifications that may be from time to time prescribed ?

Q. 101. If the Uncovenanted Service is closed to any natural-born subjects of her Majesty, on what grounds, bearing in mind the terms of Acts of Parliament and her Majesty's Proclamation of 1st November, 1858, is this to be justified ?

A. 100, 101. If the pledges of equality given in Acts of Parliament and her Majesty's Proclamation of 1858 are fairly redeemed by holding simultaneous competitive examinations in England and India, then I think that the

Uncovenanted Service, equally with the Covenanted Service, should be open to all natural-born subjects of her Majesty who may possess the prescribed qualifications. If, however, the Covenanted Service is wholly or partially, practically closed to the natives, then there is justification for restricting the admission into the Uncovenanted Service to them. There is another ground also for carefully guarding the admission of Europeans to the Uncovenanted Service, inasmuch as the patronage being in the hands of European authorities, it is more than likely to be abused and exercised unduly in their favour.

Q. 121. How far is the existing system of education in the higher schools and colleges in India well adapted for training young men to the public service? Can you suggest any improvements?

A. I would suggest a few residential high schools and a residential college.

Q. 122. In 1854 Lord Macaulay's Committee were of opinion that the best, the most liberal, and the most finished education to be procured in England was a necessary qualification for admission to the Civil Service. Do Indian schools and colleges at present supply an education of so high a standard?

A. Not quite, but they are capable of developing into institutions imparting a very high-class education.

Q. 123. Do you consider that Indian schools at present develop the force of character and other qualities required for English administration?

A. Very fairly.

Q. 126. How far would any system of appointment which involves a journey to, and residence in, England, be regarded by the native community as open to objection on the ground that it requires Hindu candidates to abandon their caste as a condition of entering the Civil Service?

A. There is such an objection, but it is not now of a very pronounced character, as readmission to caste is rendered very easy.

Q. 130. Does a voyage to, or residence in, England involve the loss of social position or other unfavourable consequences in the case of any section of the native community ?

A. A voyage to or residence in England does not involve the loss of social position ; it rather improves it.

Q. 131. Does it result in placing those natives who undertake it more or less out of touch and sympathy with their fellow-countrymen on their return to India ?

A. Hardly at all.

Q. 132. Would the requirement of a temporary residence in England as a condition precedent to, or following on, appointment to the Government service have the effect of excluding from such appointment any considerable or important section of the native community ?

A. I do not think that the requirement of a temporary residence in England as a condition following on appointment to the Government service would have the effect of excluding from such appointment any considerable or important section of the native community.

Q. 133. If the Statutory system is discontinued, should special provision be made for the appointment to Covenanted posts of natives who, for religious or other sufficient reasons, are unable or unwilling to undertake a journey to, and residence in, England ?

Q. 134. If so, what provision should be made for this purpose ?

A. 133, 134. I do not think so.

Q. 135. If the Statutory system is discontinued, do you consider that special provision should be made for the appointment to Covenanted posts of capable members of the professional classes ?

Q. 136. If so, what provision should be made for this purpose ?

A. 135, 136. I do not think so.

Q. 137. Whatever system or systems may be adopted, ought power to be reserved to Government to appoint

to Covenanted posts candidates of high family subject to such antecedent guarantees of fitness as may be considered sufficient in each case ?

Q. 138. Ought similar power to be reserved to Government to appoint to Covenanted posts persons who have proved their merit and ability in Government service, or in the exercise of a profession, without preliminary examination or competition ?

Q. 139. If a thorough knowledge of English were made an essential qualification for appointment to Covenanted posts, would the field of selection in the case of persons already in the Uncovenanted Service, or engaged in the exercise of a profession, be unduly limited thereby ?

Q. 140. If such is likely to be the case, could the difficulty be obviated by requiring proficiency in the English language to be tested by periodical examinations *after* selection, but during a probationary period ?

Q. 141. Should provision be made for the occasional appointment in very special and exceptional cases to Covenanted posts of persons of known ability and local influence whom, although they may never have held office and may not possess special professional qualifications, and although their age may exceed the limit laid down for untried candidates, it might nevertheless be considered desirable to appoint to the higher grades for political or other reasons ?

A. 137—141. I should consider such a power very objectionable and liable to abuse.

Q. 142. Would it be desirable to rule that the proportion of persons being Hindus and Mahomedans, respectively, who are from time to time or over a series of years appointed to the Covenanted ranks in any province should bear a certain relation to the number of the two classes composing the population of the province concerned ?

A. I do not think so.

Q. 144. How far should appointments in each province to Covenanted posts be restricted to natives of the province concerned ?

A. To no extent at all.

Q. 145. How would the following scheme be regarded by the native community?—

- (1) the Covenanted Civil Service to be reduced to a fixed number of European officers, admission being by competition in England confined to European candidates only ;
- (2) the appointments taken from the Covenanted Civil Service to be filled by appointment in India, natives only being eligible.

A. This scheme would be viewed with dismay and alarm, and sooner or later lead to political disaffection.

Q. 146. How would you regard such a scheme ?

A. I would regard it as a grave political blunder.

Q. 147. How would the native community regard the following?—

- (1) the Covenanted Civil Service to be reduced to a fixed number of appointments to be filled by competition in England to which natives and Europeans alike would be admitted :
- (2) the appointments taken from the Covenanted Civil Service to be filled by appointment in India, both natives and Europeans being eligible.

A. Such a scheme would be viewed with great dissatisfaction.

Q. 148. How would you regard such a scheme ?

A. I would regard it as calculated to shut out the natives from the Covenanted Civil Service on the one hand, and to give an undue share to Europeans in the rest of the Civil Service.

Q. 149. If either of the above schemes were adopted, how would the native community view a proposal to combine the higher appointments of the Uncovenanted Service with the appointments taken from the Covenanted Civil Service so as to form an enlarged Civil Service to be recruited in India ?

Q. 150. How would you view such a proposal ?

A. 149, 150. The proposal would create grave dissatisfaction.

Q. 151. How would the native community regard the following scheme?—

- (1) a certain number of appointments in the Covenanted Civil Service to be reserved for natives ;
- (2) a certain proportion of that number to be filled by competition or by some other system in India ;
- (3) the remainder to be filled by competition in England.

Q. 152. How would you regard such a scheme ?

A. 151, 152. With dissatisfaction.

SPEECH ON SIR W. WEDDERBURN.

[At a public meeting of all classes of the Indian community, called by the Sheriff, held on the 30th April, 1887, in the Bombay Town Hall, for the purpose of marking their esteem and admiration for Sir William Wedderburn, Chief Secretary to Government, on the occasion of his retirement from the public service; Sir Jamssetjee Jeejeebhoy, Bart., presided, and the Hon'ble Mr. K. T. Telang proposed the first Resolution, which ran as follows.—'That this meeting desires to give expression, on the occasion of Sir William Wedderburn's retirement from the public service, to the deep esteem and admiration in which he is universally held for the sincere, enlightened and generous sympathy with everything affecting the true interests of this country, and for his constant and fearless efforts to promote them to the best of his power.' Mr. Pheroze Shah M. Mehta seconded the resolution and made the following speech.]

Mr. Chairman and gentlemen,—We are met here today to record formally the name of William Wedderburn in the list of those noble and illustrious Englishmen whose names are cherished in the hearts of the people of this country with respect, with admiration and with gratitude. (Cheers.) It is said that we, the people of the Presidency towns, do not represent the voice of the country. The editor of the *Times of India* told us the other day that out of fifty members of the Council of the Bombay Presidency Association, not two had probably any personal acquaintance with the economy of an Indian village. Well, gentlemen, it is difficult, or rather, it is not difficult, to guess where he got this wonderful piece of information. (Laughter.) But, gentlemen, I confidently assert that in giving expression to our grateful feelings for Sir W. Wedderburn we are giving expression, not only to the feelings of the people of this city, but also of the whole Presidency, of its princes and people, high and low, of town and village. (Applause.) I do not think it will require many words from me to show why it is that Sir W. Wedderburn has come to be regarded with such sincere sentiments of regard and esteem. The ordinary answer, gentlemen, is that he is a true friend of the natives of India. (Cheers.) But nowadays

there is not a single Englishman who does not claim or profess to be a true friend of the natives, from the district officer who overflows with love and sympathy for the masses so long as they remain uneducated and sing his praises as their *ma-bap* (laughter and cheers) to the liberal Englishman who would gladly give the native the benefit of his liberal principles, but that he is firmly persuaded they would disagree with him. Gentlemen, Sir W. Wedderburn is not a friend of the natives of India of this stamp. (Cheers.) He is not a friend whose friendship is tainted with the selfish prejudices of bigotry. He is not a friend whose friendship is affected by the arrogance of a narrow superiority, not founded on the individual merit, but on racial difference. (Loud cheers.) He is not a friend whose friendship administers only homœopathic doses, lest any larger dose would do us harm. (Laughter.) We count Sir W. Wedderburn among the true friends of this country, because he has given loyal and sincere adhesion to those principles of justice and righteousness on which the declared policy of the Crown and Parliament for the Government of this country is founded. His great abilities, culture and clear intelligence have convinced him that these are the only principles on which this country can be safely and beneficially governed, and he has the moral intrepidity to act up to these convictions in spite of censure, abuse or ridicule. (Cheers.) Add to this, gentlemen, that this moral intrepidity is ennobled by a true-hearted sympathy for all the best interests of this country. This it is that has enabled him to have a deeper and truer insight into Indian questions where even men of higher intellects or greater culture have utterly failed or groped in the dark. As only one instance, you will remember, gentlemen, that it was he who saw that people who were reviled as disloyal sedition-mongers were among some of the most loyal and true friends of the British Government as they have now come to be acknowledged. (Cheers.) Gentlemen, the retirement of Sir W. Wedderburn is a great

loss to this country, how great it is some of us know. His place will not be easily filled. But we have this consolation, that it is not improbable that he will take his rightful place in the councils of his own country, that he will enter Parliament, where his great abilities and rare qualities cannot fail to be of the greatest use to the common interest of both the countries with which he is so intimately connected. (Cheers.) Gentlemen, if I were asked to point out the one living Englishman who would most worthily and usefully sit in Parliament as the member for India, I would unhesitatingly give the name of Sir W. Wedderburn, and I am sure that my choice would be endorsed not only in this Presidency but in the whole country. (Loud and continued applause.)

SPEECHES ON THE CITY OF BOMBAY MUNICIPAL BILL.

[At the meetings of the Provincial Legislative Council held at Bombay, on the 7th March, 1888, and the following days, with His Excellency Lord Reay as President, the Hon'ble Mr. Pherozeshah M. Mehta made the following, among other, speeches on the City of Bombay Municipal Bill.]

On the Second Reading.

Your Excellency,—The Bill before the Council is of such great importance, as well as of such great local and general interest, and it is so likely, if passed into law, to enjoy a tenure of some permanency, that I think it desirable that I should state the reasons for which I find myself able to vote for its second reading. I believe there are still several objectionable features clinging to it in emerging from the operation which it has undergone at the hands of the Select Committee. But I have great faith in the liberal tendencies of your Lordship's Government and I am extremely hopeful that the detailed discussion in Council will succeed in removing a great many of these objectionable features. The Bill has been introduced for the purpose of accomplishing two main objects. One of them is the consolidation of the several Municipal enactments relating to Bombay spread over the statute book, and the arrangement of the different provisions on a logical and systematic method. With regard to this object, I think your Lordship's Government may well congratulate themselves on the excellence and thoroughness of the work done in this respect by the honourable member in charge of this Bill. I should have preferred to have left it to so many honourable members whom I see before me infinitely better qualified than myself to speak on this point. But I have had practical experience of the difficulties and inconveniences of the present state of the Municipal law in regard to order and arrangement, and I have had the opportunity of closely and minutely studying the Bill when in Select Committee. I think it is therefore not inappropriate

that I should bear my testimony, for whatever it may be worth, to the success with which the task of consolidation and arrangement has been performed. Such a work required great ability and great industry, and both seem to me to have been unsparingly bestowed to make it as complete as possible. I anticipate, my Lord, great benefits and advantages from it in the way of easily understanding and working the law. But, my Lord, I should have unhesitatingly sacrificed all these benefits and advantages if the Bill was to pass as originally framed and introduced in Council, for in its original form I could not but regard it as a distinctly retrograde measure. I am aware that this description of it is disputed. But that it is a true and correct description can, I think, be shown without much difficulty. The constitutional portion of our Municipal law is rightly considered to be its most important portion; it is the keystone of the whole arch, for, however excellent and elaborate the other provisions, they would be useless unless the forces to work them were properly and judiciously organized. Now it can be affirmed, without fear of serious contradiction, that the constitutional lines on which our Municipal administration has been carried on since the present Act was passed, have been these:—That the Corporation, with the help of the Town Council, was the supreme administrative body, with the Commissioner as its sole executive officer invested with full executive power and responsibility, that the Corporation had the fullest control over the budget, which it exercised not simply generally, but by constant criticism and supervision, and in a way to bring home to the Commissioner that he was constantly responsible to the Corporation for the due discharge of his duties. Whether fully or clearly expressed in the Act or not, these have been the lines on which the Municipal administration of the last fifteen years has been conducted. If we may judge from the debate that took place in Council on the Bill of 1872, something like this was intended by its framers. In the

somewhat animated debate that took place on the third reading of that Bill, Mr. Rogers, then one of the members of the Executive Council, explained that 'a great deal of the mistrust as to the power of the Municipal Commissioner has, I think, arisen from the wording of section 42, but the words "executive power and responsibility for the purposes of this Act shall be vested in the Commissioner" do not mean to imply that he can do as he likes. He is simply the executive officer of the Corporation, who must provide him with the necessary funds.' The measure of 1872 was brought in because the previous constitution provided by Act II of 1865 has signally broken down. And when I say that the present Bill in its original form was a retrograde measure, what I substantially mean to say is that it went back to the discredited principles of 1865, in regard to the position of the Commissioner in the constitutional scheme. The statement of the constitutional principles of the Bill bears a remarkable resemblance to the statements of the principles of the Act of 1865. It is clear from the statement of objects and reasons as well as the speech of the honourable member in introducing the Bill, that its object and intention was to place the Municipal administration of the city in the hands of the Commissioner, controlled only generally by the power of purse given to the Corporation. It was frankly admitted by the honourable member, in the discussion in the Select Committee, that it was intended the Corporation were to have no powers of criticism, initiation, or supervision, and that after the Budget grants were sanctioned, the less they met and talked the better. It is impossible not to be reminded by this account of the constitutional scheme of the Bill, of the striking resemblance it bears to the account given of the constitutional scheme of the Act of 1865. The Hon'ble Mr. Cassels, who introduced the Bill of 1865, described the Municipal constitution that was to be created by it in the following words:—'This Bill vests

all Municipal property in Bombay in the Bench of Justices, which is for this purpose made a body corporate, having perpetual succession and a common seal. The Justices will, therefore, exercise complete control over the Municipal fund, and the Commissioner will annually submit to the Bench a Budget of estimated receipts and disbursements which the Bench may alter or modify as they deem fit, and after the Budget has been voted, no new works are to be commenced by the Commissioner without further orders from the Bench. In this manner the Justices will hold the purse strings, and will exercise a minute supervision over the details of all income and expenditure; but they will not be allowed so far to interfere with the responsible executive officer as to order any works to be undertaken which he has not first proposed, the initiative in this respect being reserved for the Commissioner. But should the Commissioner not faithfully and energetically perform his duties, he can at any time be removed on a suitable representation from the Bench.' This passage may well be accepted as a brief *resume* of the constitutional features, and the arguments in their support, of the present Bill as originally introduced. Thus I think it cannot be gainsaid that so far it must be regarded as a retrograde measure, endeavouring to go back from the principles of the legislation of 1872 to those of the legislation of 1865. Now, my Lord, I am ready to admit that it may be wise sometimes to retrace steps in the light of experience. Then, let us see how the constitution on the lines described by Mr. Cassels worked in actual practice; how the power of the purse was sufficient to restrain the Commissioner. Every thing was done to secure it a fair trial. One of the ablest officers of the Bombay Civil Service was appointed Commissioner. The Bench was at the time composed of some of the wealthiest, the most educated, and the most enlightened members of the Bombay community, European and native. And what was the result? I believe some at least of the honourable members of this

Council cannot have forgotten the intense excitement in which the whole city was thrown in 1871 by the complete and, according to some, most disastrous financial break-down of the system. I well remember the great meetings that were held in the Town Hall to consider the situation, and the sensation that was created when the chairman of the Finance Committee of the Bench, Mr. Hamilton Maxwell, got up and announced that the Municipality was bankrupt! I was one of those who in those days, at the risk of incurring some unpopularity or rather the certainty of it, tried to obtain recognition of the services which the Commissioner had undoubtedly performed; but, after the enquiries made by Mr. Hope's Committee, it was impossible to deny that the system had ended in a complete financial failure, and that it was abundantly established that the general power of the purse and the control of the Budget had by themselves proved utterly impotent to hold the Commissioner within legal bounds, and to restrain him from bringing the city to the very brink of bankruptcy. Such was the proved result of the legislation of 1865 after a trial of six years. Let us now turn to the results of the legislation of 1872, with an elected Corporation and a Commissioner, no longer its master, but its servant, after a trial now of fifteen years. The Council need not be alarmed that I will detain it by a repetition of the numerous acknowledgments of its signal success, elicited from all quarters, and especially from the successive heads of this Government, as well as of the Government of India. The Honourable Mr. Naylor has himself fully admitted it. But he seems to labour under the impression, which I know is popular in some quarters, that the credit of this success is mainly due to the Commissioner. 'The great success of the administration of the last twenty years,' said the Honourable Mr. Naylor in his introductory speech, 'is, no doubt, very largely due to the fact that the entire executive power and responsibility have been vested in the Commissioner, who is an officer

especially selected by Government for this very important and difficult post.' The true history, however, of this success is very different. We have seen that the result of the administration of the first six years was failure and disaster brought about by the exceptionally able officer selected by Government to wield the entire executive power and responsibility. With regard to the last fifteen years, I emphatically say that the success has been due to the fact that the Corporation has exercised constant control, criticism, and supervision, and, in many important matters, to their direct initiation. I am aware, my Lord, of the charge not unfrequently made against the Corporation, of more talk than work. I cannot help saying that nothing can be a more superficial view of the matter. It may be quite true that we sometimes do talk a certain amount of nonsense, but where on earth is the body or assembly free from this failing? And is it not that it is generally after wading through a certain amount of confusion of thought and knowledge that you ultimately arrive at sound and practical conclusions? The success of the municipal administration for the last fifteen years is, in spite of its alleged talking proclivities, due to the Corporation in three ways:—1st, it has prevented the Commissioner from embarking on hasty, ill-considered and inappropriate schemes by its constant criticism. The fear of this criticism, reasonable and unreasonable, has done more useful negative work than is generally known or imagined. Secondly, it has introduced great reforms in the executive departments. And thirdly, it has directly initiated great undertakings for the improvement and sanitation of the city. I will mention only two or three of the most prominent instances. The re-organization of the Assessment Department has been justly recognised as one of the most important events of Mr. Ollivant's administration bringing a very large increase of revenue. Now it is not generally known that this re-organization was forced on the executive by the action of the Corporation, led by one

of their members, now unhappily deceased, the late Mr. Goculdas Jugmohundas, whose persistent efforts to expose the shortcomings of the department were at first strenuously opposed. A reform in the Engineering Department was brought about in the same way. The greatest work that the Corporation has yet undertaken—the construction of the Tansa Water Works—was undertaken by it, not at the initiation of the Municipal Commissioner, but of its own members. I could multiply these instances, but I think I have said enough to show that the credit of this remarkable success justly belongs, in the main, to the constitutional scheme under which the Corporation carries on the administration by the hands of its executive officer, constantly and continuously controlling, criticising, supervising, and directing him. To revert from a scheme of such promise and performance to the discredited principles of the Act of 1865 would be a blunder indeed. But I am afraid, my Lord, I have taken up the time of the Council by talking of a dream that is dreamed and gone. Now a change, so to say, has come over the spirit of the dream, and I am glad to acknowledge that the Bill, as it comes back amended in Select Committee, is framed on sound constitutional principles. I can even go further and say that the amended Bill has fully and clearly embodied the principles which were perhaps only timidly and tentatively indicated in the Act of 1872. In my opinion, my Lord, the constitutional part of the Bill is now placed on a satisfactory footing. When I say that, I do not forget that there are several objectionable features clinging to it, as I have said before. The proper time to refer to them in detail will come when the Council proceeds to the detailed discussion of the Bill. But I think, my Lord, I should now refer to two or three of the most important, as they may be said to affect the principle of the Bill. One of the most important of these is contained in section 65, which I consider the keystone of the constitutional part of the Bill. Clause 3(c) of that section gives over the whole

power of the Corporation to the Commissioner in cases of what are called pressing emergency. In the first place, such a provision is excessive, even for the purpose for which it is designed; for it is difficult to conceive any case of emergency in which the Commissioner can possibly require to exercise all the powers of the Corporation,—for instance, that of levying taxes, etc. In the second place, such a provision has not been shown to be necessary by experience; no Corporation would refuse to ratify the acts of a Commissioner in a case of real emergency. The bursting of the Vehar dam is usually cited for the necessity of such a power, but the Corporation immediately sanctioned whatever was required to be done. On the other hand, experience has shown that such a power was liable to extraordinary abuse. It happens that just as there is a case the one way, there is a case the other. I am aware that the power is to be exercised subject to the sanction of the Town Council. Now, my Lord, the Commissioner in 1883 actually got the Town Council to pass this resolution, which I quote from the records of that year: ‘That the Corporation be recommended to sanction the payment, from surplus cash balance of Rs. 2,768, to meet the cost of the following works urgently required for the new police quarters at Byculla:—screen wall for women’s latrines, Rs. 390; rebuilding boundary wall fallen down at the Jewish Synagogue and forming wall of lean-to sheds, Rs. 544; pavement and drain required for waste water after the cleaning down of fire-engine, Rs. 112; roof to cover way between the main stable, Rs. 685; venetians to Police Commissioner’s office, Rs. 127; roofing verandah in front of guard room, Rs. 910; total Rs. 2,768.’ I should mention that as a matter of fact the money had already been spent on the ground of urgency. My Lord, I think this shows that such a power is liable to be abused for irregular action. The next most important feature of an objectionable character is contained in section 37, clauses (u) and (v), and is in reference to the position of the Commis-

sioner in the Corporation. Section 43 of the present Act provides that the Commissioner shall have the right of being present at all meetings of the Corporation, but he shall not be at liberty to vote upon or move a resolution. The Bill, as originally framed, qualified him to be a member of the Corporation for all purposes. This was strongly objected to in the Select Committee, and it was decided to abandon the proviso. But it seems that the majority of the Committee were disposed to poke a little fun at the other members, and after withdrawing the original proviso, they straightway proceeded to present them with a hydra-headed monster; they gave powers in clause (v) by which the Commissioner was made into a wonderful embodiment of 72 members rolled up in one. He could jump up immediately a member sat down, to answer him and correct him. But seriously, my Lord, those who have any experience of managing meetings know that such a privilege will be subversive of all order and discipline, and such a Commissioner would be an intolerable nuisance. Then, my Lord, I object most strenuously to the portion of the Bill creating a Deputy Commissioner. It utterly mars the integrity of the constitutional scheme which renders the Commissioner the *sole* executive officer, for the purpose of attaching to him sole and undivided responsibility. If it is made out that there is more work thrown on the Commissioner than he can attend to, the remedy is to give him the necessary assistance in whatever departments he may require it. The creation of a Deputy Commissioner would be only destructive of his proper position and responsibility in the constitutional scheme. These are some of the most objectionable features still surviving, but I trust that the detailed discussion in Council will lead to their elimination. Before I conclude, I should like to say a word as to the proposal of vesting executive power in sub-committees of the Council, with the Commissioner as Chairman. It is said that this proposal was rejected, because the citizens of Bombay were diffident as to their capacity for real

local self-government. Such is not the reason, however. I have been connected with the discussion of this question ever since 1871. In the public discussions of that time, the reformers asked for an executive Town Council. I then ventured to point out that such a remedy would be worse than the disease in a paper I read on the Municipal reform question of 1871 before the Bombay Branch of the East India Association.* The matter was again discussed in 1884 by the Corporation, and again when the first draft of the Bill was sent to it by Government. I took an active part in the discussions on both occasions, and the proposal I have referred to was rejected, not because we were diffident of our capacity for real local self-government, but because it was held that real local self-government did not consist in the direct exercise of executive powers by the Corporation, by themselves or by committees. It is now, my Lord, nearly five years since the Corporation embarked on the enterprise of obtaining a further extension and strengthening of their free Municipal institutions. They were well justified in their ambition, for it is now a matter of history that it was their success that suggested and secured for the whole of India the remarkable development of local self-government that was inaugurated in the time of the late Viceroy. They appointed committees, they worked hard at it themselves, and they sent up representations to Government. At one time matters looked rather gloomy. It seemed as if they were destined to look as foolish as the discontented frogs in the fable who went to pray to the gods for something better than King Log. But the alarm was only momentary. Such fears are now altogether dissipated. With the Bill in its amended form, and I trust it will be further amended in Council, the citizens of Bombay will have good reason to be thankful to your Lordship's Government for a measure which will embody provisions for further extending and strengthening their

*See above, pp. 81—115.

Municipal institutions as wisely and liberally conceded as, I may be pardoned for saying with some pride, they have been richly deserved.

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In moving an amendment that 'Sections 56 and 57 be omitted, together with all references to a Deputy Municipal Commissioner in every other part of the Bill.'

Your Excellency,—I beg to propose the omission of all the sections relating to the creation of the new appointment of a Deputy Municipal Commissioner. Though section 56 is in form an empowering section only, it will not be disputed that the provision is made with the view of its being set in motion very soon after the Bill is passed. The burden of proving the necessity for creating such a place lies on those who bring forward the new proposal. It will be remembered that a Deputy Municipal Commissioner is unknown to the Acts of 1872 and 1878. The short Act of 1885, though general in form, was passed only for a temporary and different purpose, and my honourable friend Mr. Telang, who was then on the Council, was distinctly assured that it was passed without prejudice to the full discussion of the question if it was thought desirable to incorporate such a measure in the Municipal Bill which was about to be drafted. The object of that short Act was to enable Mr. Ollivant to go out of Bombay on special duty, and it was thought undesirable that during a short absence the direction of Municipal affairs should entirely pass into other hands. That object was essentially different from the present one, which is to give the Commissioner a permanent Deputy to assist him in the discharge of his duties while he is fully engaged on the work himself. Such a deputy has been utterly unknown to our Municipal law, and I confess I am not satisfied with the reasons which have been advanced to justify the new measure. The question has been more than once carefully discussed by the Corporation, and on every occasion they came to the conclusion by large majorities that it was undesirable and unnecessary to have a Deputy Municipal Commis-

sioner of the sort now proposed. The sole reason given for providing a deputy is that the work has so increased that a single individual cannot perform it. Now there is a certain haziness about this argument which it were well to bear in mind. I remember the time when such a complaint was first started, but it was in reference not to the legitimate work of the Municipal Commissioner, but with regard to a mass of mechanical and routine work, such as the signing of an enormous number of documents by the Commissioner's own hands, which was legally required to be done by him by the peculiar wording of some of the sections of the Municipal Acts. Up to very recent times that was mainly the complaint. So far as such work was concerned, and a large amount of other work now done by the Commissioner, the Council will remember that the Bill has provided a special and extensive remedy. Section 67 enables the Commissioner to delegate a large portion of his work to subordinate officers, and I will ask the attention of the Council to the long list of sections in respect of which the work can be so delegated. The Commissioner will be thus relieved of an immense amount of work. Now I have asked over and over again for some figures, some statistics, some detailed account of the sudden increase of the work of the Commissioner, not of the sort for which a remedy is already provided, but of work to which he must legitimately attend himself; but beyond vague and general assurances no detailed evidence of it has up to the present moment been produced. But assuming for a moment that the work has increased, I deny that the remedy proposed is the right or proper one and in conformity with the constitutional arrangements for the purpose. According to those arrangements the Commissioner is to have deputies for special classes of work, and I believe it was pointed out in the debates on the Bill of 1872 that the Health Officer and the Executive Engineer were Deputy Commissioners for special purposes. If the work has

increased in reference to any of the great Municipal departments, let that be established and the departments can be strengthened. The Corporation has always been ready to give such assistance to the Commissioner whenever he showed that there was temporary or permanent need for it. They gave a personal assistant to Mr. Ollivant; they also gave him a special officer to do special work in the re-organization of the Assessment Department. And I have no doubt that if a case for any further assistance was made out, the Corporation would sanction it. But there is no need for a special provision for that purpose, and the proposal to create a General Deputy Commissioner seems to me to be an utterly inappropriate remedy. So far, I have tried to show that the proposal to create a Deputy Commissioner is not proved or justified on the grounds urged for it. But I have a strong objection of a positive character to urge against it. To have a Deputy Municipal Commissioner would be to mar and destroy the integrity of the constitutional principle on which so much stress has always been laid, *viz.*, that there shall be a *sole* Municipal Commissioner vested with full executive power and responsibility. The essential part of the principle lies in the executive officer being the sole officer, so that responsibility may unquestionably attach to him. To give him another officer to whom he can make over certain general duties would certainly be to divide that responsibility; and divided responsibility is no responsibility at all. It would thus be a grave infringement of a most important constitutional principle, and I view with alarm all trifling with important constitutional principles. I have also another practical objection to urge against the measure. As the section stands, the appointment is vested in the Governor in Council. It is not improbable that the place may come to be systematically given to a junior Civilian who, bearing in mind the salary that is to be attached to it, will consider himself to have a lien on the Commissionership. In his speech on the first reading of the Bill, the late Sir

M. Melvill indirectly indicated the position of the Deputy Commissioner as an officer in training for the place of Commissioner. Now the practical result of such an arrangement would be generally to place the Commissionership in the hands of a junior Civilian, when it is admitted that it is of the utmost importance that the place should always be filled by an officer of long standing and great experience. Under the system at present prevailing the officers who are appointed Municipal Commissioners seldom continue to act for more than two years on an average; several have acted for much shorter periods. At one time the place changed hands about three times in the course of a few weeks. There is therefore every reason to fear that the Commissionership under the present proposal would constantly pass into the hands of a junior Civilian—a contingency the possibility of which is deprecated on all hands. It is for these reasons that I oppose the creation of the new place of Deputy Municipal Commissioner.*

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In moving another amendment.

On Section 219 being reached the Hon'ble Mr. Phe-rozeshah M. Mehta moved that in sections 219, 223, 244, 259, 267 sub-section (2), 289, 293 and 403, &c., the word 'Council' be substituted for the word 'Commissioner,' and the words 'when authorized by the Council either generally or specially in this behalf' be omitted; and that in sections 222, 250, 260, 264, 287 sub-section (2), and 294, the word 'Council' be substituted for the word 'Commissioner.'

The honourable gentleman confined his remarks to section 219, but observed that the result of this would govern the others which were to a similar effect. In speaking to the amendment proposed to section 219, the honourable gentleman said:—Your Excellency,—The object of my amendment is not to change the purport of the section, but to convey in simpler language

*The amendment was lost on his Excellency the President's giving his casting vote against it.

what the section as framed at present endeavours to do in a roundabout way. I propose that the word 'Corporation' should be substituted for the words 'the Commissioner when authorized by the Corporation either generally or specially in this behalf.' The scheme of the Bill, as now amended, I take to be this. By section 65 as amended the Municipal Government of the city is vested in the Corporation while the executive functions for carrying out what the Corporation may require to be done is vested in the Commissioner.

Now sections 62, 63, and 64 describe generally and collectively the duties cast by the Bill on 'the Corporation'; and the different clauses of these sections may be said to contain the short heads of these different duties. It will be observed that these duties are laid on the governing body, the Corporation only. When we come to chapter nine, we find that and succeeding chapters are devoted to detailed provisions in reference to the general heads collected in the sections I have named, in their different clauses. For example, chapter nine, which relates to drains and drainage works, is a detailed expansion of clause (a) of section 62—'the construction, maintenance and cleansing of drains and drainage works, etc.' Chapter ten which relates to the 'water-supply' is an expansion of clause (b)—'the construction and maintenance of works and means for providing a supply of water, &c., &c.' And each of these chapters, so expanded in detail, contains, so to say, an introductory section enunciating the duty cast upon the Corporation. Section 219 is one of such sections; its words are almost the same as those of clause (a) of section 62. Under these circumstances it seems to me that as a matter of drafting, the proper word to describe the body on whom the duty is cast, should be the word 'Corporation;' the words 'the Commissioner, *when authorized by the Corporation*, either generally or specially in this behalf', are a useless circumlocution to effect the same object. The use of the word 'Corporation' will not

give executive functions to that body. Whenever the question is *raised* with regard to any section in the Act, on whom the duty lies of performing a special function, section 65, which is a general controlling section, will step in, and assign the executive functions relating to the performance of any act or duty to the Commissioner, all the others to the Corporation. It will be a cumbrous mode of doing things again to embody in some sections what is meant generally to be effected by section 65. I trust honourable members will observe that I do not propose this amendment with regard to sections which deal with purely executive matters.

* * * * *

In reply to the debate on the above amendment.

I will ask your Excellency's permission to say a few words before this discussion proceeds further, as I think it will tend to remove a considerable amount of misapprehension, and disencumber the debate on my amendment of a considerable amount of irrelevant matter. My Lord, I must express my extreme surprise at the turn which my honourable friend Mr. Naylor has chosen to give to this debate and the complexion he has put upon an amendment which I regarded substantially to be of a somewhat formal character. The Council will remember that, in proposing it, I pointed out that it was directed to substituting a simpler and more appropriate word for the very same object which the section had in view, in place of the circuitous phraseology which was adopted in the section to carry out that object. But to my utter astonishment, my honourable friend says that it is intended and calculated to transfer executive powers and functions from the Commissioner to the Corporation. I am at a loss to conceive how the Hon'ble Mr. Naylor could have possibly imagined that such could be the object of the amendment, in view of what took place in the Select Committee about this very matter. He knows that nobody has been more staunch and unwavering than

myself in his allegiance to the constitutional principle of vesting the whole executive power and responsibility in a single officer, call him the Commissioner or what you like. In fact, I have been astonished, and if I could say such a thing in a grave deliberative assembly like this, I have been amused, at the charge brought against me by him of seeking to destroy the integrity of that principle. If anybody has been throughout consistent and constant, with regard to it, it is I, as I shall presently show, while it is my honourable friend, as he has himself confessed, who has been guilty of inconstancy. He admits that he was led away for a while to transfer his affections to a fairer rival, he was tempted, and he fell; the seductive charms of what he at one time thought a more attractive candidate for his regard, betrayed him into abandoning the Commissioner with his sole executive power and responsibility, in favour of executive sub-committees with the Commissioner as Chairman. I have never wavered in my allegiance, and I repeat that I was never more surprised than when my honourable friend charged me, with seeking, by my amendment, to transfer executive functions from the Commissioner to the Corporation, especially after what took place in the Select Committee about this very proposal. My honourable friend will remember that, when, after a protracted discussion, it was decided to alter section 65, as it now stands, and to accept the constitutional scheme embodied in it, I proposed that the word Corporation should be substituted for the word Commissioner in section 219 and several others, and the acting Advocate-General, Mr. Macpherson, who was then on the Committee, immediately acknowledged that, with the constitutional alteration in section 65, it was right and proper that the word should be so substituted. He will also remember that thereupon the proposal was accepted, and a note made of the different sections in which the word should be substituted. He will further remember that it was on the next day that he proposed to substitute the present

words 'the Commissioner, when authorized generally and specially on this behalf' as expressing with more certainty, that the Corporation were to have the administrative and the Commissioner the executive, functions in carrying out the different matters mentioned in the different sections. Though I contended that my proposal was the simpler method of doing the thing, the more circuitous phraseology was adopted. But all throughout that discussion, it was acknowledged that there was no question involved in either proposal of transferring purely executive functions to the Corporation. Therefore it is that I am surprised at the Hon'ble Mr. Naylor's now contending that the intention and effect of my amendment is to do any such thing. Before, however, I point out that he is entirely mistaken in so thinking, I will refer, as briefly as I can, to the contention he has elaborately placed before the Council, to show that the charge against the Bill as originally framed and introduced, of being a retrograde measure is unfounded. So far from being unfounded, this retrograde character was not so fully exposed by me when I spoke on the second reading as I might have done. The honourable member says that the Bill was not retrograde, since it followed the Acts of 1865 and 1872 in vesting the full executive powers in the Commissioner. But that was not why I called it retrograde. I denounced it as retrograde, because it deprived the Corporation of the powers of initiation, criticism, and supervision, which it possessed and exercised under the Acts of 1872 and 1878. Under the Act of 1865, the Bench possessed no such powers, and the Hon'ble Mr. Cassels in his speech in introducing the Bill—I quoted the whole extract in my speech on the second reading—said distinctly that the Bench were to have no power of initiation, and that beyond the power of the purse, the Bench could in no way control or question the Commissioner except by dismissing him by a vote of censure. Now let us see what was done in this respect by the legislation of 1872.

In my speech I ventured to describe the constitutional lines on which the Municipal administration was carried on since the passing of that Act. The Hon'ble Mr. Naylor, when I asked him to read the passage itself, was obliged to admit that he could find no fault with my statement of them. The Council will remember that I took care to say that those lines were perhaps only timidly and tentatively indicated in the Act. I also said that it was doubtful whether they were 'fully or clearly expressed.' What I did emphatically say, however, was, that such was the way in which the Act was understood and interpreted in practice for the last fifteen years, and that the Corporation had ever since been exercising the fullest powers of initiation, criticism, and supervision, which powers the Bench did not possess under the Act of 1865. My honourable friend has not ventured to dispute this proposition. In fact he has been obliged to admit it fully. If this interpretation and understanding of the Act of 1872 was wrong, the Act of 1878, which was passed to render it permanent, would have surely tried to remedy the misapprehension. That it attempted to do nothing of the sort cannot but be regarded as a ratification of that interpretation and understanding by the legislature. The Hon'ble Mr. Naylor cited a number of passages from the speeches of the Hon'ble Mr. Tucker on the first and second reading of the Bill of 1872, to show that the full executive power remained as before in the Commissioner, and that the constitutional lines were not altered. I was fully aware of those passages. They only confirm what I had said, that, at that time, Government, very nervous about dangers, as they thought, of the doubtful experiment they were launching for trial, spoke with a very uncertain and hesitating voice. They explained things at one time in one way, and at another in another. In fact, they were indicating the new departure in a timid and tentative manner, so much so that on the third reading, the Hon'ble Mr. Bythell, a most able and accomplished member of the

European mercantile community at that time, forcibly drew their attention to it in the following passage:— 'I have, however, heard it argued that we who object to the Commissioner being placed in a position that must bring him into antagonism with the Town Council are led away by a figure of speech, that sec. 42, which says that the sole power and responsibility shall be vested in one Commissioner must not be read literally, that the other portions of the Act so bind him down that he virtually cannot move hand or foot without the sanction of the Corporation. Well, then, I answer if he really will be, and *is intended to be*, the servant of the Corporation, why annoy the public by deluding them into the belief that Government are so distrustful of the Corporation that is to be, that they take care to render the body to a great extent powerless by placing all the real power in the hands of their own nominee? It was in answer to this challenge that the Hon'ble Mr. Rogers made the declaration I quoted from his speech on the third reading. I think I have now shown that I was strictly accurate in my account of the legislation of 1872, and its practical outcome. The Act of 1872 was thus clearly in advance of that of 1865 in so far as it permitted the Corporation to claim and exercise the powers of initiation, and of criticism and supervision over the Commissioner. Now let us turn to this Bill as originally introduced, and I will beg the special attention of the Council to section 65, the constitutional section, as it originally stood:—'Respective functions of the several Municipal authorities:—65 (1) The respective functions of the Corporation, of the Town Council and of any committee appointed under section 41 shall be such as are specifically prescribed in or under this Act. (2) Except in so far as authority is expressly vested by or under this Act in the Corporation, or in the Town Council, or in any such committee as aforesaid, *the duty of carrying out the provisions of this Act vests exclusively in the Commissioner.*' Now the authority expressly vested in the Corporation by the Bill was the power of

sanctioning the budget. But beyond that, all other powers, legislative, administrative, executive, or of any other sort whatsoever, were thus exclusively vested in the Commissioner. Indeed, the honourable framer of the Bill, after giving the power of the purse, no doubt, to the Corporation, made a present of the whole residuary authority and jurisdiction of every sort to the Commissioner. And it will be observed that for the first time since 1865, the section about vesting the executive power in the Commissioner disappears. The omission is fraught with the most significant results. In the Act of 1872, the inclusion of such a clause left matters open to the implication that all others, except the executive powers vested in the Commissioner, remained with the carefully constituted and elective body called into existence by the Act. All that was completely swept away by the new provision. It was freely admitted in the Select Committee by the honourable member in charge of the Bill, that the constitutional provisions were intended to take away from the Corporation all powers of initiation, criticism and supervision. Now I ask honourable members of the Council if a Bill with such provisions did not deprive the Corporation of the powers which it had exercised for fifteen years, by the quiet but effective device of professing to give useful definitions; if it did not go back to the principles of the legislation of 1865, which denied those powers to the Bench, and in fact if it was not emphatically and distinctly a retrograde measure, worse even than the Act of 1865, in so far as the deprivation of the powers was more express, pronounced and definite. It seems to me that the Bill, as originally framed, cannot escape from being deservedly characterized as retrograde. Then, my Lord, I have said that it is not my honourable friend Mr. Naylor who is entitled to call himself the consistent champion of the integrity of the constitutional principle vesting full executive powers in a sole officer. My Lord, speaking for myself and the Corporation, it is we who

can claim to be so. In my speech on the second reading I alluded very briefly to a paper read by me in 1871, on the great municipal reform question of the day. If I were not afraid of taking up the time of the Council, I could show that in that paper I strongly advocated that principle, not on account of any special distrust with regard to the capacity or powers of the citizens of Bombay or of the members of the Corporation, but on general principles, applicable to Bombay in common with all other cities, as pointed out by such liberal thinkers as John Stuart Mill, Herbert Spencer and others, who strongly lay down that executive functions are best performed by a single officer, and that there are grave dangers in entrusting them to boards or sub-committees, as experience has over and over again proved. The same principle was steadfastly asserted by the committee of the Corporation appointed in 1883. True that there was a minute to the report of that committee by my friend Mr. Javerilal, concurred in by my friend Dr. Peterson, suggesting executive sub-committees. That proposal was considered and discussed in the full Corporation, and it was almost unanimously rejected. It met with the same fate when Government sent the draft Bill, as first drawn, to the Corporation. The Hon'ble Mr. Naylor says that it was not an essential feature of the scheme of executive sub-committees proposed in it, that the Commissioner should be chairman. I think I can venture to say that it was. I can say with some degree of confidence that, as regards Mr. Ollivant's idea of it, it was the most important feature of the scheme. The Hon'ble Mr. Naylor says the Corporation rejected it without assigning any reason. But he is mistaken. In the last paragraph of the letter I addressed to Government on behalf of the Corporation, it is to this scheme they refer when they say:—'That they find the new Municipal Bill is drawn on lines widely divergent from those recommended by the Corporation in their letter No. 1013 of 10th October, 1884.

The Corporation still consider that the principles on which they proceeded in making the recommendations contained therein were *sound in theory and cautiously founded on the results of their working* ever since the formation of 'the present Municipal constitution.' In their letters to Government on this Bill, the Corporation have steadfastly adhered to their mature and well considered opinion on this point. So that, I repeat that it was with the most unqualified surprise that I heard my honourable friend Mr. Naylor enter into an elaborate argument, to show that my amendment, which I considered to be of a most harmless and innocent character, was really intended to transfer executive functions and powers from the Commissioner to the Corporation. I have shown that the acting Advocate-General, Mr. Macpherson, and even Mr. Naylor for a short time, considered it only as a question of different ways of doing the same thing. And that, I again say, it really is. It is true that we have now come to those portions of the Bill, which deal largely with executive functions. But the various parts are prefaced by sections which, so to say, are headings taken from the different parts of section 62, which lays down what functions it is incumbent upon the Corporation to perform. Now look at section 219 as it stands. He (the Commissioner) shall 'construct such new drains as he shall from time to time deem necessary.'

The Hon'ble Mr. Naylor :—You are overlooking the amendment made by the Select Committee.

The Hon'ble Mr. Pherozeshah Mehta :—How ?

The Hon'ble Mr. Naylor :—' He ' has been struck out and ' be ' has been substituted for ' deem.'

The Hon'ble Mr. Pherozeshah Mehta :—I am glad you have pointed that out. But to revert to my argument, clause (a) of section 62 refers to the '*construction, maintenance, and cleansing* of drains and drainage works and of public latrines, urinals and similar conveniences.' If the use of the words '*construction, maintenance and*

cleansing' in this clause do not signify that they are executive functions, why should the same words do so in section 219? I say they would not, equally in the one case as in the other. Section 219 would have to be interpreted in the light of section 65, and with the word Corporation in it, equally in section 62, would mean that the administrative part of the function would be with the Corporation, the executive with the Commissioner. It would thus be in harmony with the constitutional scheme now accepted by the Council. The Hon'ble Mr. Naylor seeks to effect the same object by a circuitous phraseology:—'The Commissioner when generally or specially authorized by the Corporation in such behalf.' I believe the simpler way of drafting the section is the one suggested by me, and it is this point, and no other, which I have brought before the Council for discussion by my amendment.

* * * * *

On the third reading.

Your Excellency,—I shall vote cordially for the passing of this Bill into law. I entirely concur in all that has been said by my honourable friend Mr. Telang as to the character of the Bill as a whole. The detailed discussion in Council, in which the desire of your Excellency and the members of your Excellency's Government has been so conspicuous to give the most patient and careful consideration to suggestions and proposals from all quarters, has left me but one disappointment of any severity with regard to any important matter. But it is well to remember that no practical legislation in a matter of such complexity can ever be perfect, from a special or individual point of view. It is to the general result we must look to guide us in giving or withholding our acceptance. Looking at it this way, I cannot but regard this Bill as substantially in conformity with the views and opinions of the Corporation as representing the city, contained in the various represen-

tations sent by them to Government since 1883. It is drawn on sound practical principles—sound in theory and tested by long experience. It has carefully steered clear of two pitfalls. On the one hand, it has avoided the blunder of making the Commissioner more than the executive officer of the supreme administrative body—the Corporation. On the other, it has not succumbed to the temptation of abolishing the Commissioner in favour of Executive Committees or Councils or of changing the mode of his appointment. The Corporation have always viewed with great alarm the prospect of either course being adopted; they have always firmly resisted all endeavours to seduce them to give their approval to either. I should like to add one word more before this Bill is finally launched on its new career. I believe it is an eminently workable and practical measure. But it will be in the future as in the past. The prospect of its success will not be simply in its own excellence. Whether it be perfect, or whether it be faulty in some respects, its success will in a great measure depend upon its being worked in that combined spirit of enlightened zeal and public spirit and of sound practical common sense, which has distinguished the conduct of Municipal affairs in this city for the last fifteen years. Worked in that spirit, as I feel confident it will be, this Bill is well calculated to add fresh laurels to the Municipal fame of this city.

THE PUBLIC SERVICE QUESTION.

[The Hon'ble Mr. Pherozechah M. Mehta made the following speech in seconding the Resolution on the Public Service question, which was moved by Mr. Eardley Norton, at the Fourth Indian National Congress, held at Allahabad in December 1888.]

Gentlemen,—I mean to set the best of examples, and will put an end to my oratorical existence within the period of five minutes allowed by that guillotine. (Laughter.) I will take one minute of the five to make one observation which has suggested itself to me by an incident which took place to-day. Some of you, gentlemen, were disposed to be rather angry with the gentleman who wished to propose an amendment to the first proposition. You will remember the words of wisdom which fell from the President (Mr. George Yule) in the course of one of the most remarkable speeches I have ever heard. (Cheers.) He told us that all such agitations passed through three stages—hostility, partial acquiescence and misapprehension, and finally complete surrender. Now I say we should be glad that we find the Rajah Shiva Prasad, who is in the Congress to-day, in the second stage of preparation. (Cheers and laughter.) His hostility to the Congress has ceased*, and he comes here to-day to do you an act of homage by moving an amendment. (Laughter.) That act of homage means that he subscribes to the great and sacred principles on which this Congress is founded. (Cheers.) And I think I shall prove a very safe prophet when I say that by the time the next great Congress is held, the Rajah will have reached the last stage of transformation, and that is one of complete surrender. (Laughter and cheers.) Now I pass on to the task which has been entrusted to me, a very difficult task indeed

* For full particulars of Rajah Shiva Prasad and the incident here referred to, see the Report of the Fourth Indian National Congress, pp. xviii-xx, and 24-5.

when I remember that I was preceded by Mr. Eardley Norton, who has placed before you the proposition in his charge in one of the most able and eloquent speeches that I have ever heard. (Cheers.) I will therefore confine myself to a few observations on the proposition. It is said that we want to enter the Civil Service of India, because the educated classes of this country aspire to it. It is said that the admission is demanded for the purpose of satisfying what are called the legitimate aspirations of the educated classes of this country. That may be one way of putting the matter. But I would ask you to put it on a simpler and broader basis. The reason why the Congress is so earnest about securing the equal admission of the Natives of this country into the Civil Service rests upon a two-fold foundation. Mr. Dadabhai Naoroji has over and over again pointed out to us that the question rests upon economic necessity. It is necessary on economic grounds that natives should be largely employed in the administration of the country. But there is a necessity even greater than that, and that is a political necessity. (Cheers.) I say that when the time came to settle the principles on which British rule in India was to be carried on, it was clearly recognized by those sober statesmen who guided the destinies of England at that time, that even for Orientals an absolute despotism was an impossible creed in practical politics. (Cheers.) It was clearly recognized that even the most benevolent and most paternal despotism must, if it wants to be stable and permanent, place its roots in the country in which it carries on that rule; and this principle was soberly, though eloquently, enunciated by Lord Macaulay in 1833, when he said that for the sake of English honour and English wisdom, it was absolutely imperative that the natives of this country should have an equal share in the administration. (Cheers.) I would press these two grounds on the Government. I would press them on the Secretary of State, and I would press them on the people of England, because I am one

of those who wish that the British rule in India should be a stable and permanent rule. (Cheers.) Now, I will say a word about the question of age. It is not only necessary for Indian candidates to get into the Civil Service, but it is equally necessary for the right and better administration of the country, as Mr. Norton has so well pointed out, that the limit of age should be increased. What does the present limit of age mean? It means that for our magistrates and deputy collectors we have mere boys of 22 and 24. I know too well from the experience I have acquired in my professional capacity what it is to have first class magisterial and administrative powers placed in the hands of youths. However good they may be they are only youths, inexperienced unripe youths. (Cheers.) I say, therefore, that this is a most important question. Do not be carried away by the great importance of the first resolution, and think that the one now before you is of a subordinate importance. It is, on the contrary, in the eyes of many of our most advanced thinkers, *par excellence* the question of the day, and I earnestly hope and trust that this Congress will energetically raise their united voices in this matter to the powers that be as the question really most vitally affects the best interests and the future progress and welfare of the country. (Loud cheers.)

SPEECH ON THE ARMS ACT.

[At the Fourth Indian National Congress held at Allahabad in 1888, there was a discussion on the Arms Act on the following resolution :—
' That, in view of the loyalty of the people, the hardships which the present Arms Act (XI of 1878) causes, and the unmerited slur which it casts upon the people of this country, the Government be moved so to modify the provisions of Chapter IV, and, if necessary, other portions of the said Act, as shall enable all persons to possess and wear Arms, unless debarred therefrom, either as individuals or members of particular communities or classes, by the orders of the Government of India (or any local authority empowered by the Government of India on that behalf) for reasons to be recorded in writing and duly published.' Mr. Eringle Kennedy proposed an amendment that the whole of the above should be omitted from the Resolution which embraced other topics, and the Hon'ble Mr. Telang seconded the amendment. The Hon'ble Mr. Mehta opposed the amendment in the following speech.]

It is always with the greatest regret that I differ from any view which is taken by my friend Mr. Telang. (Cheers.) But I wish to state before the delegates in this Congress assembled the reason why I steadfastly support the original resolution placed before you. (Cheers.) It is said that the proposition is placed before you simply on sentimental grounds. Perhaps it is so to a certain extent, if you look to the wording of the resolution. But the reason why I support that resolution is a different one. It is not sentimental, but eminently practical, and one of the most vital importance. That consideration is that you cannot, and ought not to, emasculate a whole nation. (Cheers.) It may be said that the time may come in future when these restrictions will be removed. But remember that when once the Indian people become emasculated, it will be a very long time indeed before you can get them to recover their manliness and their vigour. (Cheers.) That is my ground for supporting the proposition; and I say it is a practical ground. Perhaps, a good many of you remember the case of James II, who, when in his hour of peril, appealed to the Duke of Bedford (whose son

had been judicially murdered by the King) for help, to whom the old nobleman replied: 'I had once a son whom I could have sent to your assistance. But I have not got him now.' In the same way, in some hour of need, India might have to say something similar to England. (Cheers.) I entirely recognize all the reasonable, and to a certain extent alarming, difficulties which have been raised; but I say that, if you strive to follow a really far-sighted policy, you will realize from the lessons of history that it can never be wise to emasculate a nation. (Cheers.)

OPENING OF THE NEW ELPHINSTONE COLLEGE.

[The Hon'ble Mr. Pherozeshah M. Mehta made the following speech on the occasion of the opening of the new buildings of the Elphinstone College, Bombay, by his Excellency Lord Reay, on Monday, the 4th February, 1889.]

Mr. Principal, ladies and gentlemen,—I consider it a very great honour that you, Mr. Principal (Dr. Peterson), have asked me, as an old Elphinstonian, to tender to H. E. the Governor our grateful thanks for his kindness in coming here to-day to instal this College in this spacious and splendid pile of buildings. (Cheers.) But, my Lord, we are not only grateful to you for performing this formal ceremony; there is another and a deeper reason for our thankfulness. The cause of education, of what has been called literary education, but which I should prefer to call by its old-fashioned name of liberal education, of which this College is the chief seat in this Presidency, may be just now compared to a tempest-tost bark in mid-ocean. I believe that it is a stout vessel which will weather the storm, but still to have so potent and experienced a mariner as your Lordship in our midst cannot fail to give us an inexpressible sense of relief and security. (Cheers.)

We have still another cause for thankfulness. It is generally supposed that affection yearns in a peculiar manner towards the youngest born, but your kindly and sympathetic presence here to-day gives us assurance that, dear as is the cause of technical education to your Lordship's heart, your affections are in no way estranged from the elder sister (cheers), from that education of which this College is the 'representative, and without which the establishment of sound technical education in the splendid manner in which your Lordship has been able to inaugurate it, would have been barely possible. (Cheers.)

It is a matter of infinite gratification to us, my Lord, that your presence here to-day entitles us to add the

name of so great an educationist and administrator as your Lordship, and, if I may be pardoned for presuming to say so, of one whom the people of this Presidency have learnt to regard with the most entire confidence and respect (cheers), to the roll of distinguished men whose connection with this College as founders, benefactors, well-wishers and sympathizers is remembered and cherished by us with honour and respect. (Cheers.) My Lord, that roll is an illustrious one. The memory of the statesman from whom this College derives its name is reverently enshrined in our hearts. In these days, when a great deal is said of the perils of education, I often remember a story which is related of him by General Briggs as showing of what stout and sturdy material English statesmen are made. 'Finding in a corner of his tent,' says General Briggs, 'a pile of printed Mahratta books, I asked him what they were meant for. "To educate the natives," said he, "though it may be our high road back to Europe." I said then, I wonder that you as Governor of Bombay have set it on foot. He replied, "we are bound under all circumstances to do our duty by them.'" (Cheers.) It cannot for a moment be imagined that the safety of the empire was not a consideration paramount above all others in the mind of this strong and sagacious statesman; all that he meant was that the path of duty was the best path for securing the safety of the empire. And his foresight was just. It is true the soldier is abroad, maintaining and preserving peace and tranquillity, but the humble schoolmaster is also now abroad, transforming the feeling of gratitude for this inestimable blessing into a sentiment of earnest, devoted and enlightened loyalty. (Cheers.) I will only refer to one other name—that of one to whose great and varied accomplishments as scholar, teacher and administrator; this College owes so much, I mean Sir A. Grant. (Cheers.) I cannot help wishing that the Vice-Chancellor of the Calcutta University had come to know of the evidence given by Sir A. Grant as to the effect of educa-

tion in this Presidency at least. To superficial observers the effect has seemed superficial; but those who have the vision and the faculty to look deeper have observed, as Sir A. Grant pointed out, that education has been slowly and gradually permeating all Indian life with a higher and a nobler conception of public and private duty. (Cheers.) We are proud to be able now to claim you in this distinguished roll, and I ask your Excellency to accept our heartfelt thanks for your presence here to-day.

MR. OMMANEY AND THE PARSEE PUBLIC MEETING.*

[The Hon'ble Mr. Pherozechah M. Mehta addressed the following letter to the 'Advocate of India,' and it was printed in the issue of that paper of 17th August, 1889.]

SIR,—As my action with regard to the attack made by Mr. Ommaney on the Parsee community has been misrepresented by some and misconceived by others, I shall thank you to let me have the opportunity of saying in your paper a few words in explanation of it. In common with all other members of my community I fully and strongly share in the feelings of astonishment and indignation, created by the reckless aspersions which the Inspector-General of Police seems to have gone out of his way—almost wantonly and as of *malice prepense*—to cast against it. That the stab was given in the dark, and the perpetrator of the offence might have thought himself safe from discovery, does not seem to me to afford any palliation; it serves only to aggravate the offence. These sentiments are, I think, temperately yet forcibly delineated in the letter addressed by Sir Dinshaw Petit to Lord Reay. Nobody more heartily concurs than myself in the statement made by Sir Dinshaw in that

* The action taken by Lord Reay's Government in appointing a Commission under Act 37 of 1850, to enquire into charges of corruption against a high English official occupying the post of Commissioner of a Division and issuing a Resolution holding them proved, was keenly and violently resented in the Anglo-Indian Press. A variety of efforts was made to bring Lord Reay's Government into discredit in connection with the matter. One of them was to inflame the Parsee community and to induce them to give vent in a public meeting of the community to their resentment at some remarks made in the Report of the Inspector-General of Police appointed to enquire into the charges. Many leading members of the community were satisfied with the exculpation given by Lord Reay in reply to a letter addressed to him on the subject to Sir Dinshaw M. Petit. The Bombay Anglo-Indian Press, however, endeavoured to rouse the community to hold a meeting of protest. Hence the following letters.

letter, 'that the imputation of offering passive or active obstruction to the inquiry is not only unfounded and undeserved, but that it misrepresents the attitude of the community towards the enquiry, as nothing is better known than that the Parsee community generally was foremost in according the fullest and most emphatic approval to the action of Government throughout the whole of the enquiry, and in cordially appreciating the firmness and high sense of duty which were so remarkably manifest in undertaking and prosecuting so arduous and difficult a task.' Thus fully participating in the resentment felt by the Parsees, the question presented itself to me, as I suppose it did to all having the interests of the community at heart, as to the best course to pursue for the purpose of exposing the misrepresentation, and recording a public contradiction of it. To call a public meeting for the purpose was one of the courses that naturally suggested themselves. But at the very outset, it became evident that the incident was going to be seized upon and manipulated by those people who had so long endeavoured to mislead public opinion, both here and in England, about the Crawford enquiry with a tenacity of which the persistency was only equalled by its unblushing effrontery. An emissary of one of your daily contemporaries was busy going about exciting public feeling, and stimulating it with promises of support. This manœuvring was calculated to excite alarm in the minds of all those who, like me, feel and think very strongly about all questions and matters connected with the Crawford case. I am not given to indulging in indiscriminate panegyric of Government and Government measures; and, if I may make a little confession, I am growing very uneasy about Lord Reay's educational policy. A confirmed Congresswallah like me is rather exposed to the contrary imputation. To my mind, however, the action of Government in that case has not yet met with the full credit which it so richly deserves. No measure of Lord Reay's administration deserves

more unmixed approbation. When the clouds raised by ignorant misrepresentation and malicious calumny have rolled away, history will record it to his lasting honour that Lord Reay did an invaluable public service by probing and exposing a long festering sore of unexampled corruption, with a noble rectitude of aim, an unflinching determination of purpose, and a steadfast disregard of all prejudice, which are beyond all praise. Great and valuable have been the services rendered by Sir R. West during a long judicial career, during which he has sometimes seemed to me to have endeavoured to follow the eighteen golden rules laid down by that great judge, Sir Mathew Hale, for his judicial guidance. But the judgment, for I can call his now famous minute by no other designation, delivered by him in the Crawford case, will add fresh lustre to his fame as an upright and independent judge. The other members and officers of Government who co-operated in the task also deserve no little praise; and, among them, it should not be forgotten even by those who are now loudest in finding fault with him, that the Inspector-General of Police had a heavy duty to perform, which he discharged with untiring zeal and great ability. Holding these views, it seemed to me that it would be a grave blunder to permit ourselves to play into the hands of the wire-pullers, who had been so busy in perverting public opinion on this question. A great portion of the Anglo-Indian press had behaved in a manner which can be best described by something I read recently about American journalism: 'The easy flow of magnificent mendacity of the average partisan editor in America makes me ashamed every time I open a paper.' Some of them outdid the Bengali journalist as he exists in their imagination. Mr. Lee-Warner evidently aimed his recent public lecture on Criticism against native papers and native critics; he ought seriously to consider whether he might not with advantage present it to some of our Anglo-Indian editors. The native papers, though on the whole they acquitted

themselves judiciously, were somewhat timid in their utterances; most of them gave in to the fashionable cant of sympathy with fallen greatness. One of the Parsee journals was excessively lukewarm; the editor of the *Rast Goftar* was dreadfully weak-kneed about the mamlatdars, led away by the new faith to which he has fallen an apostate, of sowing strife and dissension between Parsees and the other natives of this country. It is so refreshing to read in the last debate in the House of Commons on this question how Sir George Campbell courageously pointed out that this comparatively small matter had been allowed to overshadow the great question of the conduct of a high administrative officer. The unfortunate way in which the question of the indemnity to the implicated mamlatdars is treated, is fraught with almost irreparable mischief for the future. Corruption is not so uncommon as is generally supposed, even among English officials. In future, it will be a miracle if it is ever exposed. And it must be remembered by those who view with horror the existence of mamlatdars who have paid for their offices, that without an indemnity, freely and broadly given, there would have been perpetuated a state of things of the same enormity as that against which they now declaim, a thousand times worse. It, therefore, seemed to me and many others in whose judgment Parsees have always reposed great confidence that it would be desirable to adopt some way of repudiating Mr. Ommaney's attack without giving a handle to those who wished to turn the incident to account, by representing that the Parsee community had also now pronounced against Government. I am aware that those who are in favour of a public demonstration urge that in their proceedings they would make it clear that they did not mean anything of the sort. But their elaborate speeches and explanations in that behalf would scarcely be read except by themselves, and the whole thing would be misrepresented, exactly as has been done over and over again during the course of the

enquiry in regard to other matters; and we have seen how successfully truth has been obscured and the misrepresentation effective in doing its work. The real facts would never reach thousands whom the misrepresentation would reach. Hence Sir Dinshaw's letter. I may here refer to a misconception of our action which has been sedulously propagated. A good deal has been said about hole-and-corner-meetings and unauthorized action. But surely I, or anybody else, was free to consult our friends, and act individually as appeared best to us, just as Mr. Kabraji of the *Rast Goftar*, Mr. Nanabhoy Chichghar of the *Times*, Mr. M. M. Bhownggree, and others serving under the leadership of Mr. Cursetji De Vitre, whom I have not the honour of knowing, were free, acting upon their own judgment, to get up a requisition for a public meeting. I may at once say here, that I do not agree with those of my friends who hold that Mr. De Vitre, being unknown to fame, should not have put himself forward as he has done. I think he was as free to do so as any other member of the community, however humble, who believed he was acting in its interests, just as much as I was free to do what I did in co-operation with Sir Dinshaw Petit, Mr. S. S. Bengali, Mr. Sorabji Framji Patel and others.

Apart from the above considerations, I have no positive objection to holding a public meeting, except that it is somewhat like using a ton-hammer to break a nut. I still believe that it would have redounded more to the honour of the Parsee community, if they had vindicated their honour against the attack made on it, by subordinating their special, or, if I may say so, their personal grievance in the presence of a great question affecting the public interests of the country at large. If they had been left to themselves, or if there had been an opportunity of explaining matters, I think they would have adopted such a course, for I may permit myself to say, with pardonable pride, that they are generally as magnanimous of mind as they are liberal of hand. I

do not think that, on due consideration, they will ultimately go in for the gospel of selfishness, which the *Rast Goftar* and its editor are now preaching in the excitement of personal and individual grievances, and of which their present advocacy of a public meeting, directed, I am bound to admit, more against the Hindus than Government, is part and parcel. If they had been left to themselves, I say, they would have been content to accept Lord Reay's assurances, diplomatic as they somewhat sound, but which contain all the vindication and reparation that the wounded honour of the Parsees can require for any useful purpose.

August 16.

PHEROZESHAH M. MEHTA.

A RETROSPECT.

[*The following second letter on the same subject was printed in the "Advocate of India" on August 31, 1889.*]

Sir,—Encouraged by the success of my first letter, I am induced to give you another long and rambling discourse, on the interesting^r manifestations of the lively effects produced by it, on a variety of people. Malice and intemperance have always the knack of overleaping themselves, and defeating their own object. This is remarkably exemplified in the attacks made with the view of embroiling me with my Parsee brethren, and lowering me in their estimation. But these attacks, meant to curse, have only succeeded in blessing, and my assailants have been unwittingly led away to extol me as the leader of the Parsees, against whom they are only now mutinous, because he is getting too dictatorial and high-handed. I may at once say that I have never made so absurd a pretension. What little I may have done for the community, is in the most inadequate discharge of a duty and an obligation, which we are all striving more or less to fulfil, according to our capacities and opportunities. But there is one thing which, I am entitled certainly to claim, and that is, that in whatever I have done, I have never been swayed by the craving for cheap popularity. Perhaps it may not be utterly useless to recall to mind the noble words uttered by Lord Mansfield on a memorable occasion. 'If,' said the great Judge, speaking in the House of Lords, 'my assailant means by popularity the applause bestowed by after-ages on good and virtuous actions, I have long been struggling in that race—to what purpose all-trying time can alone determine; but if he means that mushroom popularity, which is raised without merit, and lost without a crime, he is much mistaken. I defy him to point out a single action in my life, where the popularity of the times ever had the smallest influence upon

my determination. I thank God I have a more permanent and more steady rule for my conduct—the dictates of my own breast. Those who have foregone that adviser and given up their minds to the slavery of every popular impulse, I sincerely pity; I pity them the more, if vanity leads them to mistake the shouts of a mob for the trumpet of fame.' These words and sentiments of a great actor on a great stage in the drama of life, may be, with advantage, taken to heart by humbler men in humbler spheres of activity. I am not a little thankful to Mr. Kabrajee of the *Rast Gofar* for recalling an old incident in my career, of which I have some reason to be proud, though he has not narrated it accurately, in connection with Mr. Crawford and the Municipal reform question of 1870. It is perfectly true that in 1870, I ventured, in the face of much obloquy, to point out that the municipal reformers of that period were guilty of unfairness in altogether denying the good work really done by Mr. Crawford, and secondly, in asking only for an executive Town Council. In a paper read, and read right to the end, at the Framjee Cawasjee Institute, I exposed the blunders into which excitement was hurrying them, and indicated the real remedy required, viz., a municipal constitution composed of an elected Corporation, Town Council, and a Commissioner. It is perfectly true that I was furiously hissed on that occasion; but everybody has now come round to the estimate I then presented of Mr. Crawford's municipal work; and the municipal constitution which I then suggested, is the constitution under which the municipal administration of Bombay is the theme of universal praise. Mr. Kabrajee says that my experience on this occasion showed me the error of being true to my own convictions. I cannot understand how Mr. Kabrajee should so grievously err. Surely he knows better than anybody else, that I have been hissed a second time, and that too not so very long ago. He also cannot forget that I underwent the hissing in the company of my esteemed friend Principal Wordsworth.

We were striving to support what we considered the just claim of Mr. Kabrajee's son to an university grace. We were aware of the treatment contemplated for us by excited schoolboys; but I should never have forgiven myself for my cowardice, if I had wavered in the slightest degree in persevering with my advocacy,—mistaken it may have been, perhaps, but honest, of Mr. Jehanghir Kabrajee's claim. Nothing gave me greater pleasure than to learn that Mr. Kabrajee's son was provided for by Government in the Statutory Civil Service. But if I was uncharitably disposed to retort to the imputation of sordid and unworthy motives, made by Mr. Kabrajee, against my esteemed friend Mr. S. S. Bengali and myself, in one of the very first articles in the *Rast*, abusing us for our action in the Ommaney affair, how easy it would be to do so. I might then point out that what are called the honours conferred upon us, have been only honours that entailed sacrifice of time, labour and money—not that I say so in any grumbling spirit, for how little after all it is that you can do to discharge the heavy debt you owe to your country and your community! I might also have pointed out that we have never entertained members of Government inveterately hostile to all native aspirations; and I might have wound up by pointing to the substantial provision secured by Mr. Kabrajee for his son. But I prefer to look at it in the light of justice done to a deserving young man; and not even the fear of losing my popularity, or what Mr. Kabrajee considers so terrible, of being hissed by unthinking people, will ever tempt or frighten me out of my honest conviction, or daunt me from acknowledging it openly, whenever necessary. It was discreditable of Mr. Kabrajee to make such an imputation against Mr. Bengali; for myself, well, I will only laugh at it.

Mr. Kabrajee has next resorted to another device to eke out his lack of argument. I will frankly confess that he beats me there completely. He is full of the funny jokes and sprightly sallies of the clown, as he is conceived

in the modern Gujarati drama; and when the otherwise sedate Mr. Kabrajee cuts a caper on the stage with one of his side-splitting jokes, I confess I cannot help joining heartily in the laughter, though even at my own expense. But, alas! I fear that this jocularitv is only assumed. Mr. Kabrajee reminds me of the great inimitable comic actor Toole, in a part in which I remember seeing him years ago, touching you with the under-current of pain and torture hidden in the heart, while all the while convulsing the audience with his outward fantastic contortions of assumed merriment and laughter. I know Mr. Kabrajee well, and he cannot deceive me. I spy the pathetic undercurrent of pain and suffering in his attempts to simper and to laugh. I would gladly have spared him this, for Mr. Kabrajee is an old friend of mine; and many acts of personal kindness have passed between us. But an imperative sense of public duty has driven me to speak out and expose the apostacy of the editor of the *Rast Gofdar*. Those who cherish the memories and associations which connect the old *Rast Gofdar* with the earliest efforts for progress and reform of all sorts in this Presidency, cannot sit quiet while it is prostituted to ignoble ends. The gospel of isolation and selfishness which Mr. Kabrajee now preaches, in relation to the attitude of the Parsee community towards the other natives of this country and the Congress, is utterly inconsistent with the high and enlightened principles on which the paper was founded and carried on so long, by that noble band of early reformers,—touched by the very first rays of the rising sun of education,—Dadabhai Naoroji, Nowrozji Furdoonjee, S. S. Bengali, Ardeshir Framji and others, whose teaching, as wise as it was noble, still bears fruit. I have always lamented that Mr. Kabrajee, possessing, as he does, considerable parts and no small amount of journalistic aptitude, should not have had the advantage of a liberal education and culture in early life. I believe it is owing to this fatal defect in his early training, that he is deficient in the

firm grasp of principles. So long as he was wise enough to accept them, as handed down to him by the first founders of the paper, the risk of going astray was in a great measure obviated. But woe to him if he cut the moorings on which he was firmly and safely anchored. And this is the misfortune that has now befallen Mr. Kabrajee. Misjudging the real significance of the phenomena of individual jealousies and rivalries between Parsees and Hindus, and resenting them when affecting his own friends, he has failed in perceiving that this is a very different thing from hostility between community and community. There are individual jealousies and rivalries—and sometimes bitter ones too—between Englishmen and Scotchmen, but they are none the less united as Britons. I don't deny that there may be, that there are, individual jealousies between Parsees and Hindus, but none the less therefore have they common aims, common aspirations and common interests as the natives of this country, in the presence of an impartial ruling authority which can make no difference between them on the ground of race or religion. To preach to the Parsees a policy of isolation and selfishness is to fall a prey to the same short-sightedness and sophistry which we have all so often denounced; Mr. Kabrajee, not the least of all when inculcated by people like Mr. Maclean, on behalf of their own people. How often have we all pointed out that to ask Englishmen to look to their own interests in this country, is not only selfish but short-sighted and unwise. To ask the Parsees to isolate themselves and their interests from those of the other natives of this country is to preach something not only equally selfish, but a great deal more short-sighted and unwise. In our case, it would be almost a suicidal policy. Its ultimate effect would be only to reduce us to insignificance. We are a power in this Presidency as a small but enlightened and enterprising portion of the natives of this country, and as such participate in its greatness. Isolated as Parsees, pure and simple, holding

ourselves aloof from the other natives of the country, without common interests, common sympathies, and common co-operation, we might still remain an interesting community, but of no account whatsoever in the great march of events moulding the lofty destinies of this magnificent land. Mr. Kabrajee affects to pose as a true Parsee, and has tried to persuade people, by resorting to tricks of misrepresentation which I certainly cannot call high-minded, to make me out to be otherwise. If he wishes to become a favourite of the Parsees in this way, I will ask him to remember Dr. Johnson's definition of a *favourite*: 'A mean wretch whose whole business is by *any means* to please.' But to my mind, a Parsee is a truer and a better Parsee, the more he is attached to the land which gave him birth, the more he is bound in brotherly relation and affection to the children of the soil which helped us in our hour of need, which gave us kindly hospitality in our exile, and which has given us shelter and nourishment for 1,200 years. The new gospel, to which Mr. Kabrajee and those who think with him have become proselytes, is a false and lying gospel, which can only hope to make its way by addressing itself to the lower, selfish, and more ignoble passions and sentiments of our nature. But I would ask them to ponder well on the one great eternal truth which is embodied in the teaching of our great prophet Zoroaster. He has taught us that the universe is the scene of an eternal and infinite conflict between light and darkness, between Hormazd and Ahriman, in which the former is slowly but surely prevailing. This great truth is of universal application. In the individual, in the community, the same struggle is in progress. This truth as regards the individual is impressively portrayed in a little novel, published a short while ago, called *Dr. Jekyll and Mr. Hyde*, which, perhaps is not unknown to many of your readers. It hinges its plot on the conflict between the two sides of a man's nature, the higher and the lower one, embodying each for the time being in a

separate and distinct individuality. It is equally so with regard to communities. There is a perpetual struggle going on between its selfish and ignoble, on the one hand, and its higher and nobler tendencies, on the other. Mr. Kabrajee's gospel appeals to the former, I appeal to the latter. But I will ask him to bear in mind that the final victory is for light, for Hormazd, while Ahriman is destined to eternal perdition and darkness. The early founders of the *Rast* had a firm and enlightened grasp of this great truth. It is a matter of infinite regret that it should now be unloosed from its old moorings, and sent whirling and tossing in a sea of inconsistencies gross and palpable, and of misrepresentations over and over exploded. There will be no joy nor peace for it, till it returns to its old haven of safety, till it goes back to its old traditions and principles, till it recognizes again the fraternity of all the native communities of this country, and the immutable bond which joins them together in the pursuit of common aims and objects under a common Government.

I have written all this in no spirit of personal hostility. Only an anxious regard for the good name and fame of the community has driven me to write. It is so easy to slide down, so difficult to mount higher and higher. Probably Mr. Kabrajee will fail to see any coherency or relevancy in these rambling thoughts. But then he must remember what the homely old adage says, "None are so blind as those who will not see."

PHEROZESHAH M. MEHTA.

ADDRESS AS CHAIRMAN OF THE RECEPTION COMMITTEE OF THE FIFTH CONGRESS.

[Mr. Pherozeshah M. Mehta delivered the following address as Chairman of the Reception Committee of the Fifth Indian National Congress held at Bombay in December 1889.]

On behalf of the Reception Committee, I beg to tender to you all, Delegates of the Fifth Indian National Congress, a cordial, sincere, and earnest welcome. (Cheers.) It would be at all times a high pleasure and privilege to receive and welcome so many and such distinguished gentlemen from all parts of the country. But when I remember that, though you may not be the chosen of the people by any scientific mode of election, you virtually and substantially represent them, their wants, wishes, sentiments and aspirations, in all the various ways in which representation manifests and works itself out in the early stages of its progressive development, that pleasure and that privilege are infinitely enhanced. (Cheers.) There is, besides, a peculiar zest in our welcome of you; for in welcoming the Congress to Bombay, we welcome it back to 'its own native land.' (Cheers.) I well remember the day this time four years ago, when, anxiously but hopefully, we launched the Congress on its enterprise—not of supplanting the existing rulers of the country, but of supplementing the endeavours of the best and most sagacious among them by proposing modifications and developments based on our peculiar and native knowledge and information, and suggested gratefully by that enlightenment and education, which is one of the most precious gifts bestowed upon us by British rule. (Loud and prolonged cheering.) The young enthusiast, whom we thus started, has now come back to us, robust and manly, broadened and strengthened, with a record of achievement of which we may be justly proud. (Renewed cheering.) Even the indirect political gains of the Congress have not

been inconsiderable. It has brought vividly into clear and emphatic recognition that most important fact of the growth of the national idea amongst us. Despite social and religious differences, we have all begun earnestly to realize that we are fairly on the way to a common national existence, united and bound together by the common political ties of an equal, impartial and enlightened rule, just as the United States have raised up the American Nation on the basis of an infinite diversity of races and creeds. When we call the Congress national, we give expression to this nationalizing tendency which is now so powerfully leavening New India. (Hear, hear and cheers.) Instead of being jealously resented and angrily denounced, this free and frank acknowledgment of the grandest outcome of British rule ought to be welcomed as a sure token of our rational and discerning loyalty (cheers), at least by those who are always so mightily distressed that we do not set up a perpetual hallelujah in praise of it, in season and out of season. (Renewed cheers.) Then, gentlemen, the labours of the Congress have contributed to do that which is a necessary prelude to all reform, a thorough sifting and searching of some of the most vital of Indian political problems. Nothing that passion or prejudice or malice could urge has been left unsaid. And now that the proposals of the Congress have bravely stood the test, our opponents have recourse to the familiar device, which is so often employed to cover retreat, and they are lost in wonder that we are making so much fuss about things which have nothing new in them, and which have been long contemplated by many an Anglo-Indian statesman at the head of affairs. Now, gentlemen, we are quite ready at once to plead guilty to this not very dreadful impeachment. (Laughter.) But though it may not be said of these statesmen what was once said of the anti-Reform party in England, and can certainly be said of some Anglo-Indians, that they never have anything kind or generous to say of the Indian people, this

may surely be said of them, that though they do sometimes have something generous to say of the Indians, they have never shown the slightest disposition to confer upon them any portion of political rights. If the Congress has done nothing more than quicken into action these political *yogis*, so long lost in contemplation, it will not have laboured in vain. (Hear, hear and cheers.) Laden with these and other gains the Congress has now come back to us, but not without undergoing trials and ordeals, two of which have been of exceptional severity. The first tactics employed by our opponents was to create disunion and dissension among ourselves. (Cries shame.) Well, gentlemen, in a country so vast and varied as India, it would be impossible, it would be unnatural to expect perfect and absolute unanimity. (Hear, hear.) It is no wonder that we have our halt, our lame, and our blind, and that they should hobble off to what I may call the Indian political cave of Adullam at the call of Sir Syed Ahmed and Rajah Shiva Prasad. But when two gentlemen, so amiable, so patriotic, so anxious to display their loyalty, were united together in one party and formed the Anti-Congress United Patriotic Association, the same difficulty arose that was described by Mr. Bright, from whom I have borrowed my illustration, as having arisen in the case of the anti-Reform Adullamites. They were so like the Scotch terrier, who was so covered with hair that you could not tell which was the head or which was tail of it. (Laughter and cheers.) Sir Syed Ahmed pulled vigorously one way, Rajah Shiva Prasad as vigorously the other; and they so pulled between them the poor popinjay they had set up, that it burst, and poured out—to the amazement of a few and the amusement of us all—not the real patriotic stuff with which it had been announced to be filled, but the whitest and the purest sawdust. (Renewed laughter and cheers.) The utter collapse of this vaunted Patriotic Association has taught our opponents a significant lesson. Every blandishment had been employed to lure prince

and peasant ; but prince and peasant alike would have none of it. It would be difficult to gather a more convincing, if passive and indirect, proof that the heart of the country is with us, and that it understands and appreciates the honesty, the loyalty, and the propriety of the movement. (Cheers.) I should like to say here one word to the delegates from Bengal and the N.-W. Provinces, lest they should imagine that I have referred to these events, which pertain more particularly to their provinces, with the object of indirectly boasting of our own immunity from human frailty. (Cries of "No, no.") Let me at once proceed to assure them that we in this Presidency have also our halt, our lame, and our blind. We also have had our little cave of Adullam. (Laughter and cheers.) But I am glad to be able to inform you that we have taken the infection very mildly, and that there is every hope of a speedy and complete recovery. (Laughter and cheers.) Baffled in the attempt to disunite us, our opponents had recourse to a measure of extraordinary virulence. They raised against us a cry as terrible as the cry of heresy which was sometimes raised in the old days of the Inquisition to crush an obnoxious personage, otherwise unimpeachable and invulnerable. They raised against us the cry of sedition and disloyalty. (Cries of 'shame.') It was a cry well calculated to create alarm and uneasiness even among persons otherwise well disposed towards us. The Congress has, however, met the charge firmly and boldly (cheers), by a steadfast appeal to the authoritative record of our words, thoughts and deeds, and to the personalities of the members composing it year after year. (Renewed cheers.) It was conclusively shown that the charge was founded on calumnies, lies and misrepresentations. (Renewed cheers.) Then, gentlemen, something like the old story of the wolf and the lamb enacted itself. True, you may not be disloyal yourselves, said the wolf, that does not matter at all ; it is quite enough that your great-grandfathers were, and your great-grand-children

might be. . The Congress has, however, emerged unscathed even from this trial. Never was a greater truth uttered than that to which our esteemed friend Mr. Caine gave utterance, that we of the Congress are more loyal than Anglo-Indians themselves. (Loud cheers.) If by loyalty is meant a keen solicitude for the safety and permanence of the Empire, in which we are firmly persuaded, lie implanted the roots of the welfare, the prosperity, and the good government of the country, then we are certainly more loyal than Anglo-Indians, who do not hesitate frequently to subordinate the interests of that safety and that permanence to the seductions of conquest and vainglory, or to the immediate gains and temptations of commercial enterprise. (Hear, hear and cheers.) Therefore it is that all our greetings of welcome go forth to you, and with a full heart we wish you God-speed in your labours. Those labours have for their aim and object measures of which the central idea has been recently admirably summarised by one of the most sober and sagacious of modern politicians, Sir Charles Dilke, when he said that the time had now arrived when it was neither safe nor expedient to continue to carry on the administration of the country at the hand of a secret and irresponsible bureaucracy, and that working on lines already laid down, a distinct step in advance should now be made. The policy of the Congress is thus a policy, not seditious or revolutionary, but 'conservative of the public welfare, strengthening the just authority of the British Government, and adding day by day fresh lustre and dignity to the Imperial Crown.' (Loud cheers.) I do not know whether we are doomed to failure or destined to succeed; but the blessing which rests upon all high and honest endeavours will surely rest upon a mission imposed by duty, sanctified by patriotism and guided by loyalty. (Cheers.)

And now, gentlemen, I know you will not allow me to conclude without giving utterance to the deep thankfulness which we feel at the presence among us to-day of

one whom we have learned to hail as the Member for India in the British House of Commons. (Loud cheers and cries of "Cheers for Mr. Bradlaugh.") The strength and greatness of the English character has been proudly sung by one of their most charming poets in lines with which we are familiar:—

Pride in their port, defiance in their eye,
I see the lords of humankind pass by.

But it has always seemed to me that English strength and greatness consist in nothing so much as in the lofty conception of moral and political duty which illumines the life and career of many an illustrious Englishman. We still mourn the loss of that great and good man whose heart was always with us, and whose voice was always raised for us during many a long and eventful year. The memory of John Bright is reverently enshrined in our hearts. His place was filled by one whose life has a singular charm for all who prize sober simplicity and nobility of character above rank and riches, I mean Professor Fawcett. (Cheers.) The mantle has now descended upon Mr. Bradlaugh. (Renewed cries of "Cheers for Mr. Bradlaugh.") We sincerely and unaffectedly joined in the general grief at his recent illness, not out of selfish fears of losing our chosen champion, but out of that simple feeling of sorrow which all men feel when peril threatens a life devoted to high and unselfish ends. I know I am not employing the language of exaggeration when I say that our hearts are unutterably stirred within us at his presence among us to-day, restored to health and usefulness. (Cheers.) With no particular thoughts of the Congress in our minds, let us wish him that simple welcome which is in all our hearts and the hearts of people all over the country. And having now delivered to you my message of welcome, I invite you to proceed to elect your President. (Loud and prolonged cheers.)

SPEECH ON LORD REAY.

[A Public Meeting was held in the Town Hall, Bombay, on Wednesday, the 9th April, 1890, for the purpose of arranging to raise a suitable memorial to commemorate the distinguished services of his Excellency the Right Honourable Donald James Mackay, Lord Reay, LL.D., G.C.I.E., as Governor of Bombay. Mr. Budruddin Tyabji moved the following resolution :—'That this meeting, representing the various communities of Western India desires to place on record the deep sense of gratitude entertained by them for the eminent services to this Presidency rendered by his Excellency Lord Reay, G.C.I.E., LL.D., during his term of office as Governor of Bombay'. Mr. Pherozechah M. Mehta made the following speech in seconding the resolution.]

It was with very great pleasure that he seconded the resolution which his friend Mr. Budruddin Tyabji had placed before them with such ability and eloquence. Some of them would remember an interesting ceremony that was performed sometime ago at the Victoria Technical Institute when the late popular and esteemed Commander-in-Chief, H. R. H. the Duke of Connaught (loud applause) unveiled a portrait of Lord Reay. The portrait was taken of his Lordship before he came out to India and bearing in mind the sad havoc which this much abused climate was supposed to work on European constitutions in spite of lawn-tennis and the hills, it was fully anticipated that it would reveal a stronger, healthier, and brighter Lord Reay. But to the amazement of the audience the portrait, when unveiled, disclosed an entirely contrary state of things. (Laughter.) It was the overworked Lord Reay of their acquaintance who turned out to be robuster and more cheerful than the Scottish Chief of 'brown heath and shaggy woods.' An uneasy doubt arose in the minds of all present as to whether his Excellency had not been a fraud (laughter), and a gaze of stern enquiry was fixed on him as he rose to reply. But the doubt was soon dispelled and it was found that there was a complete and satisfactory explanation. Never mind the climate, there was

no tonic more bracing and health-giving than that of hard, honest, conscientious work. (Applause.) He thought he could venture to say that neither malice nor prejudice had been able to deny that throughout the whole period of his office, Lord Reay had brought to bear upon the discharge of its functions an untiring assiduity, a conscientious care and a devotion to duty which had been equalled by few and surpassed by none of his predecessors. (Loud applause.) And if they realized to themselves how arduous and various had become the administration of a Presidency like this, even when surrounded by the most accomplished councillors, they would acknowledge that this merit, even by itself, was no small title to their respect and gratitude. (Applause.) But the physical change in his Lordship to which he had alluded seemed to him to correspond perceptibly to a development of his moral capacity as ruler and Governor. When Lord Reay came out, it was true a high reputation preceded him. Still there were people who insinuated their fears that he might prove a doctrinaire, which was a nickname sometimes given to people who possessed a *firm grasp of principles and the courage of their convictions*, by those who possessed neither. Well, Lord Reay's term of office was now over, and he thought he carried their verdict with him when he said that he had proved himself a sober and practical administrator and a wise, cautious, and sympathetic statesman. (Loud applause.) He had not rushed into sudden changes or violent reforms; he had borne in mind that, as a practical administrator, it was necessary to preserve a certain continuity of policy if the Administration was not to be dislocated. (Applause.) But neither had he forgotten to keep in mind the principles of justice, liberality and righteousness on which the declared policy of the crown in this country was, to its eternal honour, now irrevocably, as it had been deliberately based. He had not startled or alarmed their English friends by attempting to give them representative institu-

tions though he (the speaker) was bound to say that he knew of nobody who had asked for them in this or in any other Presidency, no, not even the Congress. (Applause and laughter.) But neither had he shown the slightest sympathy for the policy which was once so admirably described by Mr. Bright as of those who held that, having won India by breaking all the Ten Commandments, it was now too late to attempt to govern it on the principles of the Sermon on the Mount. Then Lord Reay had possessed another trait, invaluable in a ruler of men. The sympathetic character and robustness of his policy had been conspicuously manifest in his desire to understand the real wants, wishes, and sentiments of the people and in the courage with which he had invited and welcomed knowledge, information and criticism from all quarters. (Loud applause.) While thus calmly and judiciously administering the affairs of the Presidency, Lord Reay was not lacking in firmness where firmness was required. He never faltered nor wavered when misconduct and corruption had to be exposed and eradicated. (Applause.) He (the speaker) thought it would yet come to be universally acknowledged that his action in such matters had not only been in the interests of the purity of the Administration and of the public welfare, but also in the best interests of the honour and prestige of the services of which England was justly proud and of the English name. (Loud applause.) He would not tire their patience by referring to the innumerable works of public charity and utility which owed their existence to the judicious manner in which Lord Reay had known to mingle Government aid with private liberality. They might say with just pride that the stream of charity in Bombay went on like the brook for ever. But never in her maddest days, not even during the times of the share-mania, when colossal fortunes were supposed to spring up like mushrooms, had Bombay founded so many and such useful institutions as had been the case in these sober days under the wise counsel, direction and

encouragement of Lord Reay. (Loud applause.) They would serve as perpetual memorials of the eminently beneficent and philanthropic character of his administration. He might not be able to boast that he found Bombay of stone, and left it of marble. But he could certainly say that he found Bombay proud of her architectural buildings, he left it proud of her hospitals, her laboratories and her asylums. (Applause.) There was another topic to which he would ask their indulgence to allow him to refer especially as it involved a sort of personal explanation. It was imagined that he and some others who thought with him had been jealous of the favour shown by Lord Reay to the cause of technical education. So far from that being the case, he was glad to have this opportunity of saying publicly that the greatest credit was due to his Lordship for the vigorous way in which he had promoted technical education in this Presidency, and the establishment of the Victoria Technical Institute would always remain a monument of his sagacity in putting the industrial progress and welfare of the Presidency on a sound and permanent footing. (Loud applause.) But having said this much, he (Mr. Mehta) would honestly own to a disappointment with regard to one side of Lord Reay's educational policy. In the memorable address he delivered last year at the University, Convocation some of them would perhaps remember a noble passage in which he told them that the spread of secondary and higher education had no fears for him; but he proceeded to point out that that education must be of a real and efficient character. Now he would ask an honourable member of Council whom they were glad to see amongst them that day—he would ask Sir. R. West, who to his other accomplishments added that of being an eminent educationist, if anything had been done to remove the grave defects in the equipment of the high schools and colleges which he laid bear before the Education Commission. Till that was done, he emphatically said that it was much too premature

and disastrous to talk of transferring them to private enterprise. Important as was the cause of primary education, important as was the cause of industrial training, the cause of higher and secondary education in this country was of still more paramount importance both from a political and economic point of view. (Applause.) His grievance against Lord Reay was, not that he had done too much for technical education, but it was that he had not done enough for liberal education. And now having unburdened himself of his one grievance against his Lordship he would not detain them further. Enough had been said to show that he had administered the affairs of this Presidency with ability and wisdom. And if to win the confidence, respect, affection and admiration of the people over whom he ruled, was a test of success, then he had been also eminently successful in doing so. For that was a sure way to promote the loyalty and contentment of the people and thus to broaden and strengthen the foundation on which the safety and permanence of the empire might most surely last. (Loud and continued applause.)

CONGRESS PRESIDENTIAL ADDRESS.

[The following address was delivered by Mr. Pherozezshah M. Mehta, as President of the Sixth Indian National Congress, held at Calcutta, on the 26th, 27th, 29th and 30th December, 1890.]

LADIES AND GENTLEMEN,—I beg to tender to you my most sincere thanks for the honour you have done me in calling me to preside over your deliberations this year. I cannot imagine a greater honour for a native of this country than to be elected, by your free and spontaneous suffrages, President of an assembly which is now one of the recognized institutions of the country—an unconventional Convention of the Empire which, we may say without undue ostentation, has already earned a place in history,—not less surely, let us trust, than the famous St. Andrew's Dinners of this city,—as marking an epoch in the march of events moulding the lofty destinies of this magnificent land. In speaking of myself as a native of this country, I am not unaware that incredible as it may seem, Parsis have been both called, and invited and allured to call themselves foreigners. If twelve centuries, however, entitle Angles and Saxons, and Normans and Danes, to call themselves natives of England, if a lesser period entitles the Indian Mahomedans to call themselves natives of India, surely we are born children of the soil, in which our lot has been cast for a period of over thirteen centuries, and where, ever since the advent of the British power, we have lived and worked, with our Hindu and Mahomedan neighbours, for common aims, common aspirations, and common interests. To my mind, a Parsi is a better and truer Parsi, as a Mahomedan or a Hindu is a better and truer Mahomedan or Hindu, the more he is attached to the land which gave him birth, the more he is bound in brotherly relations and affection to all the children of the soil, the more he recognizes the fraternity of all the native communities of the country, and the immutable

bond which binds them together in the pursuit of common aims and objects under a common Government. Is it possible to imagine that Dadabhai Naoroji, for instance, true Parsi that he is, is anything but an Indian, living and working all his life for all India, with the true and tender loyalty of a son? Can any one doubt, if I may be allowed to take another illustration, that Sir Syed Ahmad Khan was greater and nobler when he was devoting the great energies and talents with which he is endowed,—if for the benefit of Mahomedans in particular,—for the benefit of all Indians in general, than when, as of late, he was preaching a gospel of selfishness and isolation? The birthright, therefore, gentlemen, which the Parsis thus possess of so indefeasible and glorious a character, they have refused and will always refuse to sell for any mess of pottage, however fragrant and tempting. (Loud cheers.) More especially, therefore, as an Indian it is that I return to you my grateful thanks for the honour you have done me.

I have ventured, gentlemen, to ascribe to the Congress the credit of making an epoch in Indian political progress. A very brief survey of the incidents of the twelve months that have elapsed since we last met, will amply justify our title to that distinction. In the admirable address which was delivered by my predecessor in this chair at Allahabad, Mr. Yule pointed out that all movements of the kind in which we are concerned pass through several phases as they run their course. The first is one of ridicule. That is followed, as the movement progresses, by one of abuse, which is usually succeeded by partial concession, and misapprehension of aims, accompanied by warnings against taking big jumps into the unknown. The final stage of all is a substantial adoption of the object of the movement, with some expression of surprise that it was not adopted before. Well, gentlemen, we have pretty well passed the first two stages. We have survived the ridicule, the abuse, and the misrepresentation. We have survived the charge of sedition and disloyalty.

We have survived the charge of being a microscopic minority. We have also survived the charge of being guilty of the atrocious crime of being educated, and we have even managed to survive the grievous charge of being all Babus in disguise. (Laughter and cheers.)

The question of our loyalty is set at rest for ever. In the debate on Lord Cross's India Reform Bill in the House of Lords, Viceroy after Viceroy bore emphatic testimony to the loyal and peaceful character of our aims and efforts. Within the last few days the voice of no less a personage than one of our former Secretaries of State has confirmed this testimony. Lord R. Churchill—it is to no less distinguished a public man that I refer—has publicly declared that 'he could sincerely remark that no one will rejoice more than himself if the deliberations of the Indian National Congress shortly to be resumed were to contribute effectually to the progress and the welfare of the Indian people.' Then, gentlemen, it is made clear that we have not learnt the lessons of history so badly, as to demand the introduction of the full-blown representative institutions which in England have been the growth of centuries. It is made clear that we have not asked for even such a modicum as was enjoyed by the English people even before the time of Simon de Montfort, more than five centuries ago, nay, that we have not asked even for representative institutions of a governing or ruling character at all. Indeed, so far as this historical argument is concerned, we have not alone proved that we have *not* been guilty of disregarding it, but we have been successful in turning the tables upon our adversaries. We have shown that it is they who defy the lessons of history and experience when they talk of waiting to make a beginning, till the masses of the people are fully equipped with all the virtues and all the qualifications which adorn the citizens of Utopia, in fact, till a millennium has set in, when we should hardly require such institutions at all. We have shown that people who indulge in such vain talk have never

understood the laws of human progress, which, after all, is a series of experiments, in which men and institutions re-act upon each other for their mutual improvement and perfection. We have also proved that, in spite of our education, and even with our racial and religious differences, the microscopic minority can far better and far more intuitively represent the needs and the aspirations of their own countrymen than the still more microscopic minority of the omniscient district officers, whose colloquial knowledge of the Indian languages seldom rises above the knowledge of English possessed, for instance, by French waiters at Paris Hotels which proudly blazon forth the legend—' Ici on parle Anglais' ; and whose knowledge of native domestic and social life and ways and habits of thought seldom extends beyond a familiarity with flattering expressions of the Saheb's greatness and paternal care, sometimes inspired by courtesy and sometimes by interest. An amusing story was related to me of a little incident that occurred only the other day which is not without instruction as illustrating the amount of knowledge possessed by Anglo-Indians of the people among whom they have moved for years. The wife of a member of Parliament, who has come out on a visit to India this year—herself as distinguished as her husband for her kindly sympathy in Indian welfare—was sitting at dinner next to a learned member of my profession, who, in the course of conversation, grew humorous and sarcastic by turns, in the fashion of Mr. Rudyard Kipling, on the ridiculous and outrageous pretensions of globe-trotters to know the country and its people better than Anglo-Indians who had lived in it for years. He was rattling away, well satisfied with himself and the impression he thought he was producing on the lady, when with the sweetest of smiles, she gently asked him how long he had been himself in India. Fifteen years—more or less—was the answer. I suppose you know well Mr.—, naming a gentleman whose recent elevation to the Bench of one of our High Courts was received everywhere

with pleasure and approbation. Of course, I do, said his brother in the same profession. Can you tell me if he has only one wife or more than one? Slowly came the answer, 'No, I fear, I can't. Well I can tell you; you see I have been only a few days in the country, said the lady quietly, and yet I think I know a thing or two which you don't. I trust my learned friend, who is the hero of this story, was properly grateful to the lady for giving him some serious food for reflection.

Then, gentlemen, our right to the designation of a National body, has been vindicated. It is so admirably set forth in an article which appeared in a Conservative Review—the *National*—from the pen of a Conservative, who, however, speaks from the fulness of intimate knowledge, that I cannot resist the temptation of borrowing from it. 'The supposed rivalry,' says the writer, 'between Mussulmans and Hindus is a convenient decoy to distract attention and to defer the day of reform. I do not wish to affirm that there is no antagonism between the adherents of the two faiths, but I do most positively assert that the antagonism has been grossly exaggerated. Every municipal improvement and charitable work finds members of the two faiths working together and subscribing funds to carry it out. Every political paper in the country finds supporters from believers in both creeds. Just the same is witnessed in the proceedings of the Congress. The members of the Congress meet together as men, on the common basis of nationality, being citizens of one country, subjects of one power, amenable to one code of laws, taxed by one authority, influenced for weal or woe by one system of administration, urged by like impulses to secure like rights and to be relieved of like burdens. If these are not sufficient causes to weld a people together into one common alliance of nationality, it is difficult to conceive what would be sufficient. It is for this reason the organization has been called the Indian National Congress; not because, as many besides Mr. Keane have assumed, that it claims

a non-existent unity of race, but because it deals with rights and interests which are national in character, and matters in which all the inhabitants of the Indian peninsula are equally concerned.'

I think we may take it, gentlemen, that we have passed through the first two stages, and that the loyalty, the moderation, the propriety, and the constitutional and national character of our mission are now established beyond a doubt. But, however arduous and however provoking some of the experiences of the trial through which we have passed, they should not leave any trace of bitterness behind. For, let us not imagine that they were devoid of chastening and beneficial effects upon ourselves. Let us frankly acknowledge that they also must have had their share in contributing to add clearness to our thoughts, sobriety to our methods, and moderation to our proposals. If I might use a proscribed, but not unscriptural, phrase we must give even the devil his due. (Laughter.)

It is on the third stage—the era of achievement—that we have now entered. It is true that a majority of the Congress proposals do not still seem to have made much headway. Even as regards the proposal to separate the Executive and the Judicial functions, lauded by Lord Dufferin 'as a counsel of perfection to which the Government were ready to subscribe,' Government are yet so absorbed in admiration of it that they have not recovered themselves sufficient to action. There is, however, no reason to despair. It was once proved upon sworn testimony in the Bombay High Court, before the late Chief Justice Sir M. Westropp that a woman required 22 months for parturition in the air of the province of Kathiawar. It is not impossible, gentlemen, that the air of Simla may similarly necessitate a more than ordinarily long period of gestation to perfect even counsels of perfection; and therefore we must possess our souls in more than ordinary patience, lest any precipitate pressure might occasion a miscarriage. (Laughter.)

In one little matter, complete success has attended our efforts, *viz.*, as regards the duty on silver-plate. The Abkari cause is also safe in the custody of that redoubtable champion, of whose formidable prowess you can form some idea, when you remember that it was he who so completely put to rout Mr. Goschen's Compensation clauses. It is a matter of no small congratulation to us to welcome Mr. Caine as one of our own delegates. He first came out to this country with a free and open mind on the Congress question; with that fearless independence which characterizes him, and which always when I see him recalls to my mind those famous lines of Burns — 'The man of independent mind is king of men for a' that'—, he went for his education to Aligarh. Thanks to Mr. Th. Beck and Sir Syed Ahmad, he has come to us, not only a staunch Congressman in principles, but as one of the Indian Political Agency, he has thrown his indomitable energy and his high-souled advocacy into active support of the movement. Mr. Caine can truly boast that, if he has not succeeded in extorting from Mr. Pritchard and all the most zealous Abkari officers the confession that they are Bacchus and his crew in disguise, they dare not, at least, throw off their masks, while his watchful eye is upon them, but must continue to do penance in the assumed garb of uncomfortable and uncongenial principles. Leaving Christian to continue his combat with Apollyon, it is when we come to the central proposal of the Congress regarding the Legislative Councils, for the purpose of expanding and putting life in them, that we can congratulate ourselves on being on the verge of an important step. Many have been the circumstances, and many the forces and influences, that have contributed to this result. First and foremost among them is the circumstance that, without legal votes and legal qualifications, we have had the good fortune to become possessed of a member of our own in Parliament. Do not imagine, gentlemen, that Dadabhai Naoroji or Lalmohan Ghose has at length

been returned. But what member, even if we had the direct franchise, could have served us as Mr. Bradlaugh has done during the last twelve months? To say that the whole country is grateful to him for the untiring energy, the indefatigable care, the remarkable ability with which he has watched and worked for its best interests in that House, where he has achieved so honourable a position for himself, can only most imperfectly express the depth and extent of the sentiments that are felt for him throughout the length and breadth of the land. His name has literally become a household word. He is raising up to himself a memorial in the hearts of the people of India, which will reflect more lustre on his name than titles and orders, and endure longer than monuments of brass or marble. (Loud cheers.)

We have been fortunate indeed in securing the sympathies of such a champion. No sooner did he return to England than he at once proceeded to redeem the promise he had made on that behalf, by introducing in the House of Commons his India Councils Reform Bill, drawn on the lines which were sketched and formulated at the last Congress, and with which you are all familiar under its justly deserved brief designation of the Madras Scheme. Two important results were the immediate outcome of this step. The scheme which was thus propounded was in its nature a tentative measure, so far as its details were concerned; and it at once drew forth useful and guiding criticism. In several respects its scope was misunderstood, especially as regards its supposed sweeping character which might have been avoided, had we specified in the Congress skeleton sketch the restrictive limitations hedging the qualifications of the electorate. The criticisms of men like Sir W. Hunter and Sir R. Garth, for whose thoughtful, sympathetic and friendly attitude towards Indian progress we are always so deeply grateful, exposed, however, one defect demanding serious consideration, *viz.*, that the scheme was laid on new lines, and had a somewhat theoretical air, which

Englishmen rather fight shy of in practical politics. In justice to the scheme, however, it should be said that Sir Richard Garth put his finger on a possible, rather than a probable, result when he thought that it would enable the Hindus to submerge the other Indian communities. Experience has shown that even in a preponderating Hindu electorate it does not happen that Hindus only are elected, as so many other, besides racial, forces and interests concur in influencing the selection. If we may apply the lessons learnt from experience in municipal elections, I may mention the remarkable fact that in the Town Council or what is now called the Standing Committee of the Bombay Corporation, composed of 12 members, there have been frequently five Parsis, three Europeans, two Hindus and two Mahomedans. Sir R. Garth's criticism on this point, however, throws out a warning which should not be hastily disregarded.

But the next result, which the introduction of Mr. Bradlaugh's Bill achieved, was gratifying in the highest degree. It at once dispelled the fit of profound cogitation, in which men at the head of Indian affairs are so apt to be lost, that they can never spontaneously recover from it. Lord Cross's Indian Councils Bill promptly saw the light of day in the House of Lords. It was at once the official recognition of the *raison-d'être* of the Congress, and the first fruits of its labours. In itself, however, it was a most halting and unsatisfactory measure. In framing it, the Prime Minister and the Indian Secretary of State, seem to have been pervaded with a conception of the Indian people as a sort of Oliver Twist, always asking for more, to whom it would be therefore a piece of prudent policy to begin with offering as little as possible. The Government Bill may be aptly described as a most superb steam-engine in which the necessary material to generate steam was carefully excluded, substituting in its place coloured shams to look like it. The rights of interpellation and of the discussion of the Budget were granted, but the living forces of the elective

principle, which alone could properly work them, were not breathed into the organization of the enlarged Councils. The omission of the elective principle from the Bill was boldly justified by Lord Salisbury on the ground that 'the principle of election or government by representation was not an Eastern idea, and that it did not fit Eastern traditions or Eastern minds.' I wish to speak of his lordship with all the respect to which his high talents and great intellectual attainments justly entitle him; but it is not a little surprising as well as disappointing to find the Prime Minister of England, a statesman who, as Lord Cranbourne, was once Secretary of State for India, displaying such profound ignorance of the history of the Indian people and the genius of the Indian mind. The late Mr. Chisolm Anstey, a man of immense erudition, once pointed out at a meeting of the East India Association in London, that 'we are apt to forget in this country when we talk of preparing people in the East by education, and all that sort of thing, for Municipal Government and Parliamentary Government, that the East is the parent of municipalities. Local Self-Government in the widest acceptation of the term, is as old as the East itself. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of the country from west to east, from north to south, which is not swarming with municipalities; and not only so, but like to our municipalities of old, they are all bound together as in a species of network so that you have ready-made to your hand the framework of a great system of representation.' Sir H. Maine has shown that the Teutonic Mark was hardly so well organized or so essentially representative, as an Indian village community, until the precise technical Roman form was engrafted upon it. (Cheers.)

But leaving village communities alone, what do we find at the present day over the whole country but all sorts and conditions of people, from the highest to the lowest, meeting together and transacting the business of

their numberless castes, in assemblies which in their constitution and their mode of working, are the exact prototypes of the Saxon Witans, from which the English Parliamentary institutions have sprung. It is true that circumstances never allowed the representative genius of the people to develop forms and organizations for higher political functions. But it is no less true that the seed and the soil are there, waiting only for the skilful hand, and the watchful mind; which we of the Congress firmly believe we have secured in the presence of Englishmen in this country. The disdainful attitude of Lord Salisbury as to our aptitude for representative institutions need, however, bring no despair to our minds. His late chief, Lord Beaconsfield, once said of him on a memorable occasion that he was a man who never measured his phrases or his sweeping assertions. On the contrary, I draw an augury of good hope from his pronouncement and that made by his son Lord Hugh Cecil, that 'the Indian was not only a good Government, but it was probably the best conceivable Government that the population could possibly live under.' On the eve of the passing of the great English Reform Bill, the Duke of Wellington, then the Tory Prime Minister, proclaimed in the same House of Lords that the existing constitution of the House of Commons was perfect, and that the wit of man could not *a priori* have devised anything so perfect. The declaration was received by the Liberals as a sure portent of victory; and the Reform Bill was passed within little more than a year after. I trust that the Salisbury pronouncement may prove prophetic in the same way. (Cheers.)

It is needless to discuss Lord Cross's perfunctory measure any further; even with the amendment which Lord Northbrook succeeded in getting accepted, it left the House of Lords in the same lifeless condition in which it entered it. As soon as it reached the House of Commons, Mr. Bradlaugh fastened on it at once. It was true that he had got there his own Bill, but Mr.

Bradlaugh is a master of parliamentary tactics, inferior, if to any, only to Mr. Gladstone. He at once perceived that the supreme struggle was to be no more between one scheme and another, between territorial electorates or local boards, but that every nerve would have to be strained and every resource husbanded, to obtain in the first place recognition of the elective principle. That secured, everything else would follow in its own good time. With a masterly comprehension of the situation, he placed before the House amendments to the Bill, directed to substitute the process of election for that of nomination. The Bill and the amendments have however all gone the way of the majority, and the session closed without the opportunity of discussing them. Profiting, however, by the lessons in which the experience of the last twelve months was prolific, both without and within the walls of Parliament, Mr. Bradlaugh has hit upon the notable expedient of ploughing with Lord Cross's heifer. He has already introduced a new Bill, based on the same lines as Lord Cross's Bill, but vivifying it by the affirmation of the principle for which we are fighting. That Bill he laid before you for your consideration. It will be for you to deal with it in your wisdom. However you may decide, of one thing I am certain, that you will maintain the character for moderation, sagacity, and practical good sense which you have so arduously acquired by your self-sacrificing and noble labours during the five years of the existence of the Congress. It is not for me to anticipate your verdict. But I am sure you will allow me, out of my anxious solicitude for the triumph of the cause we have all so earnestly at heart, to state the reasons which to my mind make so imperatively for the acceptance of the new draft, in which I cannot but recognize the statesmanlike craft and thorough knowledge of the shifting phases of English politics which Mr. Bradlaugh so eminently possesses, and which, as we all earnestly pray, promises to place him at no distant date in the front ranks of politi-

cians in office, as he already is in the front ranks of those not in office. The old draft, admirably devised in some respects,—with many virtues, and a few faults,—has not proved congenial to the English political mind, aversè to new departures, and looking askance at theoretical airs of perfection. The new Bill has, on the other hand, all the elements of success in its favour. Its most striking merit is that it gathers round it the cautious, the carefully weighed, and responsible opinions of some of the best Viceroys we have ever had. Lord Northbrook has pronounced in favour of a properly safe-guarded application of some mode of election. The righteous sympathies of the Marquis of Ripon are as warmly with us as ever, and his great authority weighs on the same side. Still more valuable, as coming from a Viceroy who left only the other day, is the measured and calculated approval which Lord Dufferin has recorded in a dispatch, in referring to which I hope I am not making myself liable to the terrors of the Official Secrets Act. In mentioning Lord Dufferin, I will frankly say that we have not sufficiently recognised the great debt of gratitude which we owe to him in this respect, partly, I believe, through ignorance, and partly through misappreciation of the course he adopted, to neutralize opposition against the measures he recommended. An unrivalled diplomatist, his wary statesmanship was apt to assume the hues of the craft of which he is so accomplished a master. He sought an occasion when he could launch his proposals without provoking disagreement, endeavouring rather to conciliate it. The epoch-making St. Andrews Dinner of 1888 offered him the needful opportunity. He knew Scotchmen, and their matter-of-fact character, so inimitably delineated by Charles Lamb. He knew, as that charming essayist tells us, that ‘surmises, guesses, misgivings, half intuitions, partial illuminations, dim instincts, embryo conceptions had no place in their brain or vocabulary.’ He drew before his hosts a vivid and alarming picture of imaginary Congress pro-

posals—of ‘an ideal authoritatively suggested of the creation of a representative body or bodies, in which the official element shall be in a minority, who shall have what is called the power of the purse, and who, through this instrumentality, shall be able to bring the British executive into subjection to their will.’ But while his excited and valiant hosts rushed off, crying Scotchmen to the rescue, to tilt at windmills, he quietly threw in a sympathetic recognition of our just and legitimate aspirations, and proceeded to record a minute in which he substantially backed up the veritable Congress proposals. In this dispatch Lord Dufferin has briefly described his scheme as a plan for the enlargement of the Provincial Councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalization of their general character as political institutions. At this year’s St. Andrews dinner, Sir Charles Elliott eulogized Lord Dufferin’s speech as epoch-making and fixing the bounds and limits of our demands—‘so far and no further.’ We are quite content to go as far; we have never asked to go very much further. We may therefore fairly infer from Sir Charles Elliott’s speech that he is in accord and sympathy with the main underlying principles of Lord Dufferin’s scheme, and we can therefore congratulate the people of Bengal on their good fortune in possessing a ruler whom we can justly claim to be a true Congresswallah at heart. (Laughter and cries of *Oh! Oh!*)

I will not speculate without official sanction on the views of the present Viceroy. But I may permit myself to remind you that it was to Henry Marquis of Lansdowne that Macaulay dedicated those speeches, in one of which, dipping far into the future, he spoke about the future Government of India in that noble passage with which we are all familiar: ‘The destinies of our Indian Empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms

by itself a separate class of political phenomena. The laws which regulate its growth and decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that having become instructed in European knowledge they may in some future age demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own.' The dawn of that day which Macaulay foresaw, in dim, but prophetic, vision, is now breaking on the horizon; the curtain is rising on the drama which unfolds the vista to that title to glory. Let us earnestly hope that the present illustrious bearer of the great historic name of Lansdowne, who, by a wonderful ordering of events, has now come to rule over us, may watch the glowing streaks of light with generous sympathy, and may preside over the march of events with timely and provident statesmanship. (Loud cheers.)

This weighty consensus of the best viceregal opinion which I have placed before you, in favour of the principle of the new draft, we may expect to be backed up by the potent voice of that Grand Old Man whom we reverence not only as the greatest parliamentary leader of modern times, but as the individual embodiment of the highest conception of moral and political duty which English statesmanship has reached in the nineteenth century. You are aware that Mr. Bradlaugh has recently declared that he was authorized to say that the course pursued by him in reference to the Government Bill, in endeavouring to obtain a recognition of the elective principle, was approved by Mr. Gladstone, who intended to have

supported him by speech. It would require considerations of overpowering force indeed to persuade us to any course by which we might run the risk of losing such an almost certain pledge of ultimate victory. (Cheers.)

Another potent factor has come into existence within this year, which is calculated to help us materially—if we confine our efforts to the simple issue of election *versus* nomination—in the force of English public opinion, which, without undertaking to pronounce on questions of detail, has now declared itself to a very considerable extent emphatically in favour of the vital principle of election. The credit of informing the English mind and stirring the English conscience on this momentous question belongs to that small band of noble workers who were appointed at the last Congress to plead the cause of India before the great English people in their own country, and who cheerfully crossed the seas in obedience to such a call of duty, without counting the inevitable cost and sacrifice. The task which they undertook was a formidable one; they have discharged it in a manner of which it is difficult to speak too highly. Of the leader of that band I cannot trust myself to speak with sober moderation, when I remember that it is to his genius we owe that flash of light which pointed out the creation of a body like the Congress, as fraught with the promotion of the best interests of English rule in India. I know there are numerous claimants for the credit of the idea; but if I may be pardoned for employing the rudely forcible language of Carlyle, ‘the firepan, the kindling, the bitumen were his own; but the lumber of rags, old wood, and nameless combustible rubbish (for all is fuel to him) was gathered from hucksters and of every description under Heaven. Whereby indeed hucksters have been heard to exclaim: Out upon it, the fire is *mine*.’ He brought to bear upon his new enterprise the same zeal and fervour, combined with thoughtful judgment, that he has unsparingly bestowed for so many

years upon the cause to which he has devoted his life. His presence on the Congress Deputation entailed a further sacrifice and affliction, for which we can offer no consolation or reparation except our deepest and most respectful sympathy. In his great and noble mission, Mr. Hume (loud cheers) had the entire co-operation of a man of no ordinary powers and capacity. The rare and unrivalled powers of oratory which we have learned to admire in Mr. Surendra Nath Banerjea (cheers)—for it is of him I speak—never shone with more brilliant effect than when he was pleading the cause of his countrymen at the bar of the English people, with a fire and energy that extorted universal respect and admiration. They had a powerful coadjutor in my friend Mr. Eardley Norton, who has known so well how to make splendid use of the heritage of great thoughts and noble deeds which he received from his distinguished father. Mr. Mudholkar from the Central Provinces did yeoman's service in the same cause, and his sober and thoughtful eloquence did not carry less weight than that of his brilliant colleagues. There is no need for me to say anything of the services of Sir William Wedderburn, Mr. Dadabhai Naoroji, and our other friends in England. But I cannot allow this opportunity to pass without grateful acknowledgment of the unceasing toil, the prodigious energy and the organizing capacity contributed by Mr. William Digby. The delegates assembled here might render no inconsiderable service to our cause if they exerted themselves to stimulate by thousands and tens of thousands the circulation of the Congress paper entitled *India*, started under the auspices of our British Committee and conducted with such marked ability by him, and which has done and promises to do, more and more, such incalculable benefit to the object we have at heart. The result of the English campaign clearly shows the wisdom of the new plan of operations suggested by Mr. Bradlaugh. It seems to me that success is well within our reach, if we resolutely apply ourselves to obtain, in

the first instance, at least the recognition and application of the principle of election in the organization of our Legislative Councils. Let us then strive for it with the sagacity of practical men, who have not learnt in vain the lessons taught by English political history, and who know the value of moderate, gradual, and substantial gain.

To the many reasons which have been set forth in Congress after Congress, proving the imperative need of reformed Councils, another has been now added. The discussion of the Indian Budget in the House of Commons was always more or less of a sham; but it was a sham for which the officials of the India Office thought it at least a matter of decency to shed a tear of remorse. But now Sir John Gorst has boldly and candidly declared in his place in the House that there need be no sham regret at all; that if anything, it was rather to be hoped and wished for, that the House of Commons should not waste its time over the weary farce. (*Shame, Shame.*) It is now declared that it is right and proper that Parliament should,—to use Mr. Yule's happy way of putting it—throw 'the great and solemn trust of an inscrutable Providence' back into the hands of Providence to be looked after as Providence itself thinks best, with such grace as Providence may choose to pour on the head of Sir John Gorst, his heirs, successors, and assigns. I think you will agree with me that, when the responsible advisers of the Crown on Indian matters propound doctrines of such a character, it is high time that we should raise our united voice to demand local Councils possessing some guarantees for energy and efficiency. (*Cheers.*)

It has been said that our united voice is the voice only of a certain portion of the people and not of the masses; and that it is even then the voice of indifference, and not of urgency and excitement. These remarks are intended to be cast as matters of reproach against the Congress; properly understood they constitute its chief glory.

If the masses were capable of giving articulate expression to definite political demands, then the time would have arrived, not for consultative Councils but for representative institutions. It is because they are still unable to do so that the function and the duty devolve upon their educated and enlightened compatriots to feel, to understand and to interpret their grievances and requirements, and to suggest and indicate how these can best be redressed and met. History teaches us that such has been the law of widening progress in all ages and all countries, notably in England itself. That function and that duty, which thus devolve upon us, is best discharged, not in times of alarm and uneasiness, of anger and excitement, but when the heart is loyal and clear and reason unclouded. It is, I repeat, the glory of the Congress that the educated and enlightened people of the country seek to repay the debt of gratitude which they owe for the priceless boon of education, by pleading, and pleading temperately, for timely and provident statesmanship. (Cheers.)

I have no fears but that English statesmanship will ultimately respond to the call. I have unbounded faith in the living and fertilising principles of English culture and English civilization. It may be that, at times, the prospect may look dark and gloomy, Anglo-Indian opposition may look fierce and uncompromising. But my faith is large, even in Anglo-Indians. As in the whole universe, so in individuals, in communities, there is a perpetual conflict going on between the higher and lower passions and impulses of our nature. Perhaps some of you have read a little novel, called Dr. Jekyll and Mr. Hyde, the plot of which hinges on the conflict between two sides of a man's nature, the higher and the lower, embodied each, for the time being, in a separate and distinct individuality. If the lower tendencies are sometimes paramount in the Hydes of Anglo-Indian society, if as our last President, Sir W. Wedderburn said, the interests of the services are antagonistic to and prevail

over the interests of the Indian people, it is still the oscillation of the struggle ; it is still only one side of the shield. They cannot permanently divest themselves of the higher and nobler nature, which, in the end, must prevail and which has prevailed in so many honourable, distinguished and illustrious instances. They are after all a part and parcel of the great English nation, bone of their bone, and flesh of their flesh, and they must ever work along the main lines of that noble policy which Great Britain has deliberately adopted for the government of this country. When, in the inscrutable dispensation of Providence, India was assigned to the care of England, one can almost imagine that the choice was offered to her as to Israel of old : ‘ Behold, I have placed before you a blessing and a curse ; a blessing, if ye will obey the commandments of the Lord your God : a curse, if ye will not obey the commandments of the Lord your God but go after other gods whom ye have not known.’ All the great forces of English life and society, moral, social, intellectual, political, are, if slowly, yet steadily and irresistibly, declaring themselves for the choice which will make the connection of England and India a blessing to themselves, and to the whole world, for countless generations. Our Congress asks but to serve as a modest hand-maid to that movement, asks but to be allowed to show the pits and the falls, asks but to be allowed to join in the blessing which England will as surely earn as there is an ‘ Eternal that maketh for righteousness.’ (Cheers.)

I appeal to all true Englishmen—to candid friends as to generous foes—not to let this prayer go in vain. It may be that we sometimes speak in uncouth and outlandish ways, it may be that we sometimes stray in some confusion of thought and language ; still it is the prayer of a rising, growing and hopeful nation. I will appeal to them to listen to the sage counsels of one of the most careful and observant of their modern politicians, who like the prophet Balaam, called, I will not say exactly

to curse us, has however blessed us utterly. In his *Problems of Greater Britain*, Sir Charles Dilke thus sums up his views on the Congress: 'Argument upon the matter is to be desired, but not invective, and there is so much reason to think that the Congress movement really represents the cultivated intelligence of the country, that those who ridicule it do harm to the imperial interests of Great Britain, bitterly wounding and alienating men who are justified in what they do, who do it in reasonable and cautious form, and who ought to be conciliated by being met half-way. (Cheers.) The official class themselves admit that many of the natives who attack the Congress do so to ingratiate themselves with their British rulers and to push their claims for decorations. (*Hear, hear.*) Our first duty in India is that of defending the country against anarchy and invasion, but our other greatest duty is to learn how to live with what is commonly called the Congress movement, namely, with the development of that New India which we have ourselves created. Our past work in India has been a splendid task, splendidly performed, but there is a still nobler one before us, and one larger even than that labour on the Irish problem to which our public men on both sides seem too much inclined to give their whole attention.' So careful an estimate of the work and spirit of the Congress movement cannot but commend itself to all thoughtful minds.

However that may be, our duty lies clear before us to go on with our work firmly and fearlessly, but with moderation, and above all with humility. If we might be permitted to adopt those noble words of Cardinal Newman, we may say—

Lead kindly light amid the encircling gloom,
Lead thou me on!

The night is dark and I am far from home,
Lead thou me on!

Keep thou my feet, I do not ask to see
The distant path, one step's enough for me.

(Long and enthusiastic cheering.)

SPEECH ON CHARLES BRADLAUGH.

[Mr. Pherozeshah M. Mehta made the following speech on Charles Bradlaugh at the Seventh Indian National Congress, held at Nagpur in December 1891, Rai Bahadur P. Ananda Charlu presiding.]

Mr. President and Delegates All,—It is with the most unfeigned reluctance that I have been persuaded—I ought almost to say over-persuaded—to undertake the painful task of placing before you the next resolution. For it is a task which I cannot approach without being overcome with the deepest and most sincere emotion. To me human speech has always seemed helpless and impotent in the presence of death and as I rise to speak of it, the death of Charles Bradlaugh seems to rush upon the mind as fresh in all its terrible and mournful reality as if it were only yesterday. India had never more reason to lament what the poet has described, with all the force of the old Hellenic conviction, as ‘the mystery of the cruelty of things,’ than when it was suddenly and despite the prayers of millions, deprived of the valiant knight who had sworn to do battle for her; her chosen and trusted champion, her true and tender friend, her wise and sober counsellor, her accredited representative in the great and august council of the Empire. It is only two short years ago—nay, not so much—not two—that plucked from the very jaws of death, snatched, as he himself said, from the blackness of the grave, we greeted him, in the name and at the call of all India, with the simple enthusiasm which his unselfish and untiring devotion to India’s cause had already created from one end of the country to the other. I well remember how our hearts were unutterably stirred within us, at finding him in our midst, restored, as we then fondly, but alas! vainly, hoped, to health and a long career of noble usefulness. I shall never forget (and who that was present could forget?) the memorable speech which, his gentle-

heart moving him almost to tears, he addressed to the vast concourse of people that had assembled to welcome and greet him, and in which he pledged himself modestly and unostentatiously, but earnestly and feelingly, 'to do his best, so far as one man may, for the greater happiness of India's people, the greater peace for Britain's rule, and the greater comfort of the whole of Britain's subjects.' Only one short year was given him to redeem his promise. But even in that short year how nobly, how indefatigably, how devotedly he applied himself to the task he had undertaken, with all that large human sympathy which always seemed to me to pervade and direct his fearless, powerful and uncompromising vindication and championship of right and truth and justice. Even during the few months that have elapsed since his death, how often have we missed, on great occasions and small, the ring of his sagacious and powerful advocacy, and how often have we had reason to exclaim—

Oh, for the touch of a vanished hand,
And the sound of a voice that is still !

Death's heavy hand has indeed fallen heavily upon us in the loss of Charles Bradlaugh. England has lost in him one of her best sons like unto those knight errants of old 'who went about redressing human wrong,' one of those large-hearted and large-minded Englishmen whose love and sympathy, reared and nurtured in a lofty conception of moral and political duty, does more than is imagined to transform the feeling of gratitude for the material blessings of British rule, inestimable as they are, into a sentiment of earnest, devoted and enlightened loyalty. His name has become a household word in the remotest parts of the country. It is a more eloquent and surer tribute to his worth than monuments of brass and marble. These may be raised to deserving as well as undeserving people. We have a statue in Bombay to Lord Reay, we have another to Sir Richard Temple. But the heart cannot belie itself. Let us then reverently enshrine his memory in our hearts as we have already

enshrined those of John Bright and Henry Fawcett!
(Cheers.) I beg to propose the following resolution:—

That this Congress puts on record an expression of the gratitude felt throughout India for the signal services rendered by the late Mr. Charles Bradlaugh to that country's cause, and of the deep and universal sorrow which his untimely death has engendered, and that a copy of this resolution, signed by the President, be transmitted through the British Committee for presentation to Mrs. Bradlaugh Bonner.

MR. DADABHAI NAOROJI'S ELECTION AS A MEMBER OF PARLIAMENT.

[At the Public Meeting held in the Town Hall, on Saturday, the 23rd July 1892, under the auspices of the Bombay Presidency Association, to commemorate the election of Mr. Dadabhai Naoroji as a Member of Parliament, with Sir Dinshaw Manockji Petit, Bart., as Chairman, Mr. Pherozechah M. Mehta made the following speech in moving the first Resolution.]*

Mr. Chairman and Gentlemen,—We are met here to-day to give as it were a formal welcome to those 'glad tidings of great joy' of the election of a native of India,—(cheers)—and that native Mr. Dadabhai Naoroji,—(renewed cheers)—as a Member of Parliament, which have rejoiced, I think I may say it without exaggeration, the heart of every man, woman, and child throughout the length and breadth of this land. I do not know, gentlemen, if you are aware how entirely appropriate it is that a public meeting for this object should be convened by the Bombay Presidency Association. (Cheers.) I do not know if you remember that the struggle which Mr. Dadabhai has brought to so successful and glorious a termination, and in which he has proved that he is made of the stuff of which heroes are made, is a veritable Seven Years' War, the opening campaign of which had for its scene of operations and battle-field this city of Bombay and the rooms of the Association. (Cheers.) Much about this time seven years ago, at the time when the General Election of 1885 was pending, the Association resolved to inaugurate the policy of carrying the war as it were into the enemy's country, of making a direct

* *Resolution* :—That in offering Mr. Dadabhai Naoroji their most cordial congratulations as the first Native of India ever elected to sit in the British House of Commons, the inhabitants of this city in public meeting assembled, desire to give expression to their boundless satisfaction at the success which has crowned his unselfish and devoted exertions for the welfare of this country and which have earned for him the respect, affection, and admiration of all its people.

appeal to the British electors by means of leaflets and delegates, and of asking them to discriminate between the white sheep and the black sheep among those who offered themselves for election as the friends of Indians, and the representatives of their interests; for it is a remarkable fact, gentlemen, that Anglo-Indians the most perverse, never tire of posing as our only genuine friends and the sole repositories of our confidence and our affections. (Laughter.) It is a curious coincidence that at the meeting held for this purpose, we had the same chairman who so worthily presides to-day, then Mr. (now Sir) Dinshaw Petit,—(cheers)—but then, as now, always ready and willing to lend a helping hand to every just and true cause. Many of those who took part in that day's proceedings have since risen to distinction, the first resolution being moved by the Hon'ble Mr. Justice Telang, whose elevation to the Bench would be a source of the most unalloyed gratification, if it did not leave his friends on many an important occasion without the aid of his sound and sympathetic judgment, his temperate and judicious guidance, his cultured and thoughtful eloquence. (Applause.) I shall never cease to regret the untimely death of another speaker at the meeting, my late lamented friend, Mr. Dinsha Kanga, who had given high promise of a career of great public usefulness. One of the best pieces of work we did on that occasion was that we discovered my friend Mr. Chandavarkar,—(cheers)—whom we packed off straight to England, where, I need not tell you, how greatly he distinguished himself. But of all those who took part in the proceedings of that day, there was nobody who threw himself into the movement inaugurated by the Association more earnestly or more vigorously than Mr. Dadabhai. He had only a short while before emerged from that seclusion into which the black outlook on the political horizon in Lord Lytton's time had driven him in despair and disappointment. I do not think it is generally known that it is to Lord Ripon,—(loud cheers)—among our

numerous debts that we owe the return of Mr. Dadabhai to public life, just as we now owe his Lordship our grateful acknowledgments for the sympathy and support, uniformly extended by him by speeches and letters, as you must have seen from the English papers, throughout the whole of Mr. Dadabhai's candidature. (Cheers.) Animated by a new hope and a new spirit, which Lord Ripon's Viceroyalty awakened in him, Mr. Dadabhai soon set to work, again with the same unselfish devotion and the same untiring energy which have always honourably distinguished his public career. It was he who moved the principal resolution at the meeting, and struck the keynote of the situation by emphatically laying down that 'it is in Parliament our chief battles have to be fought.' To this he soon came to add another article of faith to his political creed, in favour of which I had ventured to raise my solitary voice at the meeting. It was that not only our chief battles had to be fought in Parliament, but that those battles could never be really or truly fought until Indian questions were brought within the sphere of party politics. I am ready to admit, gentlemen, that there is no sophistry more plausible than that which advises us to behave like the donkey in the fable stuck between two panniers of hay, both of them supposed to be equally good and equally delicious. (Laughter.) But believe me, gentlemen, there is no sophistry more pernicious or more opposed to our real interests. While England is governed as it is by the machinery of party, there is no salvation for us until Indian questions are sifted in the fierce light of party contention. His Excellency the Governor—(cheers)—was so far quite right the other day, when he said that we could never know the utmost that could be said on either side of a question until the interested zeal of a party press was brought to bear upon it. To take only one instance, do you think, gentlemen, there is any hope for us to be saved from that disastrous military policy and that frightful military expenditure, wickedly draining the

resources of the country, which would otherwise fructify and multiply à thousandfold in innumerable directions, until they are remorselessly exposed and criticised in the unsparing conflict of party warfare? (Hear, hear.) So impressed was Mr. Dadabhai with the force of these two political convictions, that when the elections of 1885 went against our hopes and wishes, when Mr. Lalmohun Ghose, to whom in justice must always belong the credit of making the first practicable breach in the stronghold,—(cheers)—was defeated at Deptford, nothing could restrain Mr. Dadabhai from taking the firm determination of throwing himself into the breach, and leading the forlorn hope himself. Neither age—he was sixty then—nor any considerations of mere prudence could keep him back. He left for England early in 1886, and for seven long years has he laboured and striven in what I have ventured to designate a veritable Seven Years' War, unappalled by the coldness and opposition of friend and foe, undismayed by repulses, reverses and defeats, never losing heart and never betrayed into saying or doing aught which might misbecome him as we know him—

A selfless man and stainless gentleman.

(Applause.) And the reward which such indomitable pluck, patience and fortitude so richly deserve has at length come to him. He has accomplished the noblest ambition of his heart, he has realized the most romantic dream of his life, he has achieved a distinction prouder and nobler than any which title or orders could bestow, a distinction more enduring than monuments of brass or marble, a distinction which will live in history,—the distinction of being the first native of India to enter the portals of an assembly, than which neither ancient nor modern history has anything greater or grander to show, the portals of the British House of Commons. (Loud applause.) We are told, gentlemen, that there is nothing very much in all this, that we are only bustling in a little comedy of much ado about nothing; the colour-

blind *Pioneer* cannot see a trace of romance in the appearance of Mr. Dadabhai in Parliament. But you know, gentlemen, that there are people to whom as to Peter Bell,

A primrose by a river brim,
A yellow primrose was to him,
And it was nothing more.

But it may be pardoned to us if, nurtured in some of the noblest traditions of English history, we allow ourselves for a moment to be carried away by sentiment, if we venture to contemplate with some degree of emotion and reverence the spectacle of a native of India entering that very assembly in which, in terms of immortal eloquence, Burke and Fox and Sheridan pleaded the cause of righteousness in the government of this country, where Macaulay saw in dim but prophetic vision the dawn of that day which may bring us our political enfranchisement, where Bright and Fawcett and Bradlaugh raised their voices for justice to millions of voiceless and alien people. (Loud applause.) There may be spectacles more dazzling to the eye, more gorgeous with pageantry, more attractive to grown-up-children, like unto the Imperial Assemblage at Delhi, which sent into raptures the votaries of imperial jingoism. But to those who have humbly learnt to recognize that the greatest events have but small beginnings, the appearance of the simple unassuming little 'Black Man' in the hall of Parliament is pregnant with deep cause for loyal and hopeful thankfulness. To them it is a visible symbol, a practical proof of the vitality of that policy of righteousness which, in spite of many drawbacks and many backslidings, has still retained predominance as the declared and guiding policy of the Crown in India. Many people profess to be sceptical as to the patriotism and political sagacity of the electors of Central Finsbury—(cheers)—in choosing an Indian for their representative. But I think you will agree with me, gentlemen, that they have rendered a service of incalculable value, by proving by their generous action, that the instincts of English political

wisdom are capable of triumphing over the direst prejudices of caste, colour, and creed. (Cheers.) Nothing is more calculated to stimulate and strengthen our loyalty and our contentment than to find that the theoretical privileges which we are supposed to possess as her Majesty's subjects are capable of being reduced into accomplished facts. It may be, gentlemen, that no great immediate consequences can or will follow from Mr. Dadabhai's election. I am quite prepared to admit that he will not take the House by storm; I am also quite prepared to admit that he will not set the Thames on fire. But we shall be quite content with what he may be modestly able to perform. Of one thing we are sure, that, be it much, or be it little, he will perform it with unselfish zeal and devotion—earning for himself our unstinted respect, affection and admiration, for the great Queen whom he will serve the increasing loyalty of her Indian subjects, and for the country whom he loves so well the fairest prospects of a gradual development of political progress—

Broadening slowly down from precedent to precedent.

(Loud and continued cheers.)

CONFERENCE PRESIDENTIAL ADDRESS.

[*Mr. Pheroze Shah M. Mehta delivered the following address as President of the Fifth Bombay Provincial Conference held at Poona in November 1892.*]

I suppose, gentlemen, that that piece of antique wisdom, 'Better late than never,' comes home to us at this moment; for, though it is decidedly late in the year, still it is a matter for congratulation that the efforts to gather together a Provincial Conference this year have not proved unavailing. The utility of such a Conference cannot be gainsaid; and I venture to say that the urgency and importance of the questions with which you have to deal this year have never been surpassed at any previous period. In placing them before you for your consideration, it is impossible not to acknowledge with thankfulness, and even with something of pride, that public discussion can be carried on in this Presidency without bitterness or ferocity. In his recent book on Lord Reay's Administration, Sir William Hunter says 'that the competition of races, European and Indian, although as keen as in any other province, is tempered by common interests, mutual forbearance, and a certain reciprocal respect which impart a moderation to Bombay public opinion and to the Bombay press in political crises'; and the truth and justice of this observation will, I think, be universally admitted. Even such a source of intoxication as the Mhowra flower did not succeed in warming us to anything more than a state of mild excitement; and in spite of the inhospitable reception given to his pet Bill, I do not think that Sir Charles Pritchard can leave this Presidency for higher altitudes to which he is promoted, with any but the kindest feelings for its people. Mr. Lee-Warner 'will probably tell you that the equanimity of temper with which we carry on our political warfare is due to the influences of the moderation of our climate, and the marvellous, but

subdued, beauty of nature with which this Presidency is bountifully endowed. However that may be, the fact is undoubted. Take the English press of the Presidency, which even when most opposed to our views and aspirations, often shows a tolerance, and even sympathy, which entitles it to our respect, though I must confess it would be difficult altogether to stand up for its consistency. One would imagine that the same arguments which led them to oppose the Mhowra Bill would lead them to welcome the recent Forest Resolution of Government. The main objection to all repressive legislation is founded on the inevitable oppression and persecution which it entails on the poor and the innocent in its actual working at the hands of petty officials. This is admirably set out in the Forest Resolution; and knowing as we do the complexity of human nature, it is neither necessary nor politic to believe that the Resolution was prompted by a desire for gaining cheap popularity, or that Government meant

*To compound for sins they were inclined to,
By damning those they had no mind to.*

It would be more consistent and logical to accept the sincerity and the utility of the Resolution, and to turn their own weapons against Government by asking them to apply the principles so admirably propounded by themselves as regards the working of forest laws, and by their light to ask them to amend the errors of their ways with regard to Salt and Abkari legislation. Fanaticism even in a good cause requires to be checked, and the fanaticism of Forest officers even in the interests of Forest conservancy surely required to be restrained. It seems to me that we have reason to be thankful to Government for the timely rebuke administered by them, and we cannot but deplore that the press, which did such good service as to the Mhowra Bill, should have resented, instead of encouraging, the action of Government based on the same principles which more than anything justified their own previous opposition. But despite such

occasional inconsistency, the excellent temper with which the English press is conducted in this Presidency, so different from the virulence which prevails in other parts, deserves our admiration. But we are fortunate not only in the character of our English press; the same freedom from extreme views and the same moderation of tone and temper are observable in the public discussion and criticism of public questions by the official classes in this Presidency. A remarkable instance of this is furnished by the records of this year. When the Indian Councils Bill was being discussed in the House of Commons in March last, we had an address delivered on the 12th of that month, at the Elphinstone College Union, by one of the ablest and most accomplished officers of Government to point out to us the folly of our ways in agitating for the improvement and development of the present Legislative Councils. The burden of the song was that till a nation was welded together into unity and till the lowest classes could be made eligible, 'a Council to represent a nation cannot be thought of.' I shall have a word to say in regard to the arguments adduced in support of this thesis, but I would first like to point out in how tender, thoughtful, and even sympathetic a way the lecturer tried to administer his teaching to us. In the first place, it was evident that he was anxious not to be too abrupt or to hurt our feelings by too direct an attack, and so he amused and soothed us with an exceedingly interesting dissertation on the influence of nature in literature and politics. Then he drew our sympathies by giving expression to views which would almost lead one to imagine that he was a Congresswalla in disguise. The following passage might almost be mistaken for one from a speech of that most eloquent of orators which Bengal has given us, Mr. Surendranath Banerjea. 'It is no narrow principle of a paternal government,' said the lecturer; 'or a rule for the benefit of the ruler which sent forth the Roman with his poet's sailing orders,

Tu regere imperio populos Romane memento,

or which fostered differences as aiding the central authority, *Divide et impera*. Its aim is less to govern than to call forth the progressive capacity and to teach self-government. It desires to lift up the lower ranks of society and the subject to the pedestal of the ruler, 'Humanity' and 'Heaven's light our guide,' are its watch words, and they are embodied in your *Magna Charta*, the Queen's Proclamation issued by the ruler whose authority had just been defied and restored by the sword.

* * There are three supreme ideas of mankind, the family, the nation and humanity. The Hindu and the Greek ruler thought of the first, the Roman empire of the second; but the British nation accepts the last and highest as its ruling idea. * * I venture to point to you that from God's nature the British nation has learnt the grand idea of humanity, and that the legislation and administration of India under the Queen bears testimony to her Majesty's desire to recognize a progressive future as before all those committed to her care. The protection of the weak, equality in the eye of the law, justice, and a common participation in the benefits, and when the time comes, in the task of good government are at least the aims which the British Government sets before it.' It is quite at the end of this eloquent address that the lecturer comes to the point of his argument, and the cloven hoof is insinuatingly put out. He first of all exhorts us not to meddle with politics, but to stick to social reform—a piece of disinterested advice which our Anglo-Indian friends have anxiously lavished upon us for a long time. Not that the advice is given abruptly, but in a most plausible form:—'He is no friend of India who, for fear of adverse or immature criticism leads you to believe that social and moral growth can be severed from the thread of political reform or constitutional development.' Taken in the abstract, this is a just observation. In fact, we can almost recognize it as the text on which my friend Mr. Chandavarkar eloquently held forth before you the other day in the Deccan College.

But in its application to the facts of actual progress, there are limitations which have to be read with it. Whenever the mind of a people is roused, the activity will no doubt manifest itself in divers directions; but history tells us that, in its social and its political manifestations, the pace and the speed are not always the same, neither are they simultaneous. Then again, in the course of all human progress there are stages of reaction when there is a revolt against the continued acceptance of the new doctrines, and an attempt to rehabilitate and revert to the old. This is by no means an unwholesome process, and is itself a proof of the awakening. When two civilizations are brought together in clashing contact, it is those that have passed through this stage who can best avoid the dangers of a superficial veneer and truly assimilate the best that may be in them. Some people have been impatient with my friend Mr. Tilak, for example, when he gravely and most learnedly proposed at the Industrial Conference the other day, that we should ask for legislation to enforce caste penalties. To me it proves only the activity of a mind too earnest and inquisitive to accept things without the most rigid cross-examination. I have no doubt that when he emerges from this reactionary stage, he will prove a far more thorough-going and earnest reformer than many who are at present impatient with his startling paradoxes, and nobody will better realize what that eminent American poet and politician—James Russell Lowell—has sung in his own forcible way,

New occasions teach new duties; Time makes ancient good uncouth,
They must upward still and onward, who would keep abreast of truth.

Speaking of Mr. Tilak and Mr. Chandavarkar, I am tempted to say a word about the remarkable series of articles recently published in the *Indian Spectator*, in which my friend Mr. Ardeshir Framji starts a new theory altogether, and inculcates the gospel of despondency. He tells us that the best thing for us all is to cease from troubling and be at rest, because the Indian Aryan has

long ago done his appointed work, is now an extinct force which nothing can revivify, and is merely an encumbrance upon the surface of the earth. This is no time to examine or criticise this somewhat startling speculation, but it seems to me to be vitiated by the old Hebrew fallacy, '*the thing that has been is the thing that shall be.*' History does not repeat itself; its lessons are invaluable for teaching us to guide the experiments by which alone human progress makes way; they only mislead, if we use them for vain speculations as to the repetition in the future of the phenomena of the past. For a thinker who has nothing but the most passionate scorn for those who cannot make it an absolute article of their faith to believe in a designing Providence in the human shape in which alone the human intellect seems to be able to conceive it, it is somewhat inconsistent for the preacher of such a gospel to say that he is overwhelmed with despair at his own discovery. He, above all, should be able to find both consolation and hope from the teaching of that noble singer who has just passed away in the fulness of years and honours, consolation from those words of quiet rebuke to all pessimism,—

I have not made the world,
And he that has made it will guide—

and hope from those words of true philosophy,—

My faith is large in time,
And that which shapes it to some perfect end.

But I must come back to Mr. Lee-Warner's address, and the sting in the tail. If we would not take his advice to stick to social and moral reform, but must meddle in politics, then he at last feels compelled to give out his mind, and tells us that our demand for a reformed and enlarged Council is contrary to the laws of nature, and unwarranted by the lessons of history. 'No representative assembly,' he says, 'whether of the nation or of the county is complete, without the presence of those whom in India you would describe as low castes. I cannot fill in the description in greater detail, but I think you

will admit that the healthy growth of the representative system implies a ground prepared by not merely phrases, but by the constant action and reaction of equality, fraternity, and self-sacrifice, welding together a nation, before a Council to represent a nation can be thought of.' - This is of course no new argument; we have been familiar with it in the guise of the '250 millions of ryots' argument. How can we, the microscopic minority, ask for the most minute dose of elective representation even for the most limited purposes till the masses, men, women, children and all, could be represented on the Council? Such an argument is well enough for the exigencies of sensational journalism; but it is difficult to understand how an accomplished and cultured thinker could make it the main argument of an elaborate academic address, especially when in the same breath he inculcates the doctrine of gradual growth as taught by the lessons of history. English history, to which Mr. Lee-Warner appeals, tells quite a different tale. The beginnings of representation in England were imperfect and inadequate; the great bulk of the people was totally unrepresented in the great Council of the nation, the masses and the lower classes were not even thought of. Every student of English history, let alone Macaulay's school-boy, knows that such was the state of the things up to so recent a date as the passing of the First Reform Act of 1832. As briefly stated in that admirable book, Green's *Short History of the English People*, 'Neither the meeting of the Wise Men before the conquest, nor the Great Council of the Barons after it, had been in any way representative bodies. The first theoretically included all free holders of land, but it shrank at an early time into a gathering of earls, higher nobles and bishops with the officers and thegns of the royal household. Little change was made in the constitution of the assembly after the Conquest. But though its composition remained the same, the character of the assembly was essentially altered. From a free gathering of "Wise Men," it sank

to a royal court of feudal vassals. It was the genius of Earl Simon who first broke through the older constitutional tradition and dared to summon two burgesses from each town to the Parliament of 1265.' Even with regard to the representation of the towns, it must be remembered, as pointed out in Prof. Stubbs' *Constitutional History*, that 'the town members in Parliament during the middle ages represented only a very small proportion of the towns, and those selected by the merest chance of accident or caprice. In so far as they represented an interest at all, they represented it very inadequately, and if, as we have supposed, they represented chiefly the governing bodies among their constituencies, they are still further removed from being regarded as the true exponents of any element of the national will.' Perhaps some of you remember how, in the famous debates on the Reform Bill of 1831, Sir R. H. Inglis, the member for the University of Oxford, ridiculed the notion that the House of Commons had ever been representative of any but a very small portion of the nation, pointing out that 'it is known that two writs to return members were issued by Elizabeth at the desire of one of her favourites, Sir Christopher Hatton; and Newport in the Isle of Wight had received its franchise to please Sir John Carew. This is the history of many of the small boroughs; and all the Cornish boroughs were formed in that manner. Fifteen Cornish boroughs had at one time received the right of representation, some of which were small villages; and all the Cornish boroughs were found in that manner, while towns which were at the time considerable places with large populations, had no representation at all.' It is clear that the lessons of English history are against Mr. Lee-Warner's speculation. If England had waited, as according to him it ought to have, till a full representation of the lower classes and the masses was secured, before thinking of a Parliament, then we should have never heard of the English Parliament at all. It is unscientific, it is unhistorical to talk of not having a

representative assembly at all, till only a complete one could be had. The laws of nature, as well as the lessons of history, both teach us that beginnings may well be incomplete and inadequate, that too much must not be made of fanciful difficulties about the rights of minorities and lower classes, and that the work of completion should be left to time. Fortunately, gentlemen, the lesson which Mr. Lee-Warner offered 'for the guidance of the British statesmen from the book of nature,' was not accepted by statesmen of either party, Liberal or Conservative, and the Indian Councils Act which became law in last May is now before the Viceroy, to whom is left absolutely, in the words of Mr. Curzon, in charge of the Bill in the House of Commons, the manner, date and the mode of the introduction of the elective principle so far as the elective principle is capable of being received or introduced according to the provisions of the Act. We may, therefore, well hope that his Lordship will not fail to carry out the construction put upon it by Mr. Gladstone, now Prime Minister, 'that a serious effort should be made to consider carefully those elements which in the present condition of India might furnish materials for the introduction in the Councils of the elective principle,' and 'that the first step shall be of a genuine nature, and that whatever scope shall be given to the elective principle shall be real.' We are immediately concerned with our own Provincial Council, and a scheme which has received considerable examination from many quarters, will be laid before you for your consideration. I feel bound to say that any representation less than that sketched out in this scheme will be neither genuine nor real. It would not be fair for a Government which prescribes homeopathy in everything else, to recognize it only in politics. Let us trust that Lord Lansdowne will signalize his departure by a measure of statesmanlike breadth of view, which should afford reasonable scope for a fair experiment.

In pleading for a generous recognition of the elective principle in the reconstruction of our Council, I am not

unaware that, from the neighbouring heights on which Deccan College is situated, one who is deservedly held in high regard and esteem among you, the Principal of the College, may be looking down upon us, in pity and sorrow, if not in anger, at our fatuity, in throwing away the good that the gods have provided us in a system in which nomination has been successful in giving us from time to time such men as a Ranade and a Telang. But is it quite true that the mode of election is not a material element in determining the extent of the usefulness of the person elected? Let us take an instructive illustration within our own experience. Under the Bombay Act of 1864, the Municipal administration of the City was vested in the Bench of Justices, at the time composed of the best men of the native and European communities, men of light and leading, but selected by Government. The result proved a disastrous failure. The new Act of 1872 gave a corporation largely composed of elected members, many of them by no means equal or superior to the picked men of the former system. But the result has been a conspicuous success. What is it owing to? I would venture to beg Principal Selby to examine closely into the reasons for this remarkable difference of results; and though I know that Professors are not easy to convert, still I think he may come to regard the elective principle as not entirely contemptible, and may even be led to discover some good in it.

I feel, gentlemen, I have already taken up too much of your time; but there is one other subject of so much importance that you will pardon me, if I do not conclude without adverting to it. It is the subject of the prospects of education in this Presidency. It is now high time that the public should express itself in no uncertain voice with regard to the grave perils that threaten our educational interests. Under cover of fine phrases and sentimental cant, a retrograde step of the most mischievous character is being taken. It is attempted to beguile us by the announcement that the promotion of primary

education is the primary duty of Government. I do not know if it is imagined that we would not venture to challenge the declaration of such a policy for fear of being stigmatized as inimical to the masses. But his Excellency the Governor seems to have thought the other day that he would cover us with confusion, when he justified the partial confiscation of the grant to the University by proclaiming that it was done in the interests of primary education. Now, gentlemen, I make bold to say that there cannot be a greater misappreciation of the problem of Indian education, and one more fraught with disastrous consequences and more opposed to every consideration of sound policy, than to hold that primary education is the question of the day in India. It may be, and it is, the question of the day in England and Europe, where centuries have laid up a munificent provision for higher education. But in India, in the peculiar circumstances in which she finds herself, it is not primary, but higher, education that is the question of the day. I ventured to advance this view in a paper read by me before the East India Association in 1867. It is now more than ever necessary to enforce that same view. I was never more delighted then when I read the other day the speech made at the opening of the Sind College by the Educational Inspector of the province. All honour to Mr. Jacob for the manly courage with which he publicly proclaimed, with all the weight of his high authority and long experience, that higher education must in India, as it had done in England and other European countries, take precedence of primary education. It is no doubt true that primary education must exist as the basis for the superstructure of higher education; but I, for one, do not fear to confess that I am more than sceptical as to the benefits of primary education limited within itself, in the existing condition of this country. I think it is incumbent upon us to point out that there is a special duty lying upon the State, at least in this Presidency, as regards the promotion of higher education. In England,

the great landlords, the barons, the bishops and the state dignitaries were foremost in munificently endowing colleges and universities. In this Presidency, all these functions are combined in the Government; and when English precedents are so often flung at us for our guidance, surely it is not too much to expect that Government should endow higher education in the Presidency as freely and liberally as the Plantagenets and Tudors and their great bishops and chancellors, the Wykehams, the Waynfletes, the Wolseys and other names still honoured and remembered in the stately halls of the Universities of Oxford and Cambridge. His Excellency the Governor was right when he said to you the other day, that it was not an apt epithet to denounce as niggardly the act of cutting down the University grant by five thousand rupees; the conduct of Government, in doing so, can only be properly described as a short-sighted and impolitic failure to rise to the full conception of its duty. I may here refer also to another attempt which is made to delude us on this question. It is sought to take advantage of what are called our patriotic feelings, to cover the withdrawal of the State from the control and management of high schools and colleges under the pretended guise of anxiety to retire in favour of private enterprise. The recommendations of the Education Commission are thrust in our face in justification of this policy. We know, gentlemen, that the devil can cite scripture for his purpose; but of one thing I am sure, that the distinguished Indian member of the Commission, now Vice-Chancellor of our University, never dreamed that the recommendations on that score could be turned to such uses as those to which they are now sought to be applied. It is entirely premature to talk of retiring in favour of private enterprise with our present schools and colleges incompletely and imperfectly equipped and endowed as they now are. But as Sir Raymond West has pointed out in his address before the Oriental Congress, it is being more and more recognised everywhere that the direct

control and management of higher education is one of the legitimate functions of the State itself. This policy of withdrawal was the least satisfactory chapter of Lord Reay's administration. An endeavour was made to gloss over it by imagining that the dissatisfaction with it was owing to a feeling of hostility to the promotion of technical education, and Sir W. Hunter states, on Mr. Lee-Warner's authority, that 'the establishment of the Victoria Jubilee Institute was regarded as an educational revolution.' Nothing is further removed from the fact. The credit of seriously originating a movement to found a Technical Institute is due to the public of Bombay themselves, who, in public meeting assembled, passed a distinct resolution to devote Lord Ripon's Memorial Fund to this sole purpose, before Lord Reay set foot in India; and I know of my own knowledge that Sir James Fergusson had lent a favourable ear to our application for Government help to carry out the scheme. The truth of the whole matter, gentlemen, is this. As in the case of all great enterprises, so in the matter of higher education, Government are assailed with all those fears, doubts and misgivings which always frighten people midway in their course, before reaching the goal. The impulse to turn back in alarm is, in this particular matter, intensified by personal sentiment. It is very well to talk of 'raising the subject to the pedestal of the ruler,' but when the subject begins to press close at your heels, human nature is after all weak, and the personal experience is so intensely disagreeable that the temptation to kick back is almost irresistible. I confess, gentlemen, that this is very natural, and the policy of withdrawal from the direct management of higher education, ostensibly in favour of private enterprise, is, cover it as you may in fine phrases, nothing but the desire to slacken and retard its progress. In this desire, they are unfortunately helped by the depletion of the exchequer through the insatiable demands of military expenditure. If, gentlemen, I was asked to name the person who, in

these days, has done more than anybody else to retard the healthy domestic progress and development of the country, I would be obliged to give a somewhat startling answer; for I would have to name one, who, held, and deservedly held, in the highest regard and esteem throughout the country, has, by the very weight and prestige of his great name and fame, succeeded in enforcing a disastrously expensive military policy as nobody else could have done, I would be obliged to name Sir Frederic Roberts. Pushed from every other position, the answer given in the last resort for starving higher education is want of funds. It is amusing to note how the Provincial Government and the Government of India play the game of shuttlecock in this matter. I do not know if you remember an incident in Lord Reay's time. We petitioned to his Lordship for a larger expenditure on education. His Lordship, in reply, was only too anxious to do so, but alas! the Government of India would not give him the money. We appealed to Lord Dufferin, then Viceroy. He referred us back to the Bombay Government, saying that the full grant asked by the Bombay Government had been allowed them in settling the Provincial Contract. It is something like the story of the solicitors with whom Dickens has made us familiar; the one partner is always so willing, were it not that the other was hard-hearted.

I have not left myself time to speak on another subject which will deserve your best consideration, that of the progress of local self-government. At the opening of the Tansa Water Works, it was a great pleasure to hear his Excellency the Viceroy say, that 'he would be the last person in the world who would be surprised to mark if, at the outset of their career, Indian Municipalities failed in some respects to realize the expectations which had been formed of them.' In judging of their work, it happens not seldom that the doctrine of gradual growth, otherwise so much insisted on, is clean forgotten. It is well to remind those who are impatient regarding the

amount of work done by Municipalities, how little was done in that respect by trained and highly cultivated Government officers during the long period of time in which the municipal administration of the mofussil was virtually in their hands. It is a remarkable fact that they did almost nothing to provide them with the most necessary water or drainage works. Nor is it remembered, as it should be, that there are not a few instances in which they wasted large sums of money in inappropriate and ill-considered undertakings. These facts deserve to be borne in mind, when Indian Municipalities are supposed to have not realized the expectations formed of them, because they do not straightway undertake and carry out every Municipal improvement and requirement. I wish, gentlemen, it were possible to modify the constitution of Mofussil Municipalities on the basis of that of the Corporation of Bombay, as regards the division of executive and administrative functions. I have long thought that a great many of their difficulties and short-comings would disappear, if that were possible. The great objection to any such change lies in the fact that there is hardly a Municipality whose finances would admit of engaging such an officer of position and ability as it would be indispensably necessary to secure for the responsible functions which would be vested in him. I should like you to consider if the difficulty can be practically met by appointing one executive officer to a group of Municipalities situated within a workable area.

In opening our proceedings with these remarks, I feel, gentlemen, that I ought to apologise to you for the desultory and somewhat disconnected manner in which alone I have been able to place them before you. But since you were willing to have me with all my imperfections, I thank you for the honour you have done me in asking me to preside.

SPEECH AT THE SEVENTH ANNUAL MEETING OF THE BOMBAY GRADUATES' ASSOCIATION.

[The Seventh Annual General Meeting of the Bombay Graduates' Association was held in the Hall of the Framji Cowasji Institute, Dhobi Talao, on Tuesday, the 4th April 1893, at 5-15 p.m., when Mr. Mehta, the President, made the following speech.]

Gentlemen,—This is the fifth time that you have done me the honour of electing me your President ; and it was represented to me that the most appropriate method of thanking you for so signal a mark of your confidence would be to give one of my performances as the recognized ventriloquist of this city, created by special appointment under what might be almost considered a Government Resolution, if not under the written signature, at least under the parol declaration of the versatile and accomplished Chief Secretary to Government. I confess, gentlemen, I received the proposal at first with hesitation and doubt. But my fears mostly vanished when I recollected that a similar performance given by me at Poona at the last Provincial Conference was fortunate enough to earn the generous and grateful appreciation of one who is himself no mean performer in this line, as this very Hall as well as those of Elphinstone College and various other institutions can bear eloquent testimony ; for a good many of you present here can, I believe, recall the delight and admiration with which we have heard Mr. Lee-Warner discourse on a variety of topics in this very Hall and elsewhere. On one point, however, on which I might have felt discouraged, I think I can rely on your support with confidence. This entertainment is given gratis ; and presiding at the prize-distribution at St. Peter's School, Mr. Lee-Warner is reported to have said that people do not value that which they get for nothing. For example, he pointed out that you are apt to value the education you receive in proportion to the amount of fees you are made to pay for it. Now,

gentlemen, I venture to dissent from this proposition. I think we can make bold to assure Mr. Lee-Warner that the people of this country will not, for example, value the services of Anglo-Indian officers any the less, if they will accept the depreciated rupee in payment of their salaries instead of vigorously agitating for some measure to make up for the loss, no doubt with the view of preventing us from valuing their services any the less. On the contrary, they may be sure that the country would think of them all the more highly, if, with a deficit of a crore for the year that has ended, and a budget deficit of a crore and a half for the next year, and with a still gloomier outlook in the future, they would not lend themselves to the powerful agitation that has been organized to attack the Indian Exchequer in their interests. For, as H. E. the Governor told us the other day, in earnest and impressive terms, when warning us not to ask for a higher expenditure on education, it is these Government officers who are better aware than any of us 'of the needs of the poorest classes of the many millions of this Presidency, that *they* know better than we do how many hundreds of villages there are which need improved sanitary surroundings, mainly in the shape of better water, and which may be induced to undertake these improvements with the aid of a little Government assistance, that *they* know better than we do of the many square miles of jungly tracts, the inhabitants of which are in sore need of better roads to get their produce to market, that *they* know better than we do of the hundreds of thousands of poor people who are in dire need of medical assistance, but to whom such assistance may by degrees be brought with the addition of Government contributions.' I think, gentlemen, our honoured friend Mr. Dadabhai Naoroji will feel extremely gratified to find that H. E. the Governor and the officers at least of this Presidency have been at length converted to his views of the poverty of the country, and of the inadequacy of its revenue to meet the most urgent and elementary

wants of the people, unless he chooses to be sarcastic and say, as he did in the Currency debate in Parliament, that 'India is rich or poor, prosperous or otherwise, just as it suits an argument.' However that may be, I feel sure, gentlemen, that whatever the intrinsic worth of this entertainment laid before you, you will think none the worse of it for getting it free of cost.

I should like, first of all, gentlemen, to impress upon you the great utility and necessity of such an organization as this Graduates' Association. It has now been in existence for seven years, and its regular reports show that it has been steadily doing good and useful work. If all our graduates rallied round its standard, it seems to me that its usefulness could be immeasurably extended. Educational problems are increasing in number and complexity, and it is of the highest importance that we should recognize it as our duty to organize ourselves and watch the development of the educational policy of Government, and to lend all such help as our knowledge and experience may enable us to render, in the proper solution of educational questions. The past year, gentlemen, has had its full quota of questions of great interest, affecting the educational progress of this Presidency. Among them all, there is none of more surpassing importance than that of the attempted withdrawal of Government from the direct control and management of institutions for higher education. In presiding at the Poona Provincial Conference last year, I ventured to urge that it was high time that public opinion should express itself, in no uncertain voice, with regard to the grave perils that threatened our educational interests. This warning, gentlemen, has been severely criticized and resented as altogether unfounded and unwarranted. I have been told by some of the publicists of this city that they have searched in a variety of quarters for these grave perils and not a shade or shadow of them could they discover anywhere. I have been told that the expenditure on education has been larger this year than any previous

year. I have been told that no educational earthquake has brought Elphinstone College or any other educational building to the ground, and that no educational whirlwind has laid the University Tower low. Now, gentlemen, I am ready to confess that none of these catastrophes has overtaken us. And still, gentlemen, if you search for a thing in every possible quarter except where it is, it is no wonder that you cannot discover it. The grave perils of which I spoke at the Conference were not a sudden discovery of mine. I had spoken of them in Lord Reay's time and in his Lordship's presence, when at the celebration of the new Elphinstone College buildings, I ventured to say that 'the cause of education, of literary education as it is called, but which I prefer to call by its old-fashioned name of liberal education, may just now be compared to a tempest-tost bark in mid-ocean.' So grave had the perils become that, speaking from the fulness of close and intimate personal knowledge of the policy and tendencies of Government, of which he was himself a distinguished member, Sir Raymond West deemed it his imperative duty not to leave these shores without publicly raising his voice, in the Hall of the University itself, against the dangers that threatened the cause of higher education. That danger, gentlemen, lies in the persistent attempts that have been made for the last seven or eight years to enforce the policy of the withdrawal of Government from the direct provision, control and management of higher education. It is difficult, gentlemen, to imagine a policy more mischievous and disastrous in its effects on the welfare and progress of the country. I know, gentlemen, that in the first place, it is sought to be justified by the recommendations of Lord Ripon's Education Commission. Now I think, gentlemen, it is time to expose the utter disingenuousness of this appeal to authority which is so constantly made. In dealing with the subject of the withdrawal of the State from the direct provision and management of education, especially of

higher education, the Commission, at the very outset, had to acknowledge that 'perhaps none of the many subjects we have discussed is encompassed with greater difficulty or has elicited more various shades of opinion, alike among the witnesses we have examined and within the Commission itself, than this.' On one point, it was able to record an unanimous opinion that withdrawal of direct departmental agency should not take place in favour of missionary bodies, and that departmental institutions of the higher order should not be transferred to missionary management. With regard to all the rest, the Commission was brought to any recommendations at all with the greatest difficulty. In fact, careful perusal of the Report shows that what little unanimity is recorded in it is more of words than of conviction. In dealing with the course of discussion on this subject in para. 534, the Report says that 'it seems desirable to describe the course of our deliberations upon this subject with greater fulness than we have deemed necessary in other portions of the Report. Our main difficulty was as to the initial recommendation from which all others would naturally follow. It was proposed to find such a starting point in the motion:—"That, under adequate guarantees for the permanence and efficiency of the substituted institutions, the gradual closing of Government institutions, especially those of the higher order or their transfer to native management under the general control of, and aided by the State, should be regarded as not only an important stimulus to private effort, and consequently to any sound grant-in-aid system, but as urgently needed in view of the social and political education of the people." This motion was negatived by a large majority. A motion substantially the same, but adding that such withdrawal was desirable "as conducive to the advancement of the social, moral, and political education of the people," shared the same fate.' In summing up the general conclusion arrived at, the Report proceeds to state that 'our discussions

brought out clearly the fact that while anxious to encourage *any natural and unforced transfer of institutions*, we are not prepared as a body to adopt any form of expression that may be construed into a demand for the immediate or general withdrawal of the State from the provision of the means of high education. We are convinced that, while the transfer of management under the conditions stated is eminently desirable, it is only by slow and cautious steps that it can ever be really attained.

* * The Department should cordially welcome every effort of the kind, and should accept it, if it can be accepted without real loss to the community; but while encouraging all such offers, its attitude should be, not that of withdrawing from a charge found to be burdensome, and of transferring the burden to other shoulders, but of conferring a boon on those worthy of confidence, and of inviting voluntary associations to co-operate with the Government in the work and responsibilities of national education. We have certainly no desire to recommend any measures that will have the effect of checking the spread and continuous improvement of higher education.' Now, gentlemen, while the Commission thus carefully guarded its recommendations, they are now mostly forgotten in the attempt to carry out a policy of precipitate withdrawal. The attempted transfers, instead of being natural and unforced and spontaneous, have more the character of Tudor 'benevolences,' and, in one case, it was tried to be enforced at the point of a heavy penalty which has been actually carried into execution. Instead of being by slow and cautious steps, they are tried to be rushed through without any reasonable guarantees of efficiency. Instead of being a boon and a favour, the attitude of Government is openly that of withdrawing from a charge found to be burdensome and of transferring the burden to other shoulders. And lastly, the recommendations of the Commission are made use of for the very result that it deprecated, *viz.*, of checking the spread and continuous improvement of higher educa-

tion. In the second place, it is attempted to delude us by patriotic reference to the great benefits to be derived from the bringing out and encouraging of private effort and enterprize; and we are even told that it would be a means of advancing our political education. 'The history of education in Bombay since 1885,' writes Mr. Lee-Warner, 'will hereafter be mainly known by the systematic efforts made to encourage private enterprise and to give education a practical turn. * * * Variety and freedom have been generally introduced. Self-help has been evoked by the transfer of the management of schools to local bodies, and the Department has learned to look upon itself as responsible rather for the direction and encouragement of educational activity than as a State Department for giving education and managing schools.' Mr. Lee-Warner must pardon us if we look with suspicion on language so strange in the mouth of an Anglo-Indian bureaucrat. Last year Mr. Lee-Warner solemnly protested that he did not know what was meant by a bureaucrat. As he does not seem to be satisfied with the brief answer which I attempted to give him at the time, I will, with your permission, gentlemen, endeavour to describe that eminent personage at somewhat greater length. Among the many delightful and inimitable delineations of typical character immortalized by Dickens, many of you, perhaps, remember the faithful portraiture of Sir Joseph Bowley, the Poor Man's Friend and Father. You remember, gentlemen, how Sir Joseph discoursed on their respective duties:—'Your only business, my good fellow, is with me. You need not trouble yourself to think about anything. I will think for you; I know what is good for you; I am your perpetual Parent. Such is the dispensation of an all-wise Providence. * * * What man can do, I do. I do my duty as the Poor Man's Friend and Father; and I endeavour to educate his mind, by inculcating on all occasions the one great lesson which that class requires. That is, entire Dependence on myself. They have no

business whatever with themselves.' Now, gentlemen, can there be an apter description of the Anglo-Indian bureaucrat after his own heart than as the exact counterpart of Sir Joseph Bowley in relation to the poor Indian—the poor Indian's Friend and Father? When, therefore, this superior person, who has always bitterly resented any introduction of private enterprise and local self-government, and who is not even yet reconciled to what he still devoutly believes to be the imbecile vagaries of Lord Ripon, talks glibly of bringing out and encouraging self-help and private enterprise, only in the sphere of higher education, surely we are warranted in receiving such strange and unfamiliar utterances with some degree of caution and suspicion. And in sooth, gentlemen, the meaning of it all is, that higher education is supposed to be advancing at too rapid a pace, and the numbers of men it turns out, clamouring for Government employ, are regarded as what is termed a distinct political danger. In his Convocation address this year at the Allahabad University, in many respects singularly thoughtful and instructive, Sir Charles Crosthwaite frankly gives voice to this view. After stating that 'by one party the Universities and Colleges have been accused of flooding the country with half-educated young men who will look nowhere but to the service of Government for employment, whose knowledge is superficial, whose conceit is boundless, who are fluent and turgid in language, but who have no accurate conception of the meaning of the words they use or the phrases they repeat,' Sir Charles goes on to say, 'there is no doubt that in the cases of some of the older Universities, the number of men who have taken degrees is in excess of the demand for men of their stamp. * * In this country there is a distinct danger in creating a class of needy scholars who are in excess of and above the only employment open to them. There are two ways in which it can be met with by those who have the control of education. One is by making college education more expensive and self-supporting,

and restricting it to those whose parents can afford to pay for it, and to boys of exceptional merit who can win scholarships and contribute to the cost of their schooling.' Sir Charles Crosthwaite has here laid down the true esoteric doctrine of those who justify the withdrawal of Government from directly helping higher education, on the diplomatic grounds of evoking self-help and private enterprise, and of developing, as Mr. Lee-Warner puts it, 'variety and freedom.' I do not, as indeed I cannot within the scope of this address, propose to attempt to expose the main fallacy which underlies the conception of higher education as being only in the interests and for the advancement of the comparatively few individuals who receive it, and not as being one of the most important and indispensable factors in the general progress and welfare of the people at large. It would require more time than is at my command on this occasion, to point out that those who consider the downward filtration theory as untenable and exploded, have never been able to understand it, and realize the extremely slow and indirect manner in which social modification works itself out. I will content myself with giving only one illustration of the narrow conception of the benefits of higher education being confined only to its immediate recipients. In the admirable address from which I have already quoted, Sir Charles Crosthwaite bore ungrudging testimony to its beneficial influence on the administration of the country. 'On one point' he says, 'I can speak with experience. I had many years' practice in Indian administration, and I am able to bear testimony to the fact that the efficiency of the administration and its purity, especially in the matter of dispensing justice, had made very great progress, and that this improvement is mainly due to the influence of education, and especially of the higher education of which a knowledge of English and English literature has formed the chief part.' The excellent work of our Subordinate Judicial service, manned by judges who are

the products of our higher education, is admitted on all hands. But is it not apparent that, in turning out such men, higher education has done the most signal service to the masses of the people by securing to them a pure, an intelligent, and comparatively cheap administration of justice, than which nothing is more essential to their well-being, prosperity, and contentment. We can easily multiply these instances. In turning out medical graduates, for example, have not our Universities and Colleges not only benefited the recipients of their various culture, but conferred the most invaluable boon on the people at large by helping to bring into existence dispensaries and hospitals with their cheap assistant surgeons, and carrying medical relief to their very doors? It is because of this wide-reaching beneficial action of higher education that it has now come more and more to be recognized in most European countries that it is the State that must assume direct charge of it. I think this Association can do no more useful service than in organizing the most strenuous opposition to the retrograde policy which Anglo-Indian interest and alarm is trying to palm off under the false enticements of an appeal to our patriotic feelings for self-help and self-government. This is the grave peril of which I spoke at the Poona Provincial Conference as threatening our most vital educational interests, and this is the grave peril against which I trust you will wage unceasing war, despite hollow arguments and sarcastic sneers. On one thing, however, gentlemen, you have some reason to congratulate yourselves. The attempts to carry out this policy have hitherto not been very successful. In his account of Lord Reay's Administration, Sir William Hunter ruefully confesses that though 'an attempt was made to transfer the Government High Schools to local authorities, it proved immediately successful only with the Ahmednugger High School.' The attempt to economise, as it was said, the educational resources of the Presidency by practically abolishing the Poona Deccan College of

unrivalled historical interest, and indissolubly connected with the name of its founder, Mountstuart Elphinstone, was also frustrated through the force of public opinion, in giving expression to which this Association did good service by its vigorous remonstrance. Unfortunately, gentlemen, the baffled foe has in his rage and disappointment sought to console himself in his retreat by wreaking vengeance in another quarter. If the anxiety to stimulate private enterprise and self-help were not simply another name for confiscating the funds devoted to higher education, if the devotion to the policy laid down by the Education Commission was not something like the devotion of Mr. Pecksniff to the virtues of Faith and Charity, then no institution, as you are aware, had a right to more fostering and tender treatment than the Poona Fergusson College. It was formed and conducted by a band of young men of culture and education, who unhesitatingly sacrificed their own interests and prospects to the cause of education. It was assisted by a grant, long before the proposal to amalgamate it with Deccan College was conceived. But when that proposal fell through, the prestige of Government required some sacrifice to appease its ruffled dignity, and orders were at once issued to stop the grant to the College. There is absolutely no justification, gentlemen, for what might be fairly called almost a breach of faith. I am aware, gentlemen, that the resources of official ingenuity are not easily exhausted, but when it is urged that two full Colleges are too many for a small place like Poona, surely those who urge this argument cannot be ignorant of the patent fact, that the area which these Colleges serve, is not confined to the city of Poona only, but extends over the whole of the Deccan, the incontrovertible proof of which lies in the full attendance on the rolls of the two Colleges, Fergusson College numbering about 300 students, and Deccan about 250. The action of Government in this matter can be easily defended on the principles consistently avowed by Mr. Maclean,

whom I have always admired for his unflinching logic, if not for his farsightedness. To him every Indian Collegè is a nursery for hatching broods of vipers; the less, therefore, the better. But it is entirely indefensible on the part of those who always protest their innocence of any idea to starve higher education. Frustrated in the attempt to cut adrift the higher schools of the Presidency, and to abolish Deccan College, the advocates of the new policy of withdrawal have not been incapable of much mischief. They have triumphantly served the University with notice after notice, by which the paltry contribution of Rs.15,000 has been successively reduced to Rs. 10,000 and then to Rs. 5,000. Various are the reasons given for striking this blow at the very fountain-head of all higher education. The University must be made self-supporting. Primary education would go to the dogs but for the Rs. 10,000. The Empire would be insolvent if Rs. 10,000 were not speedily called in. It is difficult, gentlemen, to speak with patience of this miserable maltreatment of the University or to characterize it in the terms it deserves. For years the University has been unable to move in the direction of urgent reform for want of funds; and yet when it is most in need of them this decree for retrenchment is fulminated. Let us respectfully beseech the Chancellor of the University to make an earnest appeal to the Governor, who, trained in the manly and healthy discipline of public life in England, cannot but know when to yield, as he surely knows when to hold his own, and entreat him not to allow his administration to be permanently marred by a blot, which, tiny as it is, may never be effaced. Then, gentlemen, in two other directions also, the new doctrine has come in the way of a full advance. Gujarát and Sind by this time ought to have had two better equipped Colleges than they have. Great credit is due to the local promoters of the two existing Colleges in these provinces; but in congratulating these public-spirited men, we are apt to forget that each of these provinces, especially Sind,

were entitled to be provided by the State with a model College. But, gentlemen, where the new doctrine has done most mischief is in stopping the further development and improvement of existing institutions. In a written Minute which Sir R. West sent to the Education Commission, he pointed out how much remained to be done before the existing High Schools and Colleges could be called model institutions. He showed how insufficiently equipped they were in many essential respects. But all hope of their reform and improvement seems to be now gone for ever; for the cry is that other demands are more urgent. I have already had occasion to partly refer, gentlemen, to the impressive utterances of the Chancellor at our last University Convocation. On that occasion he further said, 'I am but too aware, from the reception that has been given to my public utterances on educational questions elsewhere, that these remarks of mine are likely to be construed as indicating the intention on the part of Government to shirk what are regarded as its own duties by laying them on institutions or private individuals.' And his Lordship added: 'But if those who criticise what I have said, and may criticise what I say now, were as well aware as I am of the needs of the poorest classes of the many millions of this Presidency; if they knew, as well as I do, the various things I have quoted above, 'then,' his Excellency went on to say, 'they would appreciate the feelings which actuated me to express a preference for the expenditure of a larger portion of Government funds on the undoubted poor than has hitherto been allotted to them.' When, gentlemen, I first heard these words delivered in his Excellency's quiet but impressive way, I confess that for a moment I felt that I and others who think with me ought to be ashamed of ourselves for our hasty shortsightedness. But it was only for a moment, for a change soon came over the spirit of my dream, and it seemed to me that the picture which his Excellency had drawn in so touching a fashion, took a remarkable resemblance

to that of the amiable and well-meaning father of a somewhat numerous family, addicted unfortunately to slipping off a little too often of an evening to the house over the way, who, when the mother appealed to him to do something for the education of the grown-up boys, begged of her with tears in his eyes to consider if her request was not unreasonable, when there was not even enough food and clothes for the younger children. The poor woman could not gainsay the fact, with the hungry eyes staring before her; but she could not help bitterly reflecting that the children could have food and clothes, and education to boot, if the kindly father could be induced to be good enough to spend a little less on drink and cards. Similarly, gentlemen, when we are reminded of the crying wants of the poor masses for sanitation and pure water and medical relief and primary education, might we not respectfully venture to submit that there would be funds, and to spare, for all these things, and higher education too, if the enormous and growing resources of the country were not ruthlessly squandered on a variety of whims and luxuries, on costly residences and sumptuous furniture, on summer trips to the hills, on little holiday excursions to the frontiers, but above and beyond all, on the lavish and insatiable humours of an irresponsible military policy, enforced by the very men whose view and opinions of its necessity cannot but accommodate themselves to their own interests and ambitions. Gentlemen, this plea of robbing Peter to pay Paul is one that will not bear close examination. We do not ask that primary education should be starved, or that technical education should be stunted. On the contrary, we assert that it is incumbent upon the State to provide the necessary funds for them from the proper sources; what we protest against is, that it should be attempted to provide those funds by curtailing others urgently required for the maintenance and advancement of higher education. Never was a plea more unstatesmanlike and hollow than that which tried to justify the

confiscation of the University grant by pleading that it was to be carried to the account of primary education. Something of this aspect of the question must have forced itself on the minds of our rulers, for they have recently surprised us beyond all belief by turning a most remarkable somersault in regard to it. Hitherto we were ruefully told that it was all because of the dearth of funds that in this country so small a percentage of the revenue was applied to educational objects. When, therefore, gentlemen, we woke one morning, not very long ago, and read a report in the daily papers of the speech made by his Excellency the Governor at the opening of the Madressa-i-Anjuman-i-Islam, I will not attempt to guess what your state of mind might be ; but for myself, I rubbed my eyes harder than ever Aladdin did when he woke up in the enchanted palace. You know, gentlemen, that in the highest flight of his ambition for the Educational Department, Sir Alexander Grant never soared beyond a dream of 2 per cent. But it seems we have all been under an entire delusion. His Excellency states frankly how he came to make the discovery. 'I was led some months ago,' he says in his speech, 'into a consideration of this subject by a statement that Bombay spent less on education in proportion to its revenue than most civilized countries. If that was in any way true, I felt we were bound to make an extraordinary exertion to find the wherewithal to increase our educational expenditure.' His Excellency has now discovered that the expenditure on education in this Presidency in proportion to its gross revenues has increased from 4 per cent. in 1882-83 to nothing less than 6 per cent. in 1891-92, while the boasted European countries, whom we have been perpetually dragging into the comparison, have been spending—United Kingdom, 5 per cent. ; France, 2 ; Prussia, 3 ; Belgium, 2 ; Italy, 2 ; Holland, 5 ; and Sweden and Norway, 3 per cent. This is sufficient in itself to cover with confusion all the people like us who have been talking blatant

nonsense all these years about the niggardliness of our Government, and its failure to do its duty with regard to education. And the Accountant-General has further confounded us by solemnly publishing an imposing array of figures. It is a venturesome task to go at a department so fearfully and wonderfully constructed as that of the Accountant-General, and which can pour columns and columns of figures without pause or mercy. But Mr. Cox will pardon me if I say that he has let the cat out of the bag. Not that it could not have been seen till he opened the bag, which was really too transparently thin. I suppose nobody knows better than Mr. Cox that, when you institute a comparison between ratios of expenditure in different countries, the least you can do is to take in each case the same factors for the ratio. Otherwise there is no comparison at all. Now, gentlemen, the wonderful figure of 6 per cent. alleged to be spent by this Government is arrived at by taking the ratio between the expenditure on education and *a portion only* of the revenues of the Presidency, while the 2, 3, and 5 per cent. of the European countries is calculated on the ratio between their respective expenditure on education and their whole and entire revenue. Of course, one is at perfect liberty to say that the Bombay Government spends 6 per cent. of the funds allotted to it out of its revenues for local expenditure; but then you cannot compare that percentage with a percentage in other countries calculated on an entirely different basis, and then crow over that false superiority. I think his Excellency the Governor will not, on consideration, thank his advisers and informants, whoever they may be, for leading him into such a quandary. Whatever other excuses Government may plausibly put forward, the fact is undeniable that the percentage spent on education in the different provinces of India compares most lamentably with that spent in civilized countries. That percentage is just about $1\frac{1}{2}$ per cent., whatever figures you take, the total net revenues of the Presidency according

to the last Administration Report of 1891-92 being Rs. 13 crores and 30 lakhs and the total State expenditure on education being Rs. 19,65,632. (Administration Report 1892-93, and D. P. I.'s Report 1891-92.) It is absurd to compare this percentage with that in the different countries and states of Europe and America. In the United Kingdom, the parliamentary grants-in-aid of primary education alone amounted in 1892 to £6,263,350, which, on the Imperial revenue for that year of 91 millions, gives a percentage of over $6\frac{1}{2}$ per cent., for simply primary education. This is without taking into account the magnificent endowments for secondary and collegiate education which exist in the United Kingdom, in its great public schools, its wealthy universities, and the colleges attached to them, nearly twenty-three in Oxford and nineteen in Cambridge. His Excellency himself admits that the expenditure on primary education alone is in France 2 per cent.; in Prussia, 3; in Belgium, 2; Italy, 2; Holland, 5; and Sweden and Norway, 3; while taking 9 lakhs as the expenditure on primary education in the Presidency, as his Lordship himself puts it, we have, on our net revenue of 13 crores and 30 lakhs, the magnificent percentage of .7. But the State expenditure in France, Prussia, and other European countries is not confined to primary education only. They spend large sums in maintaining a magnificent series of institutions for secondary and collegiate education, with which our high schools and colleges can bear no comparison whatever. In the French Budget for 1892, 122,110,425 francs was set down for primary education, and 18,688,504 for secondary, which, on the ordinary revenue for that year, gives a percentage of 4.7. In Sweden and Norway the percentage is over 5 and 7 per cent. respectively. In the different States of Germany, the percentage ranges from 5 to 9 per cent. In Belgium and Denmark it is over 5 per cent. In Italy it is about $2\frac{1}{2}$ per cent., but there are besides, large annual revenues vested in its universities. But the most instruc-

tive instance is that of despotic, autocratic, semi-barbarous Russia, which spends on public instruction nearly $2\frac{1}{2}$ per cent. of her revenues. However, gentlemen, though the grand discovery made by the Accountant-General and the other informers and advisers of his Excellency proves to be only a mare's nest, there is one comfort to be derived from the discussion which it has raised, there is one ray of light piercing through the surrounding gloom. You remember, gentlemen, Lord Harris's words I quoted above. 'If it was in any way true,' he told us, 'that Bombay spent less on education in proportion to its revenue than most civilized countries, I felt we were bound to make an extraordinary exertion to find the wherewithal to increase our educational expenditure.' Gentlemen, now that I think we have shown that it is a fact that Bombay does spend less, and grievously less, on education than other civilized countries, let us appeal to Lord Harris to redeem his promise to make an extraordinary effort to bring up the percentage to a figure, not larger than that for which Sir Alexander Grant sighed more than twenty-five years ago, pointing out that 'if 2 per cent. per annum on the presidential revenues were allowed to Bombay, the whole aspect of the Department and the Universities might, in my opinion, be speedily changed for the better.' I am afraid, gentlemen, I have detained you too long with my ventriloquism. But one word more and I have done. Our departing Commander-in-Chief told us the other day, that while it was right and proper that India should be governed with wisdom and justice, the maintenance of the empire must, in the last resort, depend not on the loyalty of the people, but upon the power and strength of the army to repel foreign invasion. It is perfectly true that loyalty, perhaps like all other virtues, is founded on self-interest. But it is no less true that if that self-interest is allowed to be enlightened and developed, as nothing can enlighten and develop it as a wise system of education in the centre of a righteous policy, then that

self-interest, as in the case of the other virtues, grows out of and beyond itself, and becomes transformed into a sentiment of earnest, devoted, and enlightened loyalty, which, in the hour of danger, will not wait to calculate the chances, but throw its lot with, and stand by, the object of its loyalty, not as a matter of interest, but as a matter of affection and duty. In India, gentlemen, the soldier is abroad, and must be; but the humble schoolmaster is no less indispensable; he alone can add stability and permanence to the work of the soldier. (Loud applause.)

SPEECH ON SIR W. WEDDERBURN'S ELECTION TO PARLIAMENT:

[At a public meeting of the inhabitants of Bombay held on the 26th April 1893, at the Framji Cowasji Institute, to vote an address of congratulation to Sir W. Wedderburn, Bart., on his election as a Member of Parliament, Mr. Pheroze Shah M. Mehta, who was received with loud applause, made the following speech.]

Mr. Chairman and Gentlemen,—I am entrusted with the task of moving the adoption of the address, which I hold in my hand, congratulating Sir W. Wedderburn and ourselves on his election as a member of Parliament. Our great joy at Mr. Dadabhai's success last year was somewhat marred by Sir William's unexpected failure in Ayrshire. But, gentlemen, I had never the slightest doubt that a man of his patience, perseverance, and disinterested zeal was sure to succeed sooner or later. We have at the present moment some exceptionally good men and true to look after Indian interests in Parliament; and I for one confess that I expect great things in time from men like Mr. Caine and Mr. Schwann. (Hear, hear.) Sir W. Wedderburn's success will add to their ranks an invaluable worker whose liberal convictions are based on a clear and unfaltering grasp of principles, and whose kindly and generous sympathies are founded on the most unaffected and genuine love for the country and its people. (Cheers.) You know, gentlemen, there are Anglo-Indians whose cultured and liberal intellects sometimes prevail over their moral and constitutional antipathy and indifference to dark colour; and there are again Anglo-Indians whose hearts are sound, but whose intellect and culture are unable to keep pace with their kindly impulses. With the exception of our esteemed friend Mr. A. O. Hume (loud cheers), I do not know any other Anglo-Indian whose heart and intellect have both so clearly and logically conjoined in the work of

Indian progress as in the case of Sir W. Wedderburn. (Renewed cheers.) We are familiar with numbers of Anglo-Indians who come out red-hot Liberals from their native country, but whose Radicalism is unable to stand the stress of individual inflation and intoxication in an atmosphere of race supremacy, and who readily succumb to the fascinating sophistries—and I admit they are very plausible—of race domination. It is not a little to the credit of Sir W. Wedderburn that, despite the scoffs and sneers of his own countrymen and his brother-officials, he has quietly, unflinchingly, preserved both his faith and principles from melting away under the influence of the Indian tropical sun." What is still more creditable is that he has not been content with mere words and talk, but his faith has been justified by his acts and deeds. Our rejoicings at his success are not therefore entirely due to the selfish satisfaction of securing so estimable and useful a champion; they spring no less from our high appreciation and admiration of the nobility, integrity, and kindly gentleness of his character. (Loud cheers.)

SIMULTANEOUS CIVIL SERVICE EXAMINATIONS AND HOME MILITARY CHARGES OF INDIA.

[A public meeting of the inhabitants of Bombay was held on Saturday, July 15, 1893, in the hall of the Framjee Cowasjee Institute, under the auspices of the Bombay Presidency Association, in connection with the House of Commons' Resolution in favour of Simultaneous Examinations and the debate in the House of Lords on the Home Military Charges of India. The Hon'ble Mr. Pheroześhāh M. Mehta presided and made the following speech.]

Gentlemen,—You will see from the notice convening this meeting that you are called together to give expression to the public opinion and public feeling on two of the most important questions affecting Indian interests, which have been brought into the domain of practical hopefulness by the growing Parliamentary activity of recent times in Indian affairs. Our Anglo-Indian friends, it is true, gentlemen, deprecate the interference of Parliament as ignorant and mischievous, and warn us against a Frankenstein, which only destroys those who raise it. Now, I am prepared to admit, gentlemen, that it is a dark and difficult and thorny path, full of pit-falls and stumbles. But so, unfortunately, are all paths to salvation, and we cannot forget that all experience has proved to us that whatever hopes and chances we possess are to be found sooner or later only in Parliament, and nowhere else. In asking you to proceed to deliberate upon the two questions before you, it is impossible not to pause for a moment to recognize the deep debt of gratitude which we owe to those great men who pioneered the growth of this Parliamentary activity as a constant duty and systematic occupation, I mean the late Prof. Fawcett (cheers), and Mr. Charles Bradlaugh. (Renewed cheers.) It may be truly said of them that not only did they serve as living, but they still serve as dead. (Applause.) For it is in no small measure owing to the impulse of the noble example set by

These dead but sceptred sovereigns,
Who still rule our spirits from their urns,

that we have at the present day in the present House of Commons the earnest and increasing body of members who, under the leadership of Mr. Paul (cheers), have achieved so signal a triumph in the adoption of the Resolution for Simultaneous Examinations, under circumstances which at one time seemed forlorn and desperate. I think we shall now always picture to ourselves Mr. Paul as we figure to ourselves the familiar hero of many a mediæval tournament, who suddenly appears on the scene, rushes to the succour of the hard-pressed champions of right and justice, turns the tide of battle, and leads them on to victory. (Cheers.) But we are told, gentlemen, that our triumph is a barren one, and our exultation will be short-lived. We are told that a resolution passed in a small House by a small majority can be disregarded with impunity. Now, gentlemen, it would be idle to deny that there is considerable cogency in this caution, especially when we remember that all the weight and fury of the great body of Anglo-Indian opinion and bias, focussed in the India Office, and led and countenanced alas ! by every living Indian Secretary of State, past and present, will be strenuously cast against it. But there is hope in this, gentlemen, that though the Government were first opposed to it, the Prime Minister, and that Prime Minister Mr. Gladstone (cheers), who owes his own greatness to his firm belief in moral duty, has, after taking time for consideration and consultation, decided to accept the resolution, to recognize that a vote of the House is a vote of the House, and has forwarded a dispatch to the Government of India to devise means to carry it out. (Cheers.) There is also hope in this, that the dispatch has been disapproved by the majority of the India Council, just as it is said that a cause is won when the *Times* begins to write against it. And there is hope in this if in nothing else, that even the Earl of Kimberley with his scarcely disguised aversion to the proposal, has been compelled ruefully to declare in the House of Lords that the question of Simultaneous Examinations, which

had been fondly supposed to have been throttled and to have received its quietus at the hands of the Public Service Commission, must be re-opened and re-examined in all its entirety. This is no small gain; and it seems to me, gentlemen, that it now rests with us, the people of India, to get this hope transformed into an accomplished fact. If we will be only true to ourselves, if we will only do our own duty, then Simultaneous Examinations are soon bound to be a fact and a reality. (Cheers.) When I say this, I am not unmindful of the circumstance that the capacity of the Government of India for delay and procrastination is as boundless as its promptitude on such matters as the Gaggling and the Currency Acts is as great as lightning. (Shame.) But the inherent strength of our case is bound to prevail in the end, now that the question has been re-opened and the attention of Parliament fully drawn to it. I see, gentlemen, that the speakers in charge of the resolutions on this subject are looking at me in uneasy alarm (laughter), but I may assure them that I am not going to take the wind out of their sails. I should like, however, to point out that the real question at issue is being cleverly obscured by our opponents. The present situation is this. The halting, inconsistent, and illogical scheme adopted at the suggestion of the Public Service Commission has brought things to this pass. Under the scheme for the Imperial and Provincial Services, a certain number of posts, for which Indians are said to be not qualified by want of residence in England, are set apart for Indians who have never competed and who have never gone to England, and to which they should be appointed by the now-discredited agency of Government selection and patronage. (Laughter.) What we ask for in its place is that these posts should be filled by Indians who have won them in fair competition with the best of Englishmen (cheers), and who should qualify themselves, as it is most essential they should, by passing two years in England after the successful competition. Can there be a doubt, gentlemen, which is the more

reasonable, the more safe-guarding, the more beneficial scheme in the best interests of the country and of British rule? (Cheers.) There is only one argument which may be plausibly urged against it, or rather a fear that Englishmen might be largely ousted from the Service in this way. Now, gentlemen, we would readily and cheerfully admit that it is essential and indispensable that there must be a large admixture of Englishmen in the Service to ensure the proper carrying out of English rule on English principles. Now, surely, it is an unworthy and exaggerated fear that the intellectual qualifications of Englishmen are not sufficiently superior even to the Bengalis (loud cheers), to ensure to them a largely preponderating share for many a long year to come. We should, however, be quite ready to allay their fear and alarm on this point, unfounded as it is, by accepting some reasonable limit of proportion which should secure the necessary share to Englishmen in the Service. (Hear, hear.) With that provision, it seems to me that the case for Simultaneous Examinations is unassailable.

The second subject before you, gentlemen, is not one of any lesser importance. The question no longer depends on our uninformed speculations and suspicions. We have it now on unquestionable authority, no less than that of Lord Northbrook (loud cheers), confirmed by the past and present Indian Secretaries of State, that a grave injustice is being perpetrated in this country in the apportionment of the Military Charges. In his book on *Imperial Defence*, Sir Charles Dilke pointed out sometime ago that the contribution of £750,000 a year for effective charges is simply indefensible, and it will be shown to you later on that India is despoiled of about another £750,000 in connection with stores and other military charges. (Cries of 'Shame'.) We have it now on the dispassionate and well-informed authority of Lord Northbrook that during the last fourteen years, India has been mulcted of something like four million pounds for charges for which she is in no way liable. Indeed, gentlemen, this question of

financial apportionment has become a grave scandal. It is only owing to our deep reverence for the Queen-Empress that we refrain from characterising as it deserves the decision to charge on India the cost of the Indian Cavalry that attended the opening of the Imperial Institute. (Applause.) Now we hear that India is to be forced to pay a sum of £10,000 a year for twenty years towards the cost of a telegraph line from Mauritius to Zanzibar. (Cries of 'Shame.') The iniquity and intensity of this scandal is aggravated when it is remembered that all this is done to a country whose financial state is so critical that the Government of India has thought it fit to subject it to a currency operation of the most desperate character, in the interests of the Services and the import merchants. (Hear, hear.) Whatever may be the ultimate outcome of the new Currency legislation, it is certain that the people are for the present indirectly and in an automatic fashion heavily taxed by it, and that the mill industry of this city has been seriously dislocated. (Hear, hear.) It is necessary, gentlemen, that the country should cry out from one end to the other against so grave a scandal, and I trust you will not separate without passing a vote of the most grateful thanks to Lord Northbrook for his noble and sustained exertions to put an end to it. (Loud applause and cheers.)

SPEECH ON THE BOMBAY BUDGET OF 1893-4.

[The following speech was made by the Honourable Mr. Pheroze-shah M. Mehta on the Bombay Financial Statement for 1893-4 at a meeting of the Provincial Legislative Council held on the 27th July 1893.]

With your Excellency's permission I would venture to tender you the warmest thanks of the non-official members for the cordial welcome you have been pleased to give us on the assembling of this the first meeting of the re-constituted Council. I think I may also venture to assure your Excellency that it will be the best endeavour of the non-official members, as far as possible, to do what lies in their power towards the practical and efficient discharge of the business placed before the Council.

I propose on this occasion not to be very lengthy in my remarks, and I shall confine myself to two or three points with which I feel myself more personally and intimately connected. I will first call your Excellency's attention to the provision in the Budget about the Police, and I ask the attention of the honourable member who placed the Financial Statement before the Council to page 19 of that document. It says, 'On the expenditure side, the re-organization of the district and city police has, for a considerable time past, occupied the attention of Government. The total estimated extra cost is Rs. 4,23,000 for the district police (including Sind), and Rs. 1,01,000 for the city. It is hoped that both schemes will be sanctioned early in the year, and provision has accordingly been made in the Budget for 1893-94.' Now, my Lord, I find in the detailed Budget statement, which the Honourable Mr. Trevor was good enough to give us a copy of, that provision has been made to the extent of two lakhs for the re-organization of the district police, but there is no entry so far as the city police are concerned. I cannot quite reconcile the state-

ment in the Financial Statement with the items in the detailed Budget in that respect. With regard to the head of 'Police,' I would next like to draw your Excellency's attention to the amount which is put down as the contribution of the Municipality of Bombay. The amount entered in the detailed Budget for the Budget year 1893-94 is Rs. 3,06,748. In the Revised Estimate for 1892-93, the amount is shown at Rs. 3,63,345. I am glad, indeed, to see that in the Budget Estimate for 1893-94, your Excellency's Government have brought it down to Rs. 3,06,748. I may thus take it that the Government have seen the justice of the representations made by the Bombay Corporation, with regard to certain items in the cost of the city police. A good many of the items included in the letter of Government to the Corporation seem to have now been decided as not properly chargeable against the Corporation. I take that as the meaning of the smaller amount being put down for 1893-94, and if that is so—and it seems to me it must be so—I beg to point out that provision should have been made in the Budget for refunding the additional Rs. 60,000 levied in the previous year.

His Excellency the President :—That is only an estimate. It has not yet been levied.

The Honourable Mr. Mehta :—I beg your Excellency's pardon. Your Excellency will remember that the Bombay Corporation was called upon to go on paying monthly instalments on the basis of the amount being Rs. 3,63,000, so that the Municipality has been compelled to pay up all the instalments for the past year on that basis. I am not referring now to the larger question of the entire liability of the Corporation, pending before the Secretary of State for India ; leaving that larger question aside, I infer from the figures in the detailed Budget that your Excellency's Government, even supposing that question is decided against the Corporation, will have to refund the Rs. 63,345, which the Corporation has been called upon to pay up to the present time. The figures

involve the admission that Rs. 3,63,345 was over and above what is now admitted to be the right sum and that the proper amount is Rs. 3,06,748. I am glad your Excellency's Government has thus practically decided that the Corporation ought not to be called on to pay for the dockyard police and the harbour police, etc.; in the previous calculations a portion of those amounts was thrown on the Corporation. I take it that, in justice and fairness, Government have decided that no portion of these sums should be thrown on the Municipality. Even with regard to the reduced estimate, your Lordship will allow me to call your attention to several small charges included against the Municipality, which I think are not justly chargeable. I refer first, to the 'way charges of escorts, Rs. 10,000.' I submit that the Bombay Municipality can in no sense be liable to pay for these escort charges, which are charges incurred in escorting *specie* to the Government of India. It is entirely a work for which the police of the City of Bombay are, so to say, borrowed for doing work outside the city, and your Excellency will admit that the Bombay Corporation are in no way liable for such a charge. The 'Maintenance of Prison Van' is also an item for which the Corporation cannot be liable, because I take it the prison van is not an appendage of the police, but of 'Law and Justice,' and comes under the sub-head of 'Jails.' Your Lordship will allow that it is the legitimate duty of the police to take measures for the protection of life and property, but that it is not one of their legitimate functions to attend to the burning of carcasses of horses, for which Rs. 2,000 are entered in the Budget. How can this be a legitimate function of the police?

His Excellency the President :—Would not the Municipality have to do it if the police didn't?

The Honourable Mr. Mehta :—Not if the burden was not cast upon it by the Municipal Act. Your Lordship's Government have repeatedly reminded us that the Corporation has rights and privileges on the one hand which

must be construed by the Act only, and the Corporation, therefore, naturally strenuously resists accepting any burden not cast upon it by the Act. If the Corporation were relieved of certain burdens by Government, which ought not legitimately to fall upon it, and asked to take upon itself others that were not at present imposed upon it by the Act, but which were appropriate to it, such a re-portionment would be just and fair to the Government and to the Corporation; but when your Lordship's Government says we have only to go by the provisions of the Act, I submit that, on that principle, the last item I have referred to is not a burden cast upon us by the Act. I wish to submit to your Excellency's Government that in addition to refunding Rs. 63,300 to the Corporation, the amount payable by the Corporation should be still further reduced by the exclusion of the sums which, as I have pointed out, are not justly payable by the Corporation.

I now pass on to education. I had intended to warmly congratulate your Excellency's Government on having put down at least Rs. 10,000 in the Budget Estimate for 1893-94 as the contribution to the University, and I was somewhat surprised to hear your Lordship say just now that the sum was to be only Rs. 5,000. It is, however, actually entered in the Budget as Rs. 10,000.

His Excellency the President :—Perhaps I am wrong. My impression was that it was Rs. 5,000.

The Honourable Mr. Mehta :—Then I may congratulate the honourable member who presides over Finance for the more liberal view he has taken in this matter. Will your Excellency allow me to state that Rs. 10,000 could hardly have been put down by mistake? Although I knew the Government had written a letter to the University, stating that the amount would be reduced to Rs. 5,000, still, seeing Rs. 10,000 put down in the Budget and knowing your Excellency's interest in the University as Chancellor, and the interest of the Honourable Mr. Birdwood, who as Vice-Chancellor and in other capacities, has ren-

dered valuable services to the University, I could not bring myself to imagine that the amount of Rs. 10,000 had been put down by mistake, but I could only conclude that on further consideration, Government had recognized the propriety of granting the larger amount. I have no doubt that my honourable friend the Acting Director of Public Instruction must have taken the same view of the matter. I trust that when your Excellency winds up this debate you will find it possible to announce that it is not a mistake, and that the Rs. 10,000 was deliberately entered in the Budget Estimates. I cannot conceive of so grave and august a body as the Government of this Presidency perpetrating a joke. But when the University received a letter from Government saying that the grant was to be reduced from Rs. 15,000 to Rs. 10,000, and then a further letter saying that it was to be reduced from Rs. 10,000 to Rs. 5,000, then taking into consideration the financial condition of this Presidency for the last fifteen years, it was difficult to conceive that it was anything but a joke, if it was possible, I repeat, to conceive a grave body like Government so far unbending itself. Financial considerations could have had no weight in the reduction of the grant to the University. Your Lordship will remember that in the report of the Finance Committee, regarding the period of the third Provincial Contract, 1882-1886, it showed the provincial balance to have risen to 52 lakhs against 32 lakhs at starting, and says, 'Thus the province has throughout the term of the contract enjoyed uninterrupted financial prosperity, and has been much more in the position of seeking how to spend its increasing revenue with advantage than for casting about for money to meet urgent administrative demands.' Your Lordship sees that during the period the surplus had gone up to 32 lakhs exclusive of the minimum which this Government is bound to preserve under the direction of the Government of India, *viz.*, 20 lakhs. There was no financial consideration then for the reduction of the University grant. With regard to the next period up

to 1892, the Honourable Mr. Trevor has referred us to the Accountant-General's review of that period, and he takes a very hopeful view of the financial condition of the Presidency. The Accountant-General writes : ' After paying a special contribution of 17½ lakhs in aid of the Imperial Revenue, the year 1891-92 closed with a balance of Rs. 40,70,000 to the credit of the Provincial Government, being Rs. 20,70,000 in excess of the minimum of 20 lakhs fixed by the Government of India.' That being the financial state of the Presidency, I cannot but concur with what the Accountant-General says of the extremely satisfactory condition of the finances. With regard to the year 1892-93 the same hopeful view is taken by the Accountant-General ; at page 105 he says in paragraphs 3 and 6 :

3. The year 1891-92 was on the whole favourable to Provincial revenues. As compared with 1890-91, there was a net increase of revenue of Rs. 20,00,180, and the Provincial Government was able to spend Rs. 16,93,195 more than in the previous year. It was necessary to draw on the accumulated balances only to the extent of Rs. 5,31,888, as against Rs. 12,38,873 in 1890-91. There are, however, two large items which must be taken into account in comparing the results of the two years. In 1890-91, a special contribution of Rs. 17,50,000 was made by the Provincial Government in aid of Imperial revenues ; the Provincial share of the revenue was, therefore, correspondingly decreased. This item, therefore, forms the chief part of the apparent increase of 24 lakhs. In 1891-92 the construction of the Hyderabad-Umarkot Railway was commenced as a Provincial undertaking and Rs. 11,72,211 were spent on it. If it had not been for this special expenditure, the year would have closed with a surplus instead of a deficit. The year 1891-92 began with a balance of Rs. 46,01,994, and closed with Rs. 40,70,106 to the credit of the Provincial Government. The closing balance was thus Rs. 20,70,106 in excess of the minimum fixed by the Government of India.

6. The year 1891-92 was the last of the fourth Provincial Contract, which commenced in 1887-88. The Provincial Government had a balance of Rs. 54,89,780 at the commencement of the contract period, and a balance of Rs. 40,70,106 at its close, or Rs. 20,70,106 in excess of the minimum. Considering that the contract was fixed at a time of financial pressure, that the Government of India allowed only for so much of the revenue as was anticipated to be necessary to meet the Provincial expenditure without any margin, that it withdrew Rs. 17,50,000, that the Public Works expenditure was much in excess of the contract assignment, the result is very satisfactory. The estimate of the annual Provincial revenue and expenditure was taken at Rs. 3,57,72,000 for the purpose of the contract, whereas the total actual revenue of the year

was Rs. 4,07,48,204 and the expenditure Rs. 4,12,80,089, showing that the Provincial Government was able to increase its expenditure largely and still leave a balance much in excess of the minimum, owing to the elasticity of the revenues placed at its disposal.

Further on he says, in para. 8: 'It was expected that the year would open with a balance of Rs. 38,82,000 to the credit of the Provincial revenues; the actual balance was in round figures Rs. 40,70,000, or Rs. 1,88,000 better than the Budget Estimate. The closing balance of the year is estimated at Rs. 31,03,000, or Rs. 10,88,000 better than the sanctioned Budget. This good result is due both to increases in revenue and decreases in expenditure. From the figures stated above it will be observed that an improvement of Rs. 4,84,000 is expected in revenue and a decrease of Rs. 4,16,000 in expenditure. The Budget Estimates provided for a deficit of Rs. 18,67,000 on the year's working: the present anticipations reduce the deficit to Rs. 9,67,000, or a better result by Rs. 9,00,000.'

Taking a general view of the financial condition of the Presidency, it seems to me almost unintelligible how the University can be asked to receive a lesser contribution than that which it has been receiving for several years, viz., Rs. 15,000, on the ground of financial exigency. There is nothing in the financial condition of the Presidency to justify the step Government has taken with regard to the University grant. This is not the time to go into the question of educational policy. I make these remarks taking educational affairs as they exist. While I am ready to admit that it would be a very fortunate thing indeed if the University was in time self-supporting, it cannot be without your Excellency's knowledge, as Chancellor, that many urgent reforms which are needed in the University, and which they are bound to carry out in the near future, have had to be put off for want of funds. I am now speaking in the presence of one of our most active educational officers and a member of the Syndicate for many years; and not only he but the present Vice-Chancellor has repeatedly acknowledged that the

University stands in need of money for these urgent and pressing reforms and cannot enter upon them for want of funds. I ask if this is a time well chosen to reduce the grant. I am quite aware that the Government of this Presidency is bound to exercise what I have ventured on previous occasions to call its economic conscience. Government are bound to exercise that economic conscience in the financial management of the Presidency, but surely there are other objects on which it should be exercised before it pounces on the University. I will give you one simple instance. The Government is at present doing certain things for certain people just as it may be said that the Government is providing money for those who take advantage of the University. I refer to the two Superintendents of Matheran and Mahabaleshwar. I say that their duties could be performed by Mamlatdars, or Assistant Surgeons if medical officers were needed. I suggest it to your Excellency that Rs. 500 or Rs. 600 per month might by this amount be easily saved from their salaries, and it is more desirable to commence economising in such directions than to begin with the University. This is a point to which the Finance Committee drew the attention of the Bombay Government. Of course, I am speaking comparatively. I do not object to these gentlemen in themselves, but what I venture to urge on you is that it is a very proper thing that the economic conscience should be set to work; but that if it is to be exercised, the University should be the last body, and other items such as I have pointed out should be taken up first. I still hope that your Excellency's Government may see that it is desirable to bring back the University grant to Rs. 15,000, and the time may come when the University may approach your Excellency to further increase that grant to enable them to carry out urgent and necessary reforms.

With regard to the educational part of the Budget, I join in the appeal made by Mr. Natu in aid of the Ferguson College. I venture most respectfully to plead the

cause of that College as one eminently deserving of some assistance from Government.

His Excellency the President:—A great deal has already been done for it.

The Honourable Mr. Mehta :—I do not deny that a good deal has been done. It has always been the policy of this Government from the time of Mountstuart Elphinstone to play a great part in education. It must always be that when progress is once commenced there are those who are desirous of pushing it still further and we are desirous that this Government should advance its fame still further by giving more and more. I acknowledge with great thankfulness on behalf of the Fergusson College that for the first three years of its existence Government did give it a grant-in-aid. I may also recall to your Lordship's recollection that Sir James Fergusson did, whilst speaking in the name of Government, almost—I won't say entirely—promise that that contribution would be continued to the College. Of course, members of Government speaking at a public meeting must not be held too strictly to what they say at the time; but so far as he could, Sir James Fergusson pledged the Government to the continuance of that grant. The grant was withdrawn during Lord Reay's Government. There were negotiations for the amalgamation of the two Poona Colleges, but those negotiations broke down. It is unnecessary to go into the circumstances, but I for one am glad that those negotiations broke down, and the Fergusson and Deccan Colleges have continued to flourish since then. It was no fault of the Fergusson College that no amalgamation was effected, and it cannot be said that it has forfeited its claim to a grant which other private colleges are receiving. The Fergusson College is, besides, entitled to some aid at the hands of Government, for it is the only private college of indigenous growth which has been started in this Presidency. And it is scarcely necessary for me to remind the Honourable Mr. Birdwood that for the last thirty or forty years the

Secretary of State and the Government of India have repeatedly laid it down that they would help colleges of indigenous growth before those established by foreign bodies. The Fergusson College, therefore, has a preferential claim on Government. The way in which it was started also deserves some recognition. It was commenced by young men who have sacrificed a promising future to a great extent by binding themselves to serve the College for a number of years—some of them, I believe, for the whole of their lives—on very small and inadequate salaries.

I now turn to the paragraph in the Financial Statement, which sums up the expenditure on education, *viz.*, 'The expenditure includes the whole cost of the teaching and inspecting staff for the various Government Colleges and Schools and grants-in-aid to private institutions, but not grants-in-aid to Local Fund Schools, which appear under contributions, nor charges on account of construction or maintenance of educational buildings, which are debited to Civil Works.' I would make one suggestion here to your Excellency, and that is that it would be desirable, if possible, to bring all these items together in the educational grant instead of showing them in out-of-the-way places as at present. The paragraph goes on: 'In the Estimates, however, provision is made to some extent for items of this description which are transferred to their proper account heads when the expenditure is actually incurred, and hence it happens that the actuals of expenditure under this head commonly appear to be less than the Budget Estimate, though the whole amount or more may have actually been disbursed. The estimated expenditure of Rs. 17,41,000 shown above is in addition to Rs. 5,15,000 and Rs. 56,000 for which provision has been made under "Contributions" and "Civil Works" respectively, and of the sums noted in the margin, which are provided under various other heads for purposes more or less directly connected with education, so that the total estimated

expenditure on educational objects for 1893-94 will roughly amount to Rs. 25,32,000.' I will take the liberty to point out that in making the calculation two things have been forgotten. Under the head of 'Medical,' the Grant Medical College is debited with an expenditure of Rs. 1,40,000. Your Lordship will find that in this sum is included the full salaries of the Principal and Professors, which are not really the salaries of Principal and Professors but of medical officers. I ask how in fairness and justice to the educational budget can the salaries amount to Rs. 1,12,000, and a large portion of the Rs. 1,40,000 would disappear if these salaries were taken out of it. Hardly more than one-third, even if so much, is debitable to the Grant Medical College. Your Lordship will also find that the College is also charged with Rs. 3,300, 'house-rent allowance' for these medical officers. Why this should be I do not know. There is another item of Rs. 5,602, 'freight on Europe stores.' This is a very large amount of freight for medical stores for a college. Probably the Store Department may have received these stores. There are two other items—endowments of the Elphinstone College and Grant Medical College—which ought to be taken into account as reducing the total of the 25 lakhs. The head under which they appear is that of 'Interest.' If these were brought into account here, the educational grant would not come up to Rs. 25,32,000. But there is one hopeful comfort about this over-estimate, for it indirectly indicates that your Excellency's Government are quite prepared to advance to that amount, and in that case one can't help anticipating great educational progress.

There are certain items in 'Land Revenue expenditure,' to which I should now like to refer. I find on page 29, under 'Charges of District Administration' there are four items, transferred to the heading 'Criminal Courts' under 'Law and Justice.' The total of these four items is Rs. 10,19,662, made up of Rs. 59,904 on account of pay of Assistant Judges ; Rs. 6,62,981, moiety

of charges for Collectors, Assistant and Deputy; Rs. 2,32,650, moiety of charges for Mamlatdars, etc.; and Rs. 64,170, moiety of pay of head clerks to Mamlatdars, etc. The total cost of Criminal Courts is Rs. 12,66,000. Out of this amount Rs. 10,19,662 are brought from 'Land Revenue' head, being half portion of the salaries of Assistant Judges, Mamlatdars, etc. What I venture to suggest is that instead of employing Assistant Collectors and Mamlatdars to do the criminal work, that that work might be transferred to a body to whom such work would be congenial and harmonious—I mean the Subordinate Judges. I contend that it is discordant work so far as revenue officers are concerned. If this work were entrusted to a body to whom it would be more appropriate, namely, the trained Subordinate Judges, there would be a considerable saving effected in the Budget in the cost of revenue and criminal work. This would hardly be the proper time to go into all the details of the account, but I would illustrate my remarks by taking one district—viz., Poona. There are eight talukas in Poona, to look after which there are three Assistant Collectors, three first grade, and one Assistant Collector, with no magisterial powers. Their salaries are Rs. 900, Rs. 700, and Rs. 400 respectively. Then there are nine Mamlatdars having first class powers on Rs. 200 each—total Rs. 800; and five with second class powers on salaries between Rs. 200 and Rs. 150—total Rs. 850. The total of all these Mamlatdars is Rs. 1,650 per month. I have some personal experience of the working of these Courts. On the whole the Assistant Collectors and Mamlatdars certainly do not devote any thing like even two full hours per day to criminal work; they are not able to do it. If all this criminal work intermittently done by these men was made over to Subordinate Judges, who are trained officers and competent to deal with it, the cost of criminal work would be reduced in this way. I would abolish one of three Assistant Collectors, *i. e.*, Rs. 700, and cut down the Mamlatdars by half, *i. e.*, Rs. 825, total

Rs. 1,525. Against this I would suggest the employment of three more Subordinate Judges for the district on Rs. 300 a month each, *i. e.*, Rs. 900. This would give a monthly saving of Rs. 625 or Rs. 7,500 per year. This would not only secure economy but increase efficiency, for the work would be done by better trained judicial officers. There would also be another advantage. We know at present that Assistant Collectors have to call the accused and witnesses in cases on their files to follow them to their camps over long distances. This is a very great hardship. If there were nine Subordinate Judges fixed in the district, this hardship would be considerably obviated. There would be a distinct advantage gained by such an arrangement. Then again, the evils of associating criminal and revenue work would be mitigated. Such a case as the salt case, which came before the High Court the other day, in which an old woman had been fined Rs. 15 for boiling salt water, would not be so likely to occur, for it is only a revenue officer who could have thought it fit to inflict a punishment so heavy and absurd on a poor woman, and who, in default of paying it, would have had to go to jail. After the High Court's decision I cannot say a word as to the legality of the conviction, but I am certain no Subordinate Magistrate unconnected with revenue would have dreamt of fining the woman Rs. 15. I have also worked at the figures for the Satara District, where a saving of Rs. 8,400 could be effected. Going over the eighteen districts of the three divisions of the Presidency proper, there would be a yearly saving of over a lakh of rupees.

The Honourable Mr. Birdwood:—How does the honourable member propose to meet the salaries of these new officers?

The Honourable Mr. Nugent:—May I ask the honourable member where he discovers three Assistant Collectors in the Poona District?

The Honourable Mr. Mehta:—I took my figures from the Civil List.

The Honourable Mr. Nugent:—Here's the Civil List. The honourable member will not find more than two Assistant Collectors.

The Honourable Mr. Mehta:—The number may vary from time to time.

The Honourable Mr. Nugent —There have always been two Assistants in Poona ever since I have been here.

The Honourable Mr. Oxenham :—Does the honourable member propose to abolish half the Mamlatdars ?

The Honourable Mr. Mehta:—I do not intend to divide them bodily. The revenue work alone would be left to be done by the reduced number.

The Honourable Mr. Birdwood :—Does the honourable member mean to put one Mamlatdar in charge of two talukas ?

The Honourable Mr. Mehta :—Yes, I see the Honourable Mr. Nugent is smiling as if he thinks I know nothing about these administrative matters. I am quite prepared to take it that my proposal will be considered impracticable at first sight, but I hope the idea will grow and take root. I do not expect that because I give these figures, the scheme will be at once adopted, but I consider that the difficulties to the scheme could be overcome. And how to meet them is a question for consideration. Take away criminal work from revenue officers, to whom it is incongruous and with whom the match is ill-assorted, and combine civil and criminal justice which is a well-assorted match. It seems to me that not only will you secure increased efficiency, but also I submit, economy. These are all the observations I have to make, and I thank your Excellency and the Council for the patience with which you have heard me.

SPEECH AT THE TELANG MEMORIAL MEETING.

[A public meeting convened by the Sheriff of Bombay, was held on Friday, October 6, 1893, in the Town Hall, for the purpose of giving expression to the feeling of regret entertained by all classes at the heavy loss sustained in the premature death of the Honourable Mr. Justice K. T. Telang, C. I. E., and to take steps to perpetuate his memory in a suitable manner. The Hon'ble Mr. Pherozechah M. Mehta made the following speech in proposing a vote of thanks to his Excellency the Governor, Lord Harris, who presided over the meeting.]

There only remains one more resolution, gentlemen, to place before you, and in proceeding to do so I trust I may be permitted to say a word as to why one so long and so closely associated with Mr. Telang in the public work to which he unsparingly devoted his rare gifts and talents, should have excused himself from taking a part in any of the principal resolutions before the meeting. It is now, gentlemen, more than sixteen years ago that, impelled by a sense of duty which we thought we owed to the education we had received as taught by that education itself, Mr. Telang and I enlisted ourselves, raw and humble recruits in the public cause and appeared in this very Hall to do battle according to our lights at a public meeting held under the presidency of one of your Lordship's predecessors. Many have been the occasions since then on which Mr. Telang has appeared on this very platform, and not a few of those present here may remember his handsome and intellectual face beaming with intelligence and kindness of spirit, delighting and instructing us with his thoughtful and cultured eloquence, his sound and judicious wisdom, his firm and temperate advocacy of the public interests. (Applause.) With the recollections and associations of so many years crowding on the mind's eye as they could not but do in this Hall and with these surroundings, any endeavour to speak of him as he was, large in heart and brain, so soon after his loss in the prime of manhood and in the plenitude of his powers, could only lose itself in that bitterest of Pagan cries as to 'the mystery of the cruelty of

things,' and only end in the anguish expressed in those true and living lines—

And oh ! for the touch of a vanished hand,
And the sound of a voice that is still.

But I am thankful, gentlemen, to be privileged to take a part in to-day's proceedings so far as to be entrusted with the task of tendering on behalf of this meeting our most grateful acknowledgments to his Excellency the Governor (applause) for his presence in the chair on this occasion. Gentlemen, we have cause to be grateful to his Excellency not only for the conventional reasons which generally do duty on such occasions, for the trouble he has kindly taken to attend and for the ability with which he has presided—an ability, by the way, which has not a little taken us by surprise after having been assured, when his Lordship came out, that speech-making was not among his Lordship's accomplishments. (Hear, hear, and laughter.) But beyond these conventional reasons, gentlemen, his Excellency's presence here to-day has a value and significance of its own. (Applause.) In this country, where old and new civilizations of different stages of growth and of the most diverse types are huddled together on one stage to fight it out as best they could, it is only natural that people should be agitated by widely differing ideas and opinions, ranging from those of the most retrograde and conservative character to western and democratic ideas of the most advanced type. Under such circumstances it is not a little important that we should all learn to know that, widely divergent as our ideas and views may be, if they are only held with a single-hearted honesty of purpose, with sobriety and with judgment, they can command not only toleration and respect but even sympathy and admiration. (Loud applause.) His Excellency's presence here sets us an example and a lesson in this respect emphasized by all the weight and dignity of his high official and non-official position, for which we cannot be sufficiently grateful. (Applause.) I therefore beg to move a cordial and sincere vote of thanks to his Excellency for presiding over this meeting. (Loud cheers.)

SPEECH ON THE BOMBAY BUDGET OF 1894-5.

[The Hon'ble Mr. Pherozeshah M. Mehta, C.I.E., made the following speech in the discussion on the Financial Statement at the meeting of the Bombay Legislative Council held at Poona on the 15th of August, 1894.]

Your Excellency,—In rising to offer a few remarks on this debate, I think that, as I happen to be a lawyer, I had, first of all, better hasten to assure my honourable friend Mr. Nugent that I am not going to inflict a written speech on the Council. He will, however, pardon me for pointing out that, in taunting the honourable members who are pleaders with having read their speeches, he is doing scant justice to those honourable members who are Government officials, nearly all of whom, as he will no doubt remember, pulled out written or printed speeches from their pockets, and steadily read them out at last year's budget discussion. Surely he ought to feel proud of the homage paid by the pleaders to Government officers in imitating the excellent example set by them.

I trust that the honourable the Financial Member of the Council will allow me to congratulate him on the clear and business-like character of the statement he has laid before the Council. I confess I cannot sympathise with my honourable friend Mr. Javerilal in the complaint he has made as to the want of more detailed information in the statement and the budget. Surely he forgets that Mr. Trevor offered with ready courtesy this year, as he had also done the last, to furnish any additional information or explanation which any honourable member may require beforehand. I am myself indebted to him for his courtesy in supplying me most readily with information and explanation as to certain figures that I applied to him for. I should, however, like to make one suggestion to the honourable member. It seems to me that it would be very desirable to show in future statements the percentages of increase and decrease in the different heads of income and expenditure for a certain number of previous

years to enable the Council to judge of the approximate accuracy of the forecast of the year's budget estimates. In his present financial statement, the Honourable Mr. Trevor tells us at page 10 that 'in connection with this branch of the subject, and with reference to remarks made in the course of the discussion on last year's financial statement as to the apparent tendency to under-estimate receipts and over-estimate expenditure, it may be as well before going further to recall the explanation then given as to the general principle on which the annual budget is framed. Receipts are estimated, in the absence of any specific change in the conditions, on a consideration of the recent actuals, including, it may be added, the latest figures available for the year current when the estimate is prepared.' I think the honourable member will remember that in his opening speech last year in reply to the comments of the Honourable Mr. Ranade on the apparent tendency to under-estimate receipts and over-estimate expenditure, he said that 'the general principle is, in regard to receipts, to estimate on an average of past years in the absence of any specific change in the conditions. The natural result is that in the case of items which show a steady tendency to increase, the growth of our estimates is a little in arrear of the growth of the revenue. But that, I think, is safer than counting our chickens before they are hatched.' Now I think what the honourable member said last year is more in consonance with principle than the way he puts it this year. I think it would be a desirable improvement in the financial statement if the Honourable Mr. Trevor would adopt my suggestion to supply percentages of increase or decrease in the revenue as well as the expenditure for a period of, say, five years.

There can be no doubt that your Excellency's ruling was perfectly right that it was not within the province of this Council to discuss the policy of the Government of India on the question of exchange compensation. In this Council we have only to grin and bear it. I beg

the Honourable Mr. Nugent's pardon, I mean only those who do not receive it. It is only natural that those who receive the compensation should be perfectly convinced of the justice and soundness of so good a policy. At the same time your Excellency's ruling is likely to be a source of some disappointment. I cannot understand what the honourable the Financial Member was up to when he spoke of exchange compensation 'as a disturbing element of dominant importance imposing a heavy burden on the Provincial exchequer.' I am equally surprised at the criticism attempted to be passed on it by Messrs. Javerilal and Sétalvad, when we have in this very Council an honourable member who assures us that far from being a policy of trouble and waste, it is justified on the ground of economy. Your Excellency's ruling entails this disappointment, that we shall not hear the Honourable Mr. Crowe explain to us by figures his bold and ingenious justification of exchange compensation on economic grounds. Mr. Trevor has given the amount of the grant on this head as six lakhs and twenty thousand rupees taking exchange at 1s. 2d. It is likely to be much more at the present rate. Perhaps the Honourable Mr. Crowe would have satisfied us that in case no exchange compensation was allowed, the pensions list would have increased by even a larger amount, and that, instead of being a waste, it is actually a source of saving.

Coming to particular heads of the Budget, I will first take up that of Education. In doing so, I beg to tender to your Excellency my unreserved thanks for the way in which your Excellency has met our appeal on behalf of the Fergusson College. Being of a more contented and less grasping nature than my honourable friends Messrs. Javerilal and Panse, I do not like to spoil the sincerity of my grateful acknowledgments by asking for more, either in the shape of a share in the Dakshina Fund or of further favours in future. We are all grateful to your Lordship for coming to the aid of this deserving college by the grant of Rs.3,000 which is entered in

the Budget. My Lord, I am aware that this is not a year in which to make a new appeal ; but I cannot help pleading before your Excellency the cause of education in Gujarat. The Deccan has had its full Government college, and justice requires that Gujarat should have equal treatment. In replying to my question on the subject your Lordship was right in saying that I had taken the words as to the Gujarat-College, 'fast going down hill,' from the annual report of its Principal. The reason given in the same report for so deplorable a state of things is not simply that it is suffering from the want of a permanent home, but it ascribes it also to another cause. 'What we need is' says the Principal, 'more funds both here and everywhere in the working of the college.' The Council must not imagine that it will be needful to provide any very considerable addition to the Government grant of Rs. 10,000 if Government took over the college wholly. There is an endowment of over two lakhs and a half with an income of about Rs. 10,000 for interest. Then there is the Municipal grant of Rs. 3,000, which of course should be continued. The fees, besides, amount to another Rs. 5,000, and they would increase with increasing prosperity. If Government changed the college from an aided to a full Government college, the additional outlay which would fall on them would not be considerable. My Lord, I am an advocate, but not a blind one, of private enterprise and local self-government, but everything has its proper time, and I am not ashamed to acknowledge that there are many things in this country, among them education, in which it is Government that should lead the way and supply us with models. I am aware, my Lord, that Lord Reay's Government organised the Gujarat College as an aided institution in conformity with the recommendations of the Education Commission. But experience should teach, and it would be an act of simple justice to the whole of the Northern Division if it was supplied in the first instance with a full Government college like the Deccan and

private enterprise be left to follow, as in the case of the Fergusson College at Poona. In leaving the head of Education, I should like to point out that this is one of the heads in which the budget estimates of revenue generally happen to be under-estimated and those of expenditure over-estimated. A glance at the three years' figures of actuals and revised estimates entered in the budget brings this feature out in a somewhat striking manner. I refer to this as showing that it is possible for your Excellency's Government to be somewhat liberal in entertaining new appeals for educational advancement in the course of the current year.

Coming to the head of Land Revenue, I see that a moiety of the charges of district establishment are still debited to 'Criminal Courts.' There are three items so charged: Rs. 65,828, Rs. 7,28,838, Rs. 2,31,570, being half the salaries of Assistant and Deputy Collectors and Mamlatdars. Now the Council will remember that the Honourable Mr. Nugent emphatically stated at last year's debate that the criminal work of these officers only took one-eighth of their time.

The Honourable Mr. Birdwood:—That was with regard to Mamlatdars.

The Honourable Mr. Mehta:—How much do you say as regards Assistant Collectors?

The Honourable Mr. Birdwood:—About half, I should say.

The Honourable Mr. Nugent:—No, no, scarcely a fourth.

The Honourable Mr. Mehta:—It is clear that, even if it is a fourth, it is an over-charge. It may be said that this is only a matter of account. But it is important in this way, that if criminal justice were debited with only its own moderate cost, it would be less open to objection to ask for some further expenditure for urgent reforms and improvements in the administration of criminal justice. For example, such an improvement as that to which my honourable friend Mr. Setalvad drew

attention in regard to the Joint Sessions Judge in Kolaba during the rains. I did not quite follow the Honourable Mr. Birdwood in his reply on this point to Mr. Setalvad, if he meant to say that the system of rolling up the Collector, the District Magistrate, and the Sessions Judge in one has continuously prevailed in Kolaba for the last fifteen years.

The Honourable Mr. Birdwood ;—Yes, for the last fifteen years.

The Honourable Mr. Mehta :—Then it is time that the system should be reformed, and considering the real cost of the administration of criminal justice, it is not too much to ask, in the interests of the life and liberty of the subjects, that an additional Joint Judge should be stationed at Alibag during the rains. I do not know if the Honourable Mr. Birdwood has read the appellate judgment of the High Court in a recent murder case tried by this polyglot officer. Without any reflection on that officer, they show that you cannot expect even an able Revenue officer to make a good and competent Judicial officer. Before leaving this head, I should like to say a word as to the suggestion I made last year for carrying out the separation of judicial and executive functions. The Honourable Mr. Nugent looks alarmed, but I am not going to do anything more than ask if your Excellency's Government will be pleased to grant me a committee for the purpose of considering its practical feasibility in some one particular district. I know Mr. Nugent pooh-poohs the whole thing as not being within the range of practical politics, but I have such faith in his broad and sturdy independence of mind that I should propose that he should be president of the committee. I have no doubt that, if I could convince him on the committee that my scheme is both feasible and economical, his integrity of purpose and liberality of thought would rise superior to, and triumph over, his bureaucratic prejudices and prepossessions, and that he would unhesitatingly declare himself as strong an advocate of the

separation as he is now of the anomalous combination of two incompatible functions.

Turning to the head of Law and Justice, I do not propose to join in the discussion raised by my honourable friend Mr. Setalvad for the abolition of what he designates as the monopoly of the Barristers on the Original side of the High Court, and which they justify as a useful and desirable division of labour. I do not care to join in it, as I might be charged with being an interested party by the general public, if not by Mr. Setalvad. I might, however, say this, that though for my own part I should be ready to confess that Mr. Setalvad was quite as good as and better than myself, yet the Bar has among its ranks men of whom it could be proud, men like my honourable friend the Advocate-General, Mr. Inverarity, Mr. Macpherson, Mr. Jardine, and many others, who could hardly be produced under the system which is responsible for Pleaders. With regard to Mr. Setalvad's observations on raising revenue by reforming the High Court, I confess I am utterly unable to sympathise with him in his proposals for economy. It seems to me that he has fallen into the error of imagining that the High Court is simply a machinery for disposing of a certain number of civil and criminal cases. He forgets that, as in the past, and even more so in the present, the High Court is the stronghold for the defence and inviolate preservation of the life and liberty of the subject against the encroachments—I say it with all deference—of an arbitrary and autocratic executive. To strike at this palladium of public and private liberty for plausible reasons of economy, would be nothing short of a public calamity. It would be a bad day for the Presidency and the whole country when it would be sought to cripple it, and I cannot approve of any proposals which would leave us an attenuated and undermanned High Court. While I cannot, however, support his suggestion in this regard, I must say that his remarks about the fees levied in the Insolvent Court are worthy of the most careful attention

and enquiry of your Excellency's Government. The matter has recently been much discussed and commented upon in public, and I think it is in the interests of all parties that there should be a full and proper investigation. It is certainly a matter for serious comment that in spite of the recommendation of the Finance Committee, the large fees levied in that Court should all go into the pockets of the Clerk instead of being credited to the general receipts under Law and Justice, after defraying from it a fair and liberal compensation for the not very difficult duties of the Clerkship. I think Mr. Nugent has not clearly understood Mr. Setalvad's remarks about the accumulated balances. What he said was that there were balances of monies deposited beforehand for fees by insolvent suitors, and that these balances should not be absorbed by the Clerk. If the facts are as he states, there is certainly good reason for enquiry.

The only other head to which I propose to refer is that of Police, and I shall confine my remarks to only one item in it, that of the contribution from the Bombay Municipality. It is entered in two sums, Rs. 4,47,756, and Rs. 63,193, the latter being the three-fourths share of the Municipality in respect of the last proposed increase in the police force, and which I will not here discuss. The item of Rs. 4,47,756 is arrived at by including in the total of Rs. 7,39,959, the cost of the harbour, the dockyards, and the Port Trust special police, and the cost of special guards for public buildings, and after deducting therefrom the recoveries, amounting to Rs. 1,29,000, charging the Municipality with three-fourths of the balance. Now, my Lord, the inclusion of the cost of the special police and guards mentioned above is not justified by practice or principle. In your Excellency's speech on the Budget debate last year, your Lordship said: 'I don't think it has ever been the wish of Government to charge the Municipality with any of those extra charges which can be shown to be purely for the work of Government.' Now it must be borne in mind that Government

are not the final arbiters of what should be regarded as 'the annual expenses' of the police of the city of Bombay. In an opinion given by the Advocate-General at the instance of Government, and communicated by them to the Corporation, it was pointed out that Government are not the arbiters of what shall be deemed 'annual expenses,' although they have power to determine the amount of the Municipality's contribution to those expenses when duly ascertained. But it would be open to the Municipality to object to any particular item or items in the annual accounts as not being properly 'annual expenses,' and any ultimate difference between them and Government as to a particular item would have to be decided by the High Court. Up till recently, Government have always admitted that the items detailed above were not chargeable to the annual expenses of the city police, and that they were to be borne by Government, over and above the one-fourth share contributed by them. The contribution levied by the Municipality till 1891-92, when the question of increasing the police was raised, was about two lakhs and a half. The accounts supplied by Government up to that period not only showed their contribution of Rs. 90,000, but carefully excluded all charges for the special police in question. In 1891 Colonel Wilson furnished to the Corporation, with the sanction of Government, a statement which clearly shows how this question was treated.* That both the Bombay Government and the Government of India contemplated that the one-fourth share of Government might be exclusive of other items of special work which would be wholly borne by Government, is clear from the following passage in the letter of the Government of India to the Local Government, dated 24th October, 1891:—'This sum (Rs. 5,83,748), however, includes certain items which, either because they may fairly be considered as general rather than local charges, or, for other reasons, the Government of Bombay do not consider it desirable to impose on the

* The statement is omitted. Ed.

Corporation. It is thus clear that your Excellency's Government have all along admitted that the cost of the special items should be defrayed exclusively by Government. And this is in consonance with the nature of the services. The cost of the guards for public buildings should be borne by Government as much as private individuals pay for *ramoosees*, when they require them over and beyond the general protection afforded by the police to both public and private buildings. And the Port Trust and Dockyard police are entirely for special Government service, and debitable to those bodies.

The President:—Is not the harbour included in the city?

The Honourable Mr. Birdwood:—The harbour is one of the wards of the city, as appears from Schedule B. of the Act.

The Honourable Mr. Mehta:—I am perfectly aware, my Lord, of the definition, but remember that the definition of land in the Act includes 'land covered with water.' I am surprised, I must say, that Government think of raising this point. I do not think the Honourable Mr. Birdwood is aware of the discussions that took place on this point in the Select Committee, or of the printed paper containing in parallel columns the observations of the Port Trust, the Municipal Commissioner, and the Honourable Mr. Naylor, who was in charge of the Bill. Mr. Naylor has pointed out there that if you include the harbour in the limits of the city, the Corporation will acquire the right of levying rates and taxes and imposing other burdens. Does Government wish that the Corporation, which has hitherto remained quiescent on this point, should bestir itself in this direction? I hope your Excellency's Government will carefully consider the consequences before trying to justify the imposition of the cost of the harbour police on the Municipality. I submit that the total of the special cost, which comes to Rs. 88,525, should be first deducted from the total. Then there is a number of items which

have been with remarkable ingenuity shoved in as annual expenses of the city police, which have not the remotest connection with it. These are ;—Pilgrims Department, Rs. 1,832 ; way charges of escort to convey specie to the Government of India, Rs. 10,000 ; burning horse carcasses, Rs. 2,000 ; and maintenance of prison van, Rs. 1,776. The total of these items comes to Rs. 15,608, which should also disappear from the account. The account between Government and the Corporation would then stand thus :—

			Rs.
Total Presidency Police	...	...	7,39,959
Deduct Special Police...	...	...	88,525
			<hr/>
		Total	6,51,434
Deduct Pilgrims' Department, etc.	...	...	15,608
			<hr/>
		Total	6,35,826
Deduct recoveries <i>minus</i> Port Trust Contribution	...	...	1,01,250
			<hr/>
		Total	5,34,576
Deduct one-fourth Government share	...	...	1,33,644
			<hr/>
		Total	4,30,932
Deduct item of adjustment	...	...	10,463
			<hr/>
		Total	3,90,469
			<hr/>

It is this amount of Rs. 3,90,469 which is payable by the Municipality, instead of the sum of Rs. 4,47,756 entered in the Budget. I trust that in the spirit of the assurance given last year by your Excellency, the Corporation will not be called upon to pay anything more than what is justly due from it. It is most desirable that the strained relations between Government and the Corporation should terminate, and I am glad that in answer to my question on the point, your Excellency's Government express their cordial willingness to take measures to settle the long-standing dispute on the police question by a permanent transmutation of the liabilities in regard to it. Let me thank your Excellency and the Council for giving me so patient a hearing.

SPEECH ON THE COTTON DUTIES BILL.

[At a Meeting of the Imperial Legislative Council held on Thursday, the 27th December, 1894, Lord Elgin presiding, the Hon'ble Mr. Westland moved that the Report of the Select Committee on the Bill to provide for the Imposition and Levy of certain Duties on Cotton Goods be taken into consideration. The Motion was put and agreed to. The Hon'ble Mr. Fazulbhai Vishram moved that in the first proviso to section 5 of the Bill, as amended by the Select Committee, the figures '24' be substituted for the figures '20,' and that the second proviso to the same section be omitted. The Hon'ble Mr. Mehta spoke as follows.]

My Lord, I also do not propose to detain the Council with any lengthy remarks after the full, eloquent and exhaustive speeches made by my honourable colleagues Sir Griffith Evans and Mr. Playfair. Coming in, as I do, at so late a stage of the deliberations of the Council, I trust your Excellency will permit me to say a word of emphatic protest against the principle and policy which seem to me to underlie the provisions of this Bill. That principle and that policy are that the infant industries of India should be strangled in their birth if there is the remotest suspicion of their competing with English manufactures. In the course of one of his previous speeches, Sir Griffith Evans endeavoured to justify that policy under cover of one of his happy illustrations. He conceived that our English rulers were, in the adoption of such a policy, so many *Gautamas*, only somewhat inchoate and imperfect. I should have thought another illustration a more apt one. I think they could be better compared to Baillie MacWheeble, the steward of the Baron of Bradwardine, as many of us perhaps remember him depicted in the pages of Sir Walter Scott, who loved his patron and his patron's daughter next (at an incomparable distance) to himself. I protest against such a policy not only in its present immediate operation, but as establishing a most pernicious precedent. Coming to the amendment itself, I submit that it is as just and reasonable as it is temperate. By the Bill

we are asked to legislate in the dark, on the faith of some unknown information and evidence in the possession of the Secretary of State for India which is not only not before us, but which, as Sir Griffith Evans surmises, is probably not within the knowledge of your Excellency's Government. And that, too, against the precise information so carefully collected and detailed in his able minute by the Hon'ble the Financial Member. I ask if it is consistent with the self-respect and dignity of this Council to thus legislate, not only in the dark but in the face of the conclusions arrived at by the precise enquiry made by the Financial Member. The mill industry of India deserves a better treatment than this at the hands of Government, for it is not only beneficial to the manufacturers engaged in it, but it is beneficial to Government in more ways than one. To mention only one of several, the wages drawn by mill-labourers, who come from the mofussil and are many of them attached to the possession of patches of land, go largely towards payment of land assessment. It is well-known that these men, after earning wages for a longer or shorter period, return periodically to their villages where they own their lands, and devote their earnings to reduce their indebtedness to the State. The mill industry has had to pass through many vicissitudes. Only last year the currency legislation gave it a severe shock. Before it has quite recovered, it is sought to subject it to another. This is neither wise nor politic in the interests of this country. I suppose I must, like Sir Griffith Evans, leave alone the members of this Council who are so, as members of the Executive Council. Their dual position is so fearfully constructed that it is as difficult of separation as Dr. Jekyll from Mr. Hyde. It would be rash to undertake to define their duties and responsibilities in this Council. But I would appeal to other honourable members who are officials. The present financial exigency is owing not a little to the services having secured exchange com-

pensation. They joined the Indians in agitating for the imposition of duties on cotton-imports for the purpose of meeting the deficit largely due to exchange compensation. If, after having secured such imposition, they would refuse to support the moderate amendment of Mr. Fazulbhai to succour a native industry from being harassed and burdened, they would be open to the suspicion that their coaxing tones to induce the natives to join in the agitation against Manchester were suspiciously akin to the interested seductions—made familiar to us by Dickens—of ‘Codlin’s the friend, not Short.’ I trust they will stand by those who co-operated with them in the agitation whose object is won in the Bill just passed. But it is said that, if you adopt the amendment, the Secretary of State will veto the new Tariff Act. My Lord, there are two senses in which the saying ‘Render unto Cæsar the things that are Cæsar’s’ is true. It is true not only in the sense of rendering to Cæsar his rights and his dues; but it is true also when it is a question of obligations and responsibilities that lie upon Cæsar. If the grave responsibility lying upon him for the safe administration of the country can, in his opinion, be best discharged by vetoing the Tariff Act if the amendment is passed, leave to Cæsar, that is, the Secretary of State, to undertake and discharge that responsibility.* Why should we usurp it? The Government of her Majesty’s Indian Empire must be

* In summing up the debate, his Excellency the Viceroy said:— ‘Parliament has allotted his proper place to the Viceroy, as the head of the Executive in India, and it has given him a Council for the purpose of making Laws and Regulations which cannot have powers in which he does not share. But the Viceroy admittedly is not invested with supreme authority, which, as I understand it, is by distinct enactment entrusted to the Secretary of State and his Council; and to speak of this Council as supreme—if that means that it has independent and unfettered authority—is to say what is not the fact.

† I speak with some deference, after what fell from the Hon’ble Sir Griffith Evans; but, with all respect for his legal authority, I think that he is not correct in the view he took that a member of this Council is unfettered in the vote he gives here, or that he could “hand over

carried on, and it will be for him then to decide how to save the country otherwise from the yawning deficit which is being prophesied, and which threatens to bring the Empire, I will not say to the verge of bankruptcy, but which will place it in a position of the greatest difficulty and hardship.

his responsibility" to the Secretary of State. I am inclined to think that the Hon'ble Mr. Mehta took a more correct view of the matter when he said that he would "leave the responsibility" with the Secretary of State, because the responsibility which the Secretary of State would exercise would be the responsibility which belongs to him.'

SPEECH ON THE DECCAN AGRICULTURISTS' RELIEF BILL.

[At a Meeting of the Imperial Legislative Council held on Thursday, the 24th January, 1895, Lord Elgin presiding, the Hon'ble Mr. Lee-Warner moved that the Bill to amend the Deccan Agriculturists' Relief Acts, 1879 to 1886, be referred to a Select Committee consisting of the Hon'ble Sir Alexander Miller, the Hon'ble Sir Charles Pritchard, the Hon'ble Sir Antony MacDonnell, the Hon'ble Mr. Mehta, the Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, the Hon'ble Mr. Mohini Mohun Roy, and the Mover. The Hon'ble Mr. Mehta spoke as follows.]

My honourable friend Mr. Lee-Warner, who is in charge of the Bill, seems to me to be very much in the position of a one-ton steam-hammer brought from a great distance to crack a nut. I cannot but deplore the decision under which Government have resolved not to grapple in this Bill with the larger questions of agrarian indebtedness, but to confine themselves only to minor matters of detail. There is no doubt that as a measure of judicial relief, the existing Act has largely answered its purpose. It has brought justice nearer to the home of the ryots, and the justice done is substantial as well as equitable to both parties. It is also more cheap and perhaps more speedy. It enlists the sympathies of both classes and largely obviates bitterness of feeling. It has strengthened the hands of the weak and given them confidence, while at the same time it has not destroyed credit, where credit was not a fiction. It may even be said that it has not so far checked *bona fide* loans, and only discouraged speculative and usurious business. It has created responsible feeling about the ryot's claim to his land. These are no small advantages, and some of the amendments now proposed will go to improve and strengthen the Act. But such legislation does not go to the root of the matter of the ryot's indebtedness. The *şaukar* is not the head and front of the offence. The Commission of 1891 has pointed out that the rigidity and inelasticity

of the revenue system have much to answer for. Though it is open to revenue officers to grant remissions and suspensions, and though the Government of Lord Ripon advised a policy of well-judged moderation in this respect in practice, the rigidity and inelasticity are not slackened. As the executive will not thus move, is it not necessary that there should be some provisions in the Act by which, just as there are special Courts to adjudicate equitably between the ryot and the usurious saukar, there should be special Courts to do the same between the ryot and the rigid State landlord? It would be enough that the revenue officers should themselves form the Courts, but in these Courts they must decide questions of remission and suspension, subject to equitable rules similar to those enacted for relieving the ryot against the pressure of the saukar. If it is not the intention to shelve more comprehensive legislation as it was at one time hoped would be undertaken, I trust that these questions of larger policy going really to the root of the evil may be efficiently dealt with.*

* The Hon'ble SIR ANTONY MACDONNELL said :—'I had not intended intervening in this debate, but I wish to say, with reference to the remarks which have fallen from the Hon'ble Mr. Mehta, in which he expressed his regret that the Government has not, in connection with this Bill, grappled with the great question of agricultural indebtedness throughout India, that that question has been before the Government. The Government is at present engaged in discussing that question in those parts of India in which it presents its most complex and difficult features, and I trust that, before this Council ceases its sittings in Calcutta, I shall be able to break ground in the matter and to introduce a Bill in connection with one important aspect of the question in the Central Provinces. The other parts of India will follow in due course. I make these remarks in order to show the honourable member that the Government is not neglectful of its duties on this great question.'

SPEECH ON THE CANTONMENTS ACT AMENDMENT BILL.

[At a meeting of the Imperial Legislative Council held on the 24th January 1895, Lord Elgin presiding, the Hon'ble Sir Alexander Miller moved that the Bill to amend the Cantonments Act, 1889, be referred to a Select Committee consisting of His Honour the Lieutenant-Governor, the Hon'ble Lieutenant-General Sir Henry Brackenbury, the Hon'ble Mr. Mohini Mohun Roy, the Hon'ble Sir Griffith Evans, the Hon'ble Sir Frederick Fryer, and the Mover. The Hon'ble Mr. Mehta spoke as follows.]

As the principle and general provisions of the Bill are open to discussion on this motion, I should like, my Lord, to offer a few remarks on them before it goes into Committee. In the Statement of Objects and Reasons, prominence is given to the fact that the Bill has been introduced in Council by the direction of the Secretary of State for India. In view of this declaration, it would not be inappropriate or out of place if I venture to indicate briefly the position which I conceive myself to occupy as a member of this Council in proceeding to consider it. In any discussion of this sort, it would be futile not to bear in mind that the constitutional Government of England is not only based on law and statute, but is also controlled by practice, usage and precedent, which have, in numerous direct and indirect ways, often modified, and often over-ridden and gone beyond written and unwritten law; and it must be conceded at once that the supreme and absolute authority for the government of this country vests in Parliament. Even this proposition may be rightly carried further by identifying Parliament in the last resort with the House of Commons. As pointed out by so careful a historian as the late Professor J. R. Green, one of the two constitutional principles discovered and applied by one of the most sagacious of English statesmen, John Pym, has been established by the acknowledgment on all sides since the Reform Bill of 1832, that 'the government of the country is really in

the hands of the House of Commons and can only be carried on by Ministers who represent the majority of that House.' I think this proposition not only indicates the position of the House of Commons as the predominant partner, but also defines the extent as well as the limitation of the authority and responsibility of the Secretary of State for India as one of the conjoint body of Ministers forming her Majesty's Government, or that body still unknown to the law, the Cabinet. The House of Commons exercises its predominant authority in the government of this country through its responsible Ministers so long as they possess its confidence, and it cannot be forgotten that, subject to this limitation, the Secretary of State for India has the authority of the House to sustain him and the responsibility to carry out its behests by all lawful means open to him. August as the office of Viceroy is, it cannot be gainsaid that he is not independent of the authority vesting in the House and working through its responsible Ministers. It cannot be otherwise under the system of English constitutionalism, and any co-ordination of authority would be subversive of its most fundamental principles. This subordination is by no means, however, inconsistent with the possession of a large and sometimes preponderating measure of influence which the views, opinions, and recommendations of so highly placed an official cannot fail to command in the final decision of Indian questions. It is said, however, that it involves the loss and derogation of prestige. I confess I fail to understand this argument. The superior authority of the Secretary of State, not to speak of Parliament and the House of Commons, is an incident which has been most vividly and constantly familiar to the Indian mind, and the appeal from the Government of India to the Secretary of State has been one of the most common of Indian experiences. Not only has it not involved loss of any prestige, but it has not unfrequently given great content and satisfaction. I remember an instance in connection with the Con-

tagious Diseases Acts themselves. Over ten years ago the Bombay Municipal Corporation declined to contribute to the expenses of a lock hospital, and the Government of Bombay tried to levy it illegally and forcibly by withholding the amount from its contribution to the cost of the city police. The Corporation appealed to the Government of India in vain. From that decision it appealed to the Secretary of State, and the success of its appeal was and always has been a source of great gratification. So far as the natives of this country are concerned, we must take care not to be carried away by the bait of so tempting a phrase as Home rule. Home rule to us, for a long time to come, can only mean the substitution of the rule of the Anglo-Indian bureaucracy for that of the House of Commons and the Secretary of State as controlled by it. Under either rule the country cannot always be safe against the occasional attacks of powerful interests, but after all it is safer to rest upon the ultimate sense of justice and righteousness of the whole English people, which in the end always asserts its nobility, than upon the uncontrolled tendencies of an officialdom trained in bureaucratic tendencies, and not free from the demoralising prejudices incident to their position in the country.

But, while fully conceding the supreme authority of the House of Commons and its responsible Ministers, I do not think that that supremacy is in any way inconsistent with the entire and unfettered freedom and independence of this Council within itself and within the scope of its legitimate functions. Its legislative powers are a purely statutory creation, and the question of their interpretation is not complicated by any mysteries of unwritten law, of usage and practice. There is nothing in its creative statutes or in the declarations of intention and policy surrounding them to justify the supposition that this Council was designed to be a deliberative body without the power or freedom of deliberation, or of carrying that deliberation into effect. The remedies and safeguards

against both paralysis of legislation on the one hand and of mischievous activity on the other have not been provided by making it impotent for all free or deliberative action; but they have been carefully constructed in other ways. Against paralysis of legislation the right of Parliament to continue to legislate for India is unreservedly retained; and there is, besides, a power given to the Viceroy to meet cases of urgency by the promulgation of ordinances having the force of law. The abuse of legislative activity has been sought to be safeguarded by the power vested in the Governor-General of giving or withholding his assent, and the power of the Crown, signified through the Secretary of State, to disallow any laws made by the Council. The extent of the powers of the Council is besides cut down in various directions under section 22 of the Act of 1861. Beyond these restrictions, carefully planned, I conceive that there is nothing to prevent any Member of this Council from joining in its free deliberations, and shaping his action according to the best of his independent judgment. It does not follow that practical considerations of prudence and discretion should be banished from his deliberations or his decision: it is, however, a question for his own free judgment to determine how far he should yield in any particular case on a balance of advantages to the dictates of policy and expediency.*

In applying myself to the discussion of the principle and general provisions of this Bill, I venture to think

* In the course of the debate, the Hon'ble SIR ALEX. MILLER said:—
 'As regards the vote which each member, official or non-official, is to give, I can only say that I entirely agree with the principle embodied in the remarks which fell from the Hon'ble Mr. Mehta when he said that it was the duty of the Council at large, and therefore, of course, of each Member of the Council in particular, to vote in any particular case according to what he considered to be the balance of advantage in that case. We can seldom get a counsel of perfection. It is absolutely impossible that large bodies of men who have to move together can get on without some difference of opinion. If they are to act in unison, some of them certainly will have to give in to a certain extent to the others, and the object in every case should be to find that *via media*

that the fact of the Bill being introduced by the direction of the Secretary of State does not deprive me of the right of free and independent judgment within the walls of this Council. At the same time I do not feel bound to oppose it simply because of that circumstance, irrespective of its own intrinsic merits. So far as regards its underlying principle, it seems to me that it has been recognised by this Legislature when, following the repeal of the English Contagious Diseases Acts in 1886, and in consonance with a resolution of the House of Commons in that behalf, the Indian Acts were repealed in 1888, with the full concurrence of the Government of India, whose opinion was formed after enquiry. It is well to bear in mind what was said at the time of the passing of the Repeal Bill with regard to the powers under the existing Cantonments Acts. Sir Charles Aitchison, who was in charge of the Bill, said: 'It is proposed to abandon the powers conferred by clause (7) of section 27 of the Cantonments Act of 1880 and the corresponding Acts in Madras and Bombay, and to take power to make rules to exclude from cantonments persons suffering from contagious or infectious diseases, and to organize a system of voluntary hospital relief for patients suffering from such diseases. In the meantime, pending the necessary steps preliminary to legislation, the cantonment authorities have received executive orders that the existing rules are to be so worked that there shall be no compulsory examination of women, no registration of women and no granting of

which will give the largest possible advantage with the least disadvantage. I must say that on every occasion on which I had occasion to give a vote in the Council, I have given it on that principle, and on that principle solely. But then you must not consider merely the particular point before you, and what might be the result of an academic discussion of that particular question. You must as practical men look at the consequences of your vote all round, and thereupon give that which you honestly believe will yield the largest amount of advantage. On that principle I am glad to find that there is no opposition to this Bill going into Select Committee, and when it comes out of Select Committee it will be time enough to consider whether or not we have successfully passed all the breakers which at one time seemed to threaten it.'

licenses to practise prostitution.' The policy of the repeal was thus declared to be entire; and it seems to me that the underlying principle of the Bill before the Council is in consonance with its existing legislation. There is no question of retracing the legislative steps taken in 1888, and the immediate object and principle of the Bill, embodied in sections 2 and 3, is to provide against a violation of the legislative will of this Council declared in its previous legislation. It seems to me that there is full justification for what is proposed to be done by section 2. When the new Cantonments Act of 1889 was passed, a mistake which is very common in Indian legislation was made, viz., that of giving indefinite power to the executive authorities to make rules and regulations, even when there were admitted limitations which could be enacted in the Act itself. Assurances and understandings are made to take the place of definite provisions, but it not unfrequently happens that they are forgotten or, what is still more dangerous, interpreted in all sorts of wonderful and unexpected ways. The Cantonments Act of 1889 gave Government power to make rules for 'the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals.' Objections were raised to the dubious character of the section giving this power and the rules made under it. Assurances, as usual, were given that the rules could not be misused or misinterpreted; and all the direct warnings to the contrary were dismissed as unworthy imputations on the loyalty and discipline of public officers. But what has happened in other similar cases happened in this. The rules were flagrantly disobeyed or innocently misconstrued. I believe it has been suggested from a stern sense of duty, but it does not matter so long as the misinterpretation remains an established fact. To my mind, the proposed section is designed to do what ought to have been done in the very first instance in the Cantonments Act. I can see nothing derogatory to the greatness or prestige of the Viceroy in

Council in carrying out this object. It is always very much better to do by definite and systematic legislation everything that can be so compassed rather than leave it to be accomplished by the vagaries of individual and uncertain discretion. It is no derogation to the authority of the Viceroy that he should in his Legislative Council give legislative fixity in preference to his doing the work as Viceroy in his smaller Council, when the matter is one in which there is to be left no further room for discretion or variation. From this point of view I venture to regard section 2 as unobjectionable and proper.

But looking at the matter from the point of view that I have done, section 3 does not seem to me to be a desirable or appropriate sequel to section 2. I at once admit that many of the arguments which have been urged against it are founded on exaggeration. It is absurd to suppose, as has been advanced, that the section would place the safety and security of every medical officer at the mercy of women of doubtful character. Our Criminal Courts and their special criminal procedure are so constituted that the fear of false charges and false convictions against the class of persons likely to be affected by the section is reduced to the very lowest point, and a Cantonment Magistrate specially is not likely to err on the side of the prosecution in such a matter. The argument that it is a most unusual procedure to provide in an Act for the legal punishment of an officer of Government is equally futile, for the Indian Penal Code devotes a whole chapter to offences by or relating to public servants, and section 166 is a comprehensive section devoted to the punishment of public servants for disobeying any direction of the law. It is also not quite correct to say that section 354 of the Indian Penal Code already covers the offence made punishable by section 3, for, as outraging the modesty of the assaulted woman is an element of the offence, it is possible to argue before a Cantonment Magistrate that no prostitute or immodest woman could possess modesty. But from the view I have ven-

tured to take of section 2, namely, that it properly defines within limits consistent with the legislation regarding the repeal of the Contagious Diseases Acts the power to make rules under the Cantonments Act, it follows that it is sufficient to render invalid any rules going beyond the legitimate purpose of the Cantonments Act, and thus withdraws all supposed sanction from acts which but for those rules would be exposed to the operation of the ordinary penal law. I do not think that prostitutes should have any further protection from compulsion or any other illegal act than what the law affords to other people. It seems to me, therefore, that section 3 should be omitted from the Bill. I am glad, therefore, to hear the declaration made by the Hon'ble the Legal Member with regard to that section.

I should like to add, my Lord, one word as to what I have read in the papers circulated, and I am sorry to say I have heard from the lips of Sir Griffith Evans in Council to-day, regarding the people who are supposed fanatically to have promoted the proposed legislation. Very strong and very harsh language has been showered upon them. But I think it should be borne in mind that the sentiment and the feeling actuating these people are only a phase of that puritannical severity of character which has not been a little instrumental in contributing to the freedom, the prosperity, the greatness and the nobility of the English people.

SPEECH ON THE POLICE BILL.

[At a meeting of the Imperial Legislative Council held on the 24th January 1895, Lord Elgin presiding, the Hon'ble Sir Antony MacDonnell moved that the Bill to amend Act V of 1861 (an Act for the Regulation of Police), be referred to a Select Committee consisting of the Hon'ble Sir Alexander Miller, the Hon'ble the Maharaja Bahadur of Durbhanga, the Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, the Hon'ble Mr. Lee-Warner, the Hon'ble Mr. Mohini Mohun Roy, the Hon'ble Sir Frederick Fryer, and the Mover with instructions to report within one month. The Hon'ble Mr. Mehta spoke as follows.]

I do not propose, my Lord, to oppose this motion, but I think this is the proper time to point out that the Bill before the Council contains an important set of provisions which are open to the strongest objection. I refer to sections 4 and 5. I have carefully listened to the speech of the honourable member in charge of the Bill, and, weighty and plausible as it is, his whole argument really comes to this, that, for the purpose of obviating a certain amount of possible injustice, it is necessary to take measures which may lead to much greater and serious injustice. Disguise it how you may, it is an attempt, under cover of executive measures for the preservation of order, to convict and punish individuals without judicial trial.

The Hon'ble Sir Antony MacDonnell :—I distinctly stated that individuals are not to be at all touched by the Bill.

The Hon'ble Mr. Mehta :—I will ask your Lordship's attention to the new additional words in these two sections, which, going beyond the existing law in section 15 of the Police Act of 1861, give power to a District Magistrate, not in his judicial but in his executive capacity, to convict or acquit individual persons, including absentee landholders, of causing or contributing to a disturbance of the public peace, death, grievous hurt, or damage to property, and to impose heavy fines in respect

thereof. It is in its applicability to individuals that this Bill differs from the Bombay Act, which deals only with inhabitants *generally* of an area, or any section thereof, and also from the English Statute 49 & 50 Vict., c. 38. The minute of the Hon'bles Mr. Justice Ghose and Mr. Justice Banerji is instructive on this point. They say:—

In making the above observations we have not lost sight of the fact that there are provisions in the English Statute-book (49 and 50 Victoria, c. 38) apparently of an analogous character. But the analogy between the provisions now under consideration and those of the English Statute is more apparent than real. By the English Act compensation may be awarded for injury to property caused by riot out of the police-rate, which is a definite rate levied on all persons under well-defined conditions, the conduct of the injured party being taken into consideration in assessing the amount, and the interests of the police authorities being evidently allied to, if not identical with, those of the rate-payers, whereas the Bill before us provides for the levying of compensation by way of penalty to be summarily inflicted by the Magistrate on persons whose misconduct has caused or led to the injury to be compensated.

My Lord, I cannot conceive of legislation more empirical, more retrograde, more open to abuse, or more demoralizing. It is impossible not to see that it is a piece of that empirical legislation so dear to the heart of executive officers, which will not and cannot recognize the scientific fact that the punishment and suppression of crime without injuring or oppressing innocence must be controlled by judicial procedure and cannot be safely left to be adjudged upon the opinions and moral certainties of men believing themselves to be capable, honest and conscientious. The British rule has trained the people of this country to the conception of law, and it has been a matter of just pride that the highest justification of that rule consists in its steady administration of justice in judicial form. I venture to say that nothing can be more unfortunate and impolitic than to depart from a policy so bound up with the good name and credit of the English Government. Empirical and retrograde as it is, this new proposed legislation would be no less demoralizing to the executive officers concerned. I have not the least desire to speak disparagingly of executive officers, most of whom, I have no doubt, are anxious to

perform their duties conscientiously and to the best of their ability. But it would be idle to believe that they can be free from the biases, prejudices, and defects of their class and position. It is a more common human failing than most people imagine to mistake suspicions, not unfrequently founded on prejudice and misleading, unsifted and incorrect information, for moral certainty. The provisions in question not only invest District Magistrates with power to act on their opinion, but to do so at a time when probably they would be labouring under irritation and excitement at the failure to preserve the public peace within their districts. The best of men are likely to go wrong under such circumstances, and District officers can be no exception to this rule. It may, and no doubt will be, urged that the District Magistrate will not act without some enquiry, or, as I have seen it described in official documents, without careful enquiry. But, my Lord, a pretty long experience has taught me that, if you carefully probe these careful enquiries, they not unfrequently turn out to be hasty, prejudiced, ignorant, and unreliable assumptions and suspicions fostered by interested subordinates or other designing persons. I trust, my Lord, the Select Committee will carefully consider if it is right to expose the good name and fame of people to shame and obloquy under an *ex parte* procedure, devoid of the only sure safeguards which judicial procedure can alone supply for the vindication of honour and innocence. I observe, my Lord, from the papers that have been circulated that this aspect of the proposed legislation has not escaped attention. It is true that most executive officers, who cannot be blamed for entertaining a profound belief in their own capacity, judgment and wisdom, cheerfully welcome the proposed legislation. It is refreshing, however, to find that at least one officer, admitted to be of long and varied experience as Magistrate and Inspector-General of Police, Colonel Bowie, Commissioner of the Nerbudda Division, Central Provinces, uncompromisingly denounces the measure. He says :—‘The provisions of

section 15A are of a still more arbitrary character, and I would protest with the greatest earnestness against any such enactment. I believe it to be wholly unnecessary, and I feel sure that its effects would, if it ever were acted on, prove in the end most pernicious.' The Civil and Sessions Judge of the Hyderabad Assigned Districts, Mr. Obbard, points out that, 'if the guilty only are to be charged, their guilt should be established by some sort of public enquiry at which parties should be represented and witnesses heard, and that the grounds of the order should be such and supported by such evidence as to satisfy the public that the differentiation had been fairly made'. The comment of the Resident of Hyderabad on this opinion is instructive, for I believe it represents the gloss by which the real character of the proposed legislation is sought to be disguised. ^

'The Magistrate's decision,' says the Resident, 'affirming payment by certain persons only, determines the question of their liability to pay a certain tax ; it does not purport to convict them of any offence.'

One cannot refrain from admiring the grim humour of this joke. It is the old Tudor grim humour when they levied illegal taxes under the benign designation of benevolences and friendly loans. In this way you may brand a man as a rioter and an abettor of riots, you may brand him as a murderer and a criminal ruffian, and you may fine him as such, but he must smile and smile, because forsooth it is all a measure of taxation, or, as the honourable member now plausibly puts it, of prevention and not punishment of crime. The political obloquy which has rendered famous the names of the Star Chamber and the High Commission leads us to forget that in their own time both these bodies were honestly considered by the king and his advisers to be necessary instruments for checking the outrages of people whom they considered ill-conditioned, refractory and turbulent, and whom the ordinary Courts could not reach. In ordinary cases, where it followed judicial procedure, the Star Chamber was distinguished for the learning and

fairness of its judgments, but as soon as it arrogated and practised the right of bringing turbulent people to their senses without judicial or public enquiry, and its means of enquiry were left without limit, it became the engine of tyranny and oppression which we have learnt to hate and dread. In making these remarks, I am not unaware that to a certain extent the sanction of the Commissioner or Local Government is required before final action. But while the *ex parte* and non-judicial character of the proceedings is not thus affected, it has further to be borne in mind that the sanction would in most cases be practically based upon the same reports and careful enquiries of the same set of officers whose recommendations are to be sanctioned. No reason has been given for the necessity of enacting so anomalous and extraordinary a measure. It is possible that the recent unhappy disturbances may have something to do with suggesting it. It is no doubt the first duty of a Government to preserve and to put down all attempts to disturb and break it. The strength of this Government to do this is beyond question. But without entering into the vexed questions of the character and responsibility of the recent disturbances, and without trying to draw any lessons or inferences from judicial trials like the recent ones at Poona, I may respectfully say that strength is not always usefully employed in devising harsher and harsher measures, but there are times when it shows at its best when tempered with calm discrimination, tact, and sympathetic treatment.

There is also another set of important provisions in the Bill which require serious consideration—those embodied in sections 7 and 8, relating to the grant of licenses for assemblies or processions which, in the judgment of the District Magistrate, would, if uncontrolled, be likely to cause a breach of the peace. In the existing state of tension between certain portions of the Indian community, it is easy to conceive that errors of judgment in working such a measure arising out of prejudice or even the most perfect honesty of purpose may lead to just irritation and

discontent. Experience also unfortunately shows that the mere existence of a power like this induces fanatical or factious people to raise pretensions never heard of before on the chance of causing sufficient alarm to lead both timid or impetuous officers to interfere on the spur of the moment. The subject is a delicate one, and it would, perhaps, be desirable to await the conclusion of the labours of the Select Committee before discussing it at this stage. Only, I may be allowed to express the hope that the Committee will bring to bear upon the consideration of the subject the care, wisdom, and impartiality which the importance of the question demands.

Lastly, I would invite the attention of the Council to a suggestion made by two important Associations in connection with section 17 of the existing Act for the appointment of special police officers. It deserves consideration, especially in view of an extraordinary proposal made by one of the Magistrates of the Bengal Presidency, that 'it should be made clear in the Bill that ringleaders on either side may be appointed special constables under section 17. * * * Out here it is considered an indignity to be made a special constable.' I have always understood that it is not rioters, but peaceful citizens interested in the preservation of peace and order, who should be invited to become special constables. The matter is certainly one which deserves looking into.

SPEECH ON RESTITUTION OF CONJUGAL RIGHTS.

[At a Meeting of the Imperial Legislative Council held on Thursday, the 23th February, 1895, Lord Elgin presiding, the Hon'ble Sir Alexander Miller moved that the Reports of the Select Committee on the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872, be taken into consideration.]

The Hon'ble Mr. Mehta moved that the following be inserted as section 2A of the Bill as amended by the Select Committee, namely:—

'2A. After the first paragraph of section 260 of the said Code the following shall be added, namely:—

' Provided that no decree for restitution of conjugal rights shall be enforced by imprisonment of the defendant if the Court shall, for any sufficient reasons, to be stated in writing on the face of the order, think fit that it shall not be so enforced.'

He said:—I have not brought forward this motion, my Lord, with the view of obtruding my own personal predilections on the subject. But I find that, while the subject affects all India alike, the Select Committee whose report we are considering, numerous as it is composed, comprises within it representatives only of the provinces of Bengal and the Punjab, while Bombay and Madras had no voice in it. I should probably have even then remained silent, if this Council contained a Hindu or Muhammadan member from Bombay or Madras who would have voiced the best Hindu view of either of these Presidencies. In the absence of any such member, I think it a duty to represent what, I believe, would have been the views put forward if, for instance, there was sitting at this Council a Hindu like my late friend Mr. Justice K. T. Telang, a true and sincere Hindu of Hindus, from whom I, as well as many others, have learned to respect and appreciate many valuable aspects of Hindu social and religious life, and many valuable lessons of Hindu social and religious philosophy. I am not one

of those who believe in the utility of meddling with so peculiar and complex a system of social life and religion as Hinduism, especially from outside, and I should go with those who hold that whatever reforms may be desirable and necessary should be left to be developed by the action of time and education. But the proposal originally embodied in the Bill, and which I have put forward by my amendment in a somewhat different shape, is not, I think, one of indigenous essential Hindu growth; it is an excrescence which has got itself grafted from an extraneous jurisprudence. However that may be, I find in the papers placed before the Council such a weighty consensus of Indian opinion in favour of the proposal as I do not think the Council would be justified in passing by lightly. The mode in which I have framed my amendment is in accordance with the suggestion made by the two eminent Judges who at present adorn the bench of the High Court of Bengal, Mr. Justice Ghose and Mr. Justice Banerji. Their opinion on the subject is contained in the following joint Minute :—

‘With reference to the proposed amendment of section 260 of the Code of Civil Procedure, we adhere to the opinion expressed by us in our minute of the 12th July, 1889. For the reasons therein stated, we think the law should be modified, not in the manner proposed by the Bill, which would make the enforcement of decrees for restitution of conjugal rights by imprisonment the exception and not the rule, but by adding to section 260 a proviso to the following effect :—

“Provided that no decree for restitution of conjugal rights shall be enforced by imprisonment of the defendant, if the Court shall, for any sufficient reasons to be stated in writing on the face of the order, think fit that it shall not be so enforced.”

‘This will have the effect of disallowing imprisonment as a mode of enforcement of decrees for restitution of conjugal rights in any case in which it ought not to be allowed, without practically abolishing it, as the proposed amendment is likely to do.’

The District Judge of Burdwan, Mr. Brojendra Cumar Seal, and the District Judge of Midnapur, Mr. K. N. Roy, both approve of the proposal, so also do the Zamindari Panchayat. That eminent scholar and distinguished Indian historian, Mr. Romesh Chunder Dutt,

Officiating Commissioner of the Burdwan Division, gives it his entire support and approval. He says:—

‘Section 3 is a move in the right direction. To enforce a decree for restitution of conjugal rights by imprisonment of the defendant is a provision which is, I believe, not sanctioned by the ancient laws of the Hindus and Muhammadans; it is a provision which has been imported into the law of this country from the English law. Its repeal therefore can give no just ground of complaint to Hindus and Muhammadans.

‘In practice, no respectable Hindu or Muhammadan ever seeks to get back his wife by putting her in prison. The only instances in which I have seen the law resorted to were instances of seduced or depraved women. Sections 497 and 498 of the Indian Penal Code are sufficient to meet the cases of seduction, and it is not necessary to have an additional provision in the civil law to meet such cases.

‘On the other hand, the presence of the provision in the Civil Procedure Code is a standing threat against wronged women. It practically empowers the most profligate and cruel of husbands to keep his wife in custody like his cattle, and it prevents her from the only possible escape which is open to her, to go and live with her parents. The practice of habitually mal-treating wives is not common in this country any more than in other civilized countries. But nevertheless such practice is not unknown among certain classes, and it is cruel and iniquitous to prevent a woman in such instances from going and living with her parents.

‘I do not think the enacting of section 3 of the Bill will give rise to any great agitation. One section of the community will oppose it—it is the section which would stop all reforms—it is the section which would like to see the practice of the burning of widows re-established in India. But the great mass of the Hindu and Muhammadan population will look upon the enactment of the section with indifference, and for the reasons which I have stated above it is incumbent on Government to enact it for the protection of those who cannot protect themselves.

‘I have only to add that the clause allows imprisonment “for sufficient reasons to be stated in writing” by the Court. I myself think that imprisonment for the restitution of conjugal rights should be abolished altogether.’

Writing for the Central National Muhammadan Association, Nawab Syed Ameer Hossein says:—

‘The Committee have no objection to the proviso, but they would suggest that a rider be added to it to the following effect:—“Should the Court be of opinion that a decree for restitution of conjugal rights should not be enforced by imprisonment of the wife, the latter should be debarred from suing for her maintenance or for her dower as long as she does not return to her husband.”’

With regard to this proposed rider, it should be

borne in mind that no married woman could sue for maintenance if she refused to go to her husband without legal cause, and the very fact of a decree for restitution being passed would establish that there was no such cause. The Muhammadan Literary Society of Calcutta also approve of the proposal, only suggesting that 'the expression "sufficient reasons" in the proviso of the said section 3 should be interpreted consistently with the personal law of the Muhammadans.' Against this authoritative body of opinion, it is right to mention that the powerful voice of the British Indian Association is strongly raised in condemnation of the change. But their strongest arguments are directed against the way in which section 3 of the Bill, as introduced in Council was framed, as they apprehended that, in that form, it would be tantamount to a virtual abolition of imprisonment for the wife's contumacy. It seems to me that the modified form proposed by Mr. Justice Ghose and Mr. Justice Banerji, and which I have accepted in my amendment, should go far to disarm their opposition. Under the strictest Hindu law that has been expounded, the King would have a discretion (in practice he had a large one) in imposing the fullest penalty for contumacy or disobedience according to the special circumstances of each case. The opinions received from the Bombay Presidency not only do not disclose any disapproval, but the Local Government recommends a step farther and is inclined to abolish imprisonment altogether, in accordance with a strong expression of opinion in that behalf by the District Judge of Satara, Mr. Satyendra Nath Tagore. The Madras Presidency is not only unanimously in favour of the proposal, but a voice comes from it which is entitled to the greatest respect. I refer to the opinion of a Hindu Judge whose loss all India deplores in common with the Presidency to which his great services were devoted, Sir. T. Muthusawmi Iyer. His devout and sincere conservatism was as unquestioned as his knowledge of Hindu law and usage was

profound. In the Minute appended by him, Sir T. Muthusawmi Iyer says :

'The proviso added to section 260 is, I think, necessary, as cases frequently arise in which the relation between the husband and wife is so strained that their own permanent interest requires that execution by imprisonment should be safeguarded in the manner prescribed by the proviso.'

I think that the above consensus of opinion is of so weighty a character that it justifies me in asking the Council whether it is not right and desirable that the proposal in the extremely moderate form in which I have put it in my amendment should not be passed into law. In their further Report, the Select Committee say that they 'have omitted section 3 of the Bill as introduced, because in our opinion the country is not yet ripe for the change in the existing law which it proposed to make.' This is a startling statement to make. There are certain pieces of legislation which I should have thought the Government would never bring forward at all unless they had ascertained that the country was ripe for them. I should have thought that section 6 of the Bill as introduced was one of such pieces. The announcement of the Select Committee cannot but therefore come upon the Council with great surprise. The materials before the Council, however, do not quite bear out their conclusion, and I therefore venture to place before the Council the amendment I have moved.*

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* The Hon'ble Sir Alexander Miller said:—'I feel myself bound to support this amendment. In giving my reasons I will begin by stating the historical position which the question occupies. Up to the year 1857 such a thing as a suit for the restitution of conjugal rights was unknown to the common law either in India or in England. The existence of such a suit depended upon the ecclesiastical law, and the only way in which such a decree could be enforced was by excommunication. In the year 1857 matrimonial cases were transferred from the Ecclesiastical Courts to the newly established Court of matrimonial jurisdiction, commonly known as the Court of Divorce, and an eminent common lawyer who was placed first at the head of that Court considered that all cases that came before him were to be enforced in the same way, in other words, that execution was to issue for contempt of Court upon disobedience of any of his decrees, no matter

The Hon'ble Mr. Mehta said :—I have only one word to offer with regard to an observation of the Hon'ble Sir Antony MacDonnell's. The honourable member said

what the character of the suit in which the decree was made might be. How that came to be adopted in India I do not know, but all I do know is that on the question coming before the Privy Council on the question of Parsi marriages, that august body expressed a strong opinion that a suit for the restitution of conjugal rights was only applicable to Christian marriages. I do not know all the particulars. I have not looked into the case very carefully, and I cannot say whether that opinion really amounts to an actual decision or whether it was only a very solemn *obiter dictum*. In any case it was an opinion of the very highest weight, and it had the effect of materially altering the form in which the Parsi Marriage Act was passed in this country. That seems to have been the position in which the matter stood up to the year 1877, less than twenty years ago. As the Hon'ble Sir Griffith Evans has told you, on the amendment of the Civil Procedure Code in that year, my learned friend Mr. Whitley Stokes entirely on his own responsibility introduced a few words into section 260 which did not previously exist there, the result being that the discretion of the Court which had hitherto existed to enforce its own decree or not as it pleased, was taken away, and incidentally a right was given to the plaintiff which had not previously belonged to him to have his decree enforced in a particular manner. Under these circumstances, as far as I have been able to discover, almost the only case in which this particular form of suit has attracted any attention, was the one known as "Rukmabai's case," which came before the Government of India in the year 1888 or 1889, I think.

I entirely agree with what the Hon'ble Sir Antony MacDonnell has said, that Rukmabai's case is not to be taken as a fair specimen of the Hindu marriage law. On the contrary, I believe it to be just one of those cases which occasionally arise where the Hindu marriage law would have worked out fair and reasonable justice between the parties if left to itself, and the only thing which produced the scandal—which was a very serious scandal—which arose in the case was the application of this excrescence of English law on the top of the Hindu marriage law and opposed to its general principles. Under these circumstances the Government of India took the matter into consideration, and after a very mature consideration they passed an Order in Council in the year 1890, when no one who is now a member of the Government was there, that this clause, in the modified form in which it was introduced in this Bill should be accepted and introduced on the first occasion of the revision of the Civil Procedure Code. So the matter rested till the year 1893, when this Bill was for other purposes about to be introduced, and on that occasion the matter was again discussed. The result of that discussion was that the clause in question was directed to be inserted in this Bill. It is true that after the Select Committee had rejected the clause, the Government authorized me so far to acquiesce in their decision as not to attempt to reintroduce the clause by motion in Council, and the Council will observe that I have not given notice of any amendment.

that I represented the most advanced opinion of the Bombay Presidency. I thought I had made clear that I was only representing the conservative and orthodox

'Now, I wish to point out that the opposition to this Bill arises in my opinion entirely from a misapprehension of a very important fact that there is in the law of India, what does not exist in the laws of England, a very sufficient method by which a man can get back a runaway wife. It is a suit which is known to the Hindu law as a suit for the delivery of a wife, and Section 259 of the Code of Civil Procedure prescribes that in a case of a suit for the delivery of a wife, where an action is brought and a decree obtained, the plaintiff is entitled to have his decree executed by the woman being brought into Court and handed over to him there and then. That is a procedure which is entirely in accordance with Hindu practice and sentiment, which it is not proposed in the least to interfere with, and which will apply to every case in which there is a runaway wife, except a few exceptional cases where, there being no one else in the background, the woman herself refuses to return. Now, as far as I have been able to discover, although I do not pretend to have made an exhaustive examination, the great bulk of the cases referred to have been really cases against third parties for the delivering up of a wife—cases in the nature of a *habeas corpus*, in which the law provides that the wife shall be delivered up. I think that in point of fact it will be found that the necessity for the particular section scarcely exists at all, and the country got on very well without it down to 1877, and that the procedure which prevailed up to that time was found ample for the purpose—a procedure which it is not proposed to interfere with. Now it was stated in reference to this by my honourable friend Babu Mohini Mohun Roy that the Punjab Government is strongly against the proposal. The fact is that the proposal is now put in the form which commended itself to the Punjab Government. It is perfectly true that, as the clause was introduced into the Bill, the Punjab Government was opposed to it, but in the form in which it is put in this amendment it is in accordance, not in words but in substance, with the proposals made in the letter, *vide* Punjab Government; and, if I may venture to say so, it is also in accordance with the letter which has been read by his Honour the Lieutenant-Governor of Bengal as coming from the Chief Commissioner of Assam, because what the Chief Commissioner of Assam says is that imprisonment should be the rule "and should be departed from only on due cause being shown." That is exactly what the amendment proposed, that imprisonment should be the rule which should only be departed from on due cause being shown. So that it is in accordance not only with the proposal of the Punjab Government and with the letter from Mr. Lyall which has been read by his Honour the Lieutenant-Governor, but I think it worthy of remark that every member who has spoken, with one exception, has expressed himself in favour of the principle of the amendment, and that the grounds which have been urged against the amendment, if they were well founded, would have shown themselves during the long interval between 1855 and 1877, when such decrees were

view of the matter in the presidency of Bombay as well as in those of Madras and Bengal.

made but were not enforceable except at the discretion of the Court and that no such difficulty appears to have ever arisen. I therefore earnestly hope that the Council will see its way to replace the law in the condition in which it was at the commencement of 1877, and to get rid of what, I am bound to maintain, is a modern excrescence introduced by accident, under what I cannot help thinking was a misapprehension on the part of my friend Mr. Whitley Stokes, and to leave the law to work for the future in the form in which it did work satisfactorily enough down to eighteen years ago.'

SPEECHES ON THE POLICE BILL.

[At a meeting of the Imperial Legislative Council held on the 27th February 1895, Lord Elgin presiding, the Hon'ble Sir Antony MacDonnell moved that the Report of the Select Committee on the Bill to amend Act V of 1859 (an Act for the Regulation of Police) be taken into consideration.]

The Hon'ble Mr. MEHTA moved as an amendment to the Hon'ble Sir Antony MacDonnell's motion that the Bill as amended by the Select Committee be published in the local official Gazettes of the Presidencies of Fort St. George and Bombay in English and in such other languages as the local Governments think fit and be referred for opinion to those Governments, and that the Bill be recommitted to the Select Committee for further report after consideration of such opinions and representations as may be received in respect thereof. He said:—My Lord, the necessity for the amendment which I move arises from the somewhat unexpected manner in which the Select Committee has suddenly proposed to modify a section in the present Act which was not originally dealt with in the Bill, namely; section 46 of the Act. That section empowers the Government of India to extend the whole of the Act to any presidency, province or place. The Select Committee now propose by a new section (section 15 of the amended Bill) to modify that section so as to enable Government to extend a part of the Act as well as the whole. Under the Bill as it was originally introduced, which did not in any way touch section 46, there was no practical probability of its proposed provisions affecting the Presidencies of Madras and Bombay. That such was the view entertained by the Government of India is manifest from the circumstance that while the Bill was sent for publication and opinion to the provinces of Bengal, North-Western Provinces and Oudh, the Punjab, the Central Provinces, Burma, Assam and Coorg, and for opinion to Ajmere,

British Baluchistan, Hyderabad, and the High Court of Calcutta, it was not so sent to Madras and Bombay. In both these Presidencies there are special Police Acts, dealing minutely with the constitution, organization and the discipline of the police-force. With regard to Madras, the District Police of that Presidency is governed by the provisions of Act XXIV of 1859 of the Governor-General in Council. While this Act has provisions in sections 13 and 14 for employment of additional police officers on the application and at the cost of private individuals, and for the appointment of an additional force in the neighbourhood of any railway, canal or other public work, at the expense of any company carrying on such works, which closely correspond with sections 13 and 14 of the Police Act V of 1861, there are no sections in it corresponding either with section 15 of the latter Act, or to the sections which are now proposed to be substituted for that section by the amending Bill before the Council for quartering additional police in disturbed or dangerous districts, or for the additional section proposed to be added for award of compensation to sufferers from the misconduct of the inhabitants or persons interested in the land in those districts. Similarly, while section 49 of Act XXIV of 1859 provides for the regulation of public assemblies and processions and for the use of music in the streets on the occasion of Native festivals and ceremonies, there is no section in it corresponding to clauses (2) and (3) of section 30 and the whole of section 31A as proposed to be substituted or added to by sections 10 and 11 of the amended Bill. In the Presidency of Bombay, the regulation and control of the district police has been from early times a matter of local enactment. Sir George Clerk first took up the subject in 1856, and when he returned a second time as Governor, further developed his scheme and placed the police on a basis which was governed to some extent by the ideas embodied in the general Police Act of 1861 of the Government of India, which was not adopted in and applied to Bombay. In

1869 the matter was again dealt with fully in Bombay Act VII of 1869, which governed the law on the subject till the present Bombay District Police Act of 1890 was passed by the local Legislature in the time of Lord Reay. The Act of 1867 was not, however, repealed in Sind, where it is still in operation. Both the Acts of 1867 and 1890 have sections—sections 16 and 25, respectively—closely modelled on section 15 of the general Act V of 1861 for employment of additional police in local areas in a disturbed or dangerous state. But they are materially different from the sections proposed to be introduced in the same behalf by the Bill as originally introduced and also as amended by the Select Committee. Section 16 of the Act of 1867 provided that the cost of the additional police may be defrayed by a local rate charged on the part of the country described in the notification, and the Collector, on the requisition of the magistrate of the district, was empowered to levy the amount by such an assessment on the inhabitants thereof as the Collector should in his discretion think just. The Act of 1890 now provides by section 25, sub-section (2), that the cost of the additional police shall, if Government so direct, be defrayed either wholly or partly, by a rate charged on the inhabitants generally or on any particular section of the inhabitants of the local area. Neither of the two Acts contains any such power as is now proposed to be given by section 4 of the amended Bill to render absentee landowners and inamdars liable, or 'to exempt any person or class or section of the inhabitants (made liable in the proclaimed area) from liability to bear any portion of such cost.' With regard to the new sections in the amended Bill for award of compensation to sufferers from misconduct of the inhabitants or persons interested in land, there is absolutely nothing corresponding to them in either of the two Bombay Acts of 1867 or 1890. Again, sub-sections (2) and (3) of the new section 30 proposed to be substituted by section 10 of the amended Bill have nothing corresponding to them in the Bombay Acts. It

will be thus seen that the Bill before the Council proposes important and material alterations and additions to the Police Acts prevailing in the Presidencies of Madras and Bombay. As the Bill was first introduced, there was no reasonable prospect of the new provisions threatening to invade these Presidencies, because it would not have been practicable, as I have pointed out above, though not illegal, to apply to them the entire Act, which alone section 46, untouched as it was by the original Bill, empowered the Government of India to do. But the Select Committee have suddenly thought it advisable to recommend that the net should be cast far and wide, so that the two Presidencies may also be secured within its meshes. It may not have been the conscious intention of the Select Committee to do so; but anyhow the two Presidencies are now made easily and directly liable to have the new provisions made applicable to them by virtue of the modification of section 46, embodied in section 15 of the Bill, whereby any one part of the Act may be extended to any presidency, province or place. There would now be no fear of serious dislocation or disarrangement of the machinery of police in these presidencies, as would inevitably be the case in extending the whole Act. It could only have been in view of their practical exclusion from the operation of the proposed legislation that the Bill was not referred to them for opinion and publication. Now that the prospect is drawn closer within measurable distance, I submit, my Lord, that it is only fair and reasonable that the opportunity which was given to the other presidencies and provinces and places, should not be denied to these two great and important divisions.

It might not, perhaps, have been necessary or desirable to press my motion if the Bill had emerged from the Select Committee really shorn of its most objectionable features. It is true that the Select Committee claim to have made important changes in some of the most obnoxious sections of the Bill. But when closely examined, the change turns out to be only a theatrical transformation

after all. Some paint and some powder have been no doubt used to soften the features, and new and flowing habiliments have been thrown over the gaunt spectre, but beneath the bland smile and the respectable attire the cloven foot is visible after all. The section in the Bill as introduced boldly gave power to the executive to differentiate as they pleased; the amended Bill endeavours to carry out the same object by giving them power to exempt whomever they liked, by whisking them out by a backdoor. The Select Committee evidently seem to think that, as the public could not be persuaded to advance in the direction of the Bill by being pulled from the front, they had better try the Hibernian device of pulling by the tail from behind. In spite, however, of the explanations and arguments of the honourable member in charge of the Bill, into the details of which it would not be right to enter now, to my mind the amended Bill essentially remains what it has been well described to be in the representation of the European and Anglo-Indian Defence Association, 'an unwise and impolitic measure calculated to work very grave and serious injustice, and certain to cause much disaffection.' This estimate of its character and tendency has been almost unanimously endorsed by the Indian as well as the Anglo-Indian press of the whole country.

My motion, if passed, will no doubt entail considerable delay. But I trust, my Lord, that the honourable member in charge of the Bill will not oppose it on that account. His justification for its main provisions has been largely placed by him in his desire to save the innocent from being punished with the guilty. But I may be allowed to hope that his passionate devotion to a high ideal of perfect justice will not lead him to try to achieve it by starting with an act of injustice to the two Presidencies which are entitled to be heard on a measure affecting some of their most important interests. It has not been urged that the measure is one of any pressing emergency. On the contrary, one may venture to say that it is eminently one of a character which it would

be politic and desirable to remove from the present moment, till the sentiments and passions roused by recent events have in a great measure, if not entirely, subsided so as to allow of a calm and dispassionate consideration.

The Hon'ble Sir Griffith Evans moved that the following be substituted for sub-section (5) of section 15 of Act V of 1861, as proposed to be substituted by Section 4 of the Bill as amended by the Select Committee, namely :—

'It shall be lawful for the Local Government by order to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.'

The Hon'ble Mr. Mehta said :—I do not propose to oppose or support the Hon'ble Sir Griffith Evans' amendment on the point. It seems to me that the words 'the Local Government,' if substituted, will not alter matters appreciably, as it will be remembered that the original words in the Bill were not simply 'the District Magistrate,' but 'the District Magistrate with the sanction of the Local Government.' In either case, the Local Government will act on the initiative and report of the District Magistrate. My objections to the section would apply equally to the section as it stood and to the section as it is sought to be amended.

The Hon'ble Mr. Mehta moved that sub-section (5) of section 15 of Act V of 1861, as proposed to be substituted by section 4 of the Bill as amended by the Select Committee, be omitted. He said :—My Lord, it is no doubt true, as I have already acknowledged, that the Select Committee has decked out this section in different habiliments from those which adorned it in the Bill as originally introduced. They have even done something more. They have pulled out the sting from the head. Only they have now quietly put it in the tail. They have deleted the arbitrary power of differentiation which it was first proposed to be vested in the District Magistrate, and then quietly reintroduced it at the bottom of the

section under the disguise of a power of exemption ; and they have done this with a vengeance. The District Magistrate can now exempt persons under sub-section (5) for any and no reason whatever as he may be swayed by his wisdom or his idiosyncrasy, his caution or his conceit, his impartiality or his prejudice. I am aware that under Sir Griffith Evans' amendment it will be now the Local Government, but it really only removes the matter one step farther, because after all the Local Government will act on the report of the District Magistrate. My Lord, I have cordially recognised elsewhere on many occasions the great qualities which generally distinguish the members of the most distinguished service in the world, as they love to describe themselves, though I do not always think it either relevant or proper to sing perpetual hallelujahs in its honour whenever I may have occasion to speak of or refer to it. If I may be pardoned for indulging in so much personality, I will take the liberty of adding that I have even done it both by word and deed as far as I could do it in my small and restricted sphere of action. But I still maintain that no body of men should be entrusted with either the power of differentiation or the power of exemption as is now sought to be conferred on executive officers, who, with all their culture and all their training, cannot claim immunity from the common lot of human weakness and human frailty. In his speech on the occasion when the Bill was last before the Council, the honourable member in charge said:—

'The objections are suggested by the suspicions which the opponents of this Bill seem to entertain regarding the District Magistrate and his capacity for impartially holding the balance between parties in contentious circumstances or troublesome times. My Lord, I do not deny that Magistrates occasionally commit errors just as Judges do : but our Magistrates and our Judges are drawn from the same class of public servants ; and I say without fear of contradiction that the natural capacity of our Magistrates and their honest desire to do their duty impartially, and fairly are not less than those of Judges, as I should be sorry to say they are greater.'

It is a wonder to me, my Lord, how the honourable gentleman, whose reputation for distinguished ability is

not confined to these provinces, should so completely miss the point of the objection. The slightest reflection will show him that the objection is not to the individual, but to the method. It is not that there is any comparison made between executive and judicial officers as to their respective abilities as official individuals. The objection is based upon the method which either officer is required to employ in arriving at a conclusion. I have no doubt that there are equally able men in the executive as in the judicial service though, indeed, among themselves, I believe, they think somewhat differently. Call him what you will, Magistrate or Judge, the objection will apply to him as soon as you entrust him with the power to set at naught all judicial form in performing a task like that of differentiation and exemption. But I trust I shall not be understood to urge that I should have no objection to the provisions for the purpose, if only they were required to be performed in judicial form. I am quite at one with the honourable member when he pointed out that 'an enquiry into individual cases for the purpose of exemption from the assessment is out of the question; and still more impracticable is an enquiry into degrees of guilt.' In fact, the task of exemption is not practicable either by summary or judicial procedure. In either way, to do a little justice you would have to run the risk of doing a great deal more injustice. The task which the honourable member has set himself, in his desire for a nice perfection of justice, to impose by this Bill is in reality an impossible one.

Equally fallacious, and withal somewhat inconsistent besides, is his further plea that 'it is a measure not for the punishment but the prevention of crime.' I say inconsistent because, if the object be so, then why worry oneself with nice provisions for accurate discrimination between innocence and guilt and with futile precautions for exempting the innocent? Surely all police is preventive, and the burden of it falls upon the innocent and the guilty alike. Nobody has yet proposed that the cost of

the general police should be levied only from the inmates of jails or that peaceful and virtuous citizens should be allowed to claim exemption from the common burden. But the honourable member's argument is, moreover, altogether fallacious. So far as the quartering of the additional police in disturbed or dangerous districts is concerned, it is certainly a measure for the prevention of crime; but the moment it proceeds to impose the burden of the cost upon the disturbers of the peace, it is no less surely a measure of punishment, though, of course, like all measures of punishment, it indirectly has also prevention for one of its main objects. Its popular designation of a punitive police is undoubtedly correct. But it seems to me that the argument as to the object being punishment or prevention is entirely beside the mark. The plain issue is that, whatever may be the object, whether it is practicable and expedient to differentiate or exempt in the apportionment of the cost, the contention of those opposed to the section is that it is an object which is neither attainable in practice nor expedient in policy. When the honourable member urged that 'this Council should not proceed on any assumption other than that the laws it makes will be prudently and fairly and effectively administered,' he forgot, what has been well pointed out, that the science of politics bears in one respect a close analogy to the science of mechanics. The mathematician proceeds on the supposition that the machinery is such as no load will bend or break. If the engineer who has to lift a great mass of real granite by the instrumentality of real timber and real hemp, should absolutely rely upon mathematical propositions and should make no allowance for the imperfection of his materials, his whole apparatus of beams, wheels and ropes would soon come down in ruin. What the engineer is to the mathematician, the active statesman is to the contemplative statesman, and the honourable member will pardon me for saying that he is acting like the contemplative statesman who does not realise the necessary imperfec-

tions of the human implements who have to work and carry out the laws which this Council may make, and imagines that the executive machinery is such as no load will bend or break.

The second innovation which the section proposes to make in the existing law consists in the attempt to include among inhabitants of an area, and as such liable to be assessed, all persons who by their agents or servants hold immoveable property therein, or who by themselves, their agents or servants collect rents from tenants in such area, notwithstanding that they do not actually reside there.

The Hon'ble Sir Antony MacDönnell :—My Lord, I should wish to speak to a point of order. The question of 'inhabitants' is not included, as I understand it, in the amendment of the honourable member. The honourable member's amendment is that sub-section (5) of section 15 of Act V of 1861 as proposed to be substituted by section 4 of the Bill as amended by the Select Committee be omitted, and the question of exemption is a separate point. It is an important matter, and it would seriously inconvenience me in replying to the honourable member if I have to reply upon two distinct points at once.

His Excellency the President :—I think it is a separate amendment.

The Hon'ble Mr. Mehta :—Very well, my Lord, I will reserve my detailed observations on that point till afterwards.

All the objections urged above to the power of exemption apply with even greater force to this proposal, inasmuch as it opens up a vaster vista for the mischievous play of rumour and suspicion. I do not know what the Select Committee really mean by saying that in thus extending the definition of inhabitants they follow the principle of the English law on the subject. If they mean that the police-rate in England is chargeable on immoveable holdings that may be correct, but then illustration is scarcely to the point at issue regarding liability for a

punitive force. However that may be, it is sought to conciliate absentee landlords by pointing out in the Report that the power to exempt persons has been inserted with the object of enabling the Magistrate to exempt individual holders of property in the area. I have always thought that the political genius of the English people was conservative and practical; and never to lay down any proposition of wider extent than the particular case for which it is necessary to provide, was one of the principles which have generally guided English legislation. But, if the power to exempt 'persons' could enable the Magistrate to exempt individual holders of property, it could equally enable him to exempt persons not holders of property at all, and thus the measure becomes a measure capable of dealing with individuals, whether landlords or not, though the honourable member in charge has always strenuously maintained that it was not the intention of the Government to give any power to deal with individuals either with the view of exemption or punishment, except in the case of absentee landlords. The section is, indeed, unjustifiable from whatever point of view you look at it, and to my mind nothing so hopelessly condemns it as the circumstance that an honourable member who is justly distinguished throughout all India for the highest capacity and the most cultured liberality of thought and judgment should be unable to support it by any arguments which, on the most ordinary examination, do not crumble into a tangle of fallacies and misconceptions, *e.g.*, like his laboured defence of the preventive as against the punitive character of the additional police.

On the last occasion, my Lord, I deliberately abstained from referring, except very briefly, to the considerations which stamp this measure as gravely impolitic and singularly ill-timed. It will be futile to discuss these considerations unless they were discussed fully. It would be, however, most undesirable to revive feelings which we should all strive to set at rest. The task has besides to a certain extent been ably performed by the organs of

hopelessly went wrong in their estimate and moral conviction regarding the liabilities and the respective parts taken by the parties concerned in those riots. And equally did the Bombay Government go wrong acting upon the so-called careful enquiries and opinions of its executive officers. This has been established by a series of judicial decisions, the appeal against which by the Bombay Government has been recently rejected by the High Court. The experience of the Bombay Government only shows how liable executive officers are to make serious blunders, the result of which, as in the Bombay Presidency, is to create deep exasperation among a large and important community.

[The Hon'ble Mr. Mohini Mohun Roy moved that Sec. c. 4 of the Bill be omitted.]

The Hon'ble Mr. Mehta said:—I have already said what I had to say on this section in moving my amendment. The honourable member in charge of the Bill tells us that he has furnished us with arguments; he could not furnish us with brains—I beg the honourable member's pardon, I mean the capacity to appreciate and understand his arguments. But how does his case stand? He gave out all his arguments when he moved for a Select Committee, and not only the Indian press, but nearly the whole of the Anglo-Indian press, the Anglo-Indian Defence Association, and last but not least the Bengal Chamber of Commerce,* they have all

* *From Secretary, European and Anglo-Indian Defence Association, to Secretary to Government of India, Legislative Department, (No. 536, dated 13th February 1895).*

I have the honour to submit the following observations of the Council of the European and Anglo-Indian Defence Association on the 'Bill to amend Act V of 1861' and to ask that they may be considered.

1. The first paragraph of the new section 15 appears to be identical with the paragraph of the old section 15, but the rest of the section appears to be most objectionable for the following amongst other reasons:—

- (a) It gives to District Magistrates power over the property of her Majesty's subjects which ought never and least of all at the present time to be vested in them.

failed to be convinced by his arguments and have pronounced the Bill unwise and impolitic. If the

- (b) Though the object may be prevention, and one if not the chief object of punishment is prevention, it gives District Magistrates power to punish people for having, in the opinion of the Magistrate, however formed, caused or contributed to the disturbance or any other cause which may have led to the quartering of the additional police-force and this without necessarily any enquiries and without giving those about to be so punished any opportunity of showing cause.
- (c) To punish a man without giving him an opportunity of showing cause has in all ages been held to be contrary to the first principles of natural justice.
- (d) Any person 'having an interest in land' is made liable. If such a provision is to be introduced at all it ought to be limited to a holder of land and the measure of his liability ought to be the income that he derives from that land.
2. The new section 15A is objectionable on the above grounds and also upon, amongst others, the following grounds :—
- (a) It gives the Magistrate in his executive capacity concurrent jurisdiction with the Criminal and the Civil Courts and surely it cannot be intended that claimants should have this as a further and additional means of prosecuting their complaints.
- (b) There seems to be no precedent for giving Magistrates such vague and indefinite powers to deal with what is vaguely described as misconduct without necessarily any observance or recognition of any legal principles, and upon principle no such precedent ought to be established.
3. The only justification for the quartering of punitive police or the levying of fines from districts is that offenders cannot be discovered by the ordinary law. If the law cannot reach them it is because evidence cannot be obtained of their guilt. It seems contrary to justice to give under these circumstances any officers the power of punishing those against whom there is no evidence but who in their opinion are the guilty parties. If it be looked upon as a power of exempting those who in the opinion of the Magistrate are innocent, it is little less objectionable, for the elimination of such persons will leave those who in his opinion are guilty and those who in his opinion are or may be innocent to bear together a heavier burden.
4. This Council feel bound to express their opinion that the Bill as it stands is an unwise and impolitic measure calculated to work very grave and serious injustice and certain to cause much disaffection. Should the Bill be modified in Select Committee and should the Government determine to proceed with it this Council trust that sufficient time will be allowed for the consideration by the public of the Bill as amended.

(Sd.) W. C. MADGE,
Secretary

honourable member will pardon me for doing so, will he allow me to remind him of a bit from the greatest of

BENGAL CHAMBER OF COMMERCE.

Calcutta, 20th February 1895.

No. 223-'95.

FROM

S. E. J. CLARKE, Esq.,

Secretary, Bengal Chamber of Commerce.

TO

J. M. MACPHERSON, Esq.,

Officiating Secretary to the Government of India,

Legislative Department.

SIR,

The Committee of the Chamber of Commerce had their attention drawn to the Bill now before the Council of his Excellency the Governor-General for making Laws and Regulations, being a Bill to amend the Act V of 1861, for the Regulation of Police, and referred its consideration to a Special Committee of the Chamber. That Special Committee has reported that 'no amendment in the existing law is called for by the circumstances of the country.' They also report 'that they view with alarm the arbitrary and unusual powers which the amended law would confer upon magistrates, who, from the nature of the matters dealt with, must of necessity be to a large extent in the hands of the police.'

2. The subject had also attracted the strong attention of the Indian Tea Association who have addressed the Chamber to the same effect, and copy of whose letter is annexed hereto for your information.

3. It seems to the Committee that sections 154, 155, and 156 of the Indian Penal Code sufficiently provide for riots and disturbances connected with land. Again, sections 13, 14, and 15 of Act V of 1861 give ample power to Magistrates and the police for the preservation of order, and the punishment of disorder in cases where riots, disturbances and disorders may arise from other causes than those connected with land. And if in England the expense is to be borne by the police rate of a police district, or a part of a police district, the meaning sought to be put upon the term 'inhabitant' is strained, and the principle enunciated in section 15 of the Act of 1861, is more consonant with the principle of English law than the scheme set out in the amended Bill.

4. The Committee cannot, in the interests of those they represent,—the trading classes scattered throughout this great province,—view with any approval a project of law which places upon the Magistrate the duty of discriminating, in times of excitement and disturbance, between those who are innocent and those who are guilty. They think such a task is beyond the ability of any officer, however well informed or zealous he may be, and they also think that it may not improbably compromise that attitude of grave yet stern impartiality towards all religious sections

dramatists—Shakespeare—who makes Cassio ~~insist that~~ he was sober and it was the others who were drunk. His arguments and those of the other official honourable members all harp upon the excellence of the objects and intentions with which this Bill is introduced. My Lord, nobody has questioned that the objects and intentions with which the Government of India has brought in this Bill are most excellent. I certainly do not question them for one moment. But the question is not, whether your objects and intentions are excellent,

which now characterises the action of Government. A slight error of judgment would be sufficient to direct against Government those forces of fanaticism which every one who wishes well to the country must deplore as now not unfrequently operating to array section against section. Such a result, however brought about, would be a grave misfortune. For these reasons the Committee support and confirm the representations of the Sub-Committee and of the Indian Tea Association.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) S. E. J. CLARKE,

Secretary.

ACCOMPANIMENT :

Letter No. 36-O, dated 18th February, 1895, from Indian Tea Association to Chamber.

INDIAN TEA ASSOCIATION,

Nos. 1 & 2, CLIVE STREET,

Calcutta, 18th February, 1895.

No. 36-O.

THE SECRETARY,

BENGAL CHAMBER OF COMMERCE.

Dear Sir,

I am directed by the General Committee, who have had their attention drawn to the Bill to amend Act V of 1861 (an Act for the regulation of Police) now before the Legislative Council of the Government of India, and have discussed its provisions, to say that they trust the Committee of the Chamber will record a strong protest against the Bill being passed into Law, as being uncalled for by the circumstances of the country and conferring powers of much too wide and arbitrary a nature upon District Magistrates.

Yours faithfully,

(Sd.) W. PARSONS,

Assistant Secretary.

but whether the measures by which those objects and those intentions are sought to be carried out are calculated to do so, and whether, in carrying some of them out, you are not adopting measures which will not create mischief in other and numerous directions. We say it is the latter which the Bill is calculated to do. It is all very well to talk of careful enquiries and prudent administration. But let us try for a moment to realize what these things mean in actual practice and in detailed action. I speak from a somewhat long experience of nearly every district of the Bombay Presidency in the course of professional employment, and I say that the District Magistrate is largely dependent—I do not say entirely—on the enquiries and information of his assistant, who in his turn is dependent on the lower officers. They no doubt make some enquiries of their own, but they are largely controlled by those of the lower officers, police and others. Now I do not wish to say that all these lower officers are bad and unreliable; many of them make excellent officers. But still the fact is that on important occasions they are likely to be swayed by influences in which interest, prejudice and partiality may largely enter. This opens an immense door to abuse and oppression. The higher officers are not often in a position to discriminate between the reliance to be placed on these lower officers and are often carried away by the initial taint. This is why we say that the task of exempting and discriminating should not be undertaken at all.

The Hon'ble Mr. Mehta moved that ^{sub} section 5 ^{sect 1} of the Bill as amended by the Select Committee be omitted. He said:—I may be permitted respectfully but firmly to say that I find it difficult to believe that the Government have fully realised the gravity of the step that they ask the Council to take in putting on the Statute-book a provision so extraordinary as that embodied in this section.

What is sought by this section to do is to empower the Magistrate of the district, or rather the officer who in other respects is Magistrate of the district, to grant compensation for damages by riots to whomever he thinks fit, and from whomever he thinks proper, without trial or judicial enquiry. This is a procedure so repugnant to all systems of enlightened legislation that the honourable member in charge of the Bill has felt compelled to cite analogy and precedent. He could find none within the length and breadth of the Indian continent ; so, with a courage which is almost startling in its utter fearlessness, he crosses over the seas to the land, above all others, of free Englishmen. 'The clause,' says the honourable member, 'is adopted from the English Statute 49 & 50 Vict., cap. 38, and is merely an adoption of an ancient and existing principle of English law to the circumstances of this country.' My Lord, it is a remarkable fact that when rights and privileges corresponding to those prevailing in England are claimed for this country, it is immediately discovered that the circumstances and historic associations of the two countries are ever so different. But when it is a question of imposing burdens and disabilities, the closest analogy is as patent as daylight. I do not for a moment mean to question that there might not be occasions when both these propositions might not be found to be perfectly true. But, recognising the limitations of the human judgment, it is very desirable that such assertions should be closely scrutinised. Now, my Lord, when the honourable member drew out an English Statute for analogy, I confess that for the moment it took my breath away, and made me feel extremely foolish and crestfallen about my ignorance. But equally strong was the reaction and the amazement when, on referring to the Statute, I found that the honourable member's analogy was as perfect as the definition which was once given of a crab, namely, that a crab is a red fish which walks backwards. We know the criticism upon the definition—that it was perfectly correct, except

that the crab was not a fish, that it was not red, and that it did not walk backwards. Similarly, the honourable member's analogy is quite perfect, except, firstly, that the English Statute deals only with counties, boroughs and towns which maintain a separate police-force of their own, and not, as the proposed section does, with districts where the police is maintained and paid by Local Governments out of Provincial funds. Secondly, the police authority referred to in the Statute is as different from the District Magistrate of the section as a European from an Asiatic; the designation technically stands in the Statute for the Common Council of the City of London, for the Mayor, Aldermen, and burgesses of boroughs, and Justices in general or quarter sessions assembled in the case of counties. Thirdly, the Statute provides for no compulsory award of compensation against these bodies; it only enables parties to lay their claims before them under certain limitations. But, above all, section 4 of the Statute is the most instructive. The local bodies representing the inhabitants of the district may refuse to entertain the claim, and then, says the section, the only remedy is to bring an action against them to recover the claim for compensation. It is difficult to see how anybody could have discovered an analogy between the English Statute and the legislation now proposed, so diametrically opposed are they in their objects, their principles and their operation. The English Statute, recognizing the liability for the inefficiency of the police of those liable to maintain it, provides only for a mode of settlement out of Court if that were possible; it does not dream of compelling the award of compensation without the safeguards of a judicial enquiry.

Leaving analogy and precedent alone, the honourable member in charge of the Bill is not more happy in his attempt to justify it on its own merits. The criticism on it which I find in a petition made by the Indian Relief Society (Paper No. 14) seems to me to be abso-

lutely conclusive and just. In his speech on the last occasion the honourable member said :

‘The actual perpetrators of the injury committed by a riotous crowd are usually unknown; and, even if they were known, they are often bad characters and men of straw, while the sufferers are, as a rule, poor men, who cannot pay the costs of a civil suit. To relegate them in such circumstances to the uncertain issues and expense of a lawsuit is to give them no redress.’

Referring to this, the petition of the Society says :

‘The Committee are unable to discover the true meaning of this. Does it mean that, the actual perpetrators being unknowable, other persons near at hand are to be assessed to pay damages, or they when discovered, being men of straw, their rich neighbours are to be mulcted in damages by order of the executive?’

To understand the full force of this criticism, it must be borne in mind that the honourable member in this as in the preceding section is not contemplating the imposition of the burden upon the inhabitants generally, but upon them, *minus* the inhabitants exempted for unknown reasons by the executive, one of them perhaps being that the exempted persons are innocent. The argument of the honourable member really amounts to this that the guilty should be assessed, but they are either unknown or men of straw, therefore give us power to assess people not proved guilty as being guilty and rich. My Lord, it seems to me that this proposal is brought before the Council without being fully considered or thought out. It is absolutely unprecedented in any system of enlightened administration, and it is still more absolutely condemned by the public voice of the whole country, to which is now added the emphatic protest forwarded by the Bengal Chamber of Commerce.

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The Hon'ble MR. Mehta said:—When the Hon'ble the Legal Member said that the executive authorities may be trusted to deal with claims for compensation under the section in the same manner as the ‘police-authority’ under the English Statute, I should like to point out that he was forgetting the essential difference between the two bodies. I have already pointed out

that the police-authority of the Statute stands in technical language for the corporations of the towns and the benches of Justices of Counties, that is to say, for the local bodies who maintain their own police and who have to pay the cost from their own pockets by taxing themselves to levy a police-rate for the purpose. They can, therefore, well be trusted to scrutinize claims against themselves. The executive authorities under the section have, on the other hand, only to put their hands in other people's pockets. But what honourable members who oppose my motion forget most is that under the Statute the claim is made for the purpose of ascertaining whether the party against whom it is made is prepared to admit it, otherwise the only resort is an action at law. That is very different from a District Magistrate awarding compulsory compensation without the consent of, or, if he likes it, without even consulting, the parties who are ordered to pay it. The rest of the arguments of the honourable members proceed upon a misconception of our position in this matter. We have not said and we do not say that parties who have suffered damage from riots should not be compensated at all. In England, the Hundred is liable, because in England the police is local, and the Hundred maintains it. In India it is different, and the cost of the district police is not localized, but is paid out of general funds. *Prima facie* the compensation should come out in the same way. But even admitting that it were right to make special areas liable, our main contention is that that liability should be adjudged judicially like all other pecuniary liabilities, and that executive officers should not be vested with the power of adjudging it arbitrarily without trial and judicial enquiry, in which both sides could be heard.

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The Hon'ble Mr. Mehta with the permission of his Excellency the President, then moved the two following amendments which stood in his name, together :—

That the following be substituted for section 10 of the Bill as amended by the Select Committee, namely :—

10. For section 30 of the said Act the following shall be substituted, namely :—

'30. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

'(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.'

And that the following be substituted for section 11 of the Bill as amended by the Select Committee, namely :—

" 11. After section 30 of the said Act the following shall be inserted, namely :—

'30A. (1) The District Superintendent or an Assistant District Superintendent of Police may, subject to any rule or order which may at any time be legally made by any Magistrate or other authority duly empowered in this behalf,—

- (a) make rules for and direct the conduct of assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass ;
- (b) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tomtoms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street ;
- (c) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under section 30.

(2) Every rule and order made under this section shall be published at or near the place where it is to operate or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.'

Mr. Mehta said :—I do not propose to detain the Council at any length on this motion, as I recognize that, on whichever side may be the arguments, the votes are certainly on the side of the honourable member who protects the Bill. The honourable member is so much in love with the experiments of the Bombay Legislature that my amendment aims at substituting the corresponding sections of the Bombay District Police Act of 1890 for those in the Bill. I have copied the sections in my amendment word by word from the Bombay Act. The Hon'ble Mr. Stevens, who says that he has industriously waded through the debates in the Local Council on that Act, will no doubt remember that it was the avowed object of Lord Reay's Government that in imposing new duties, liabilities and restrictions, they acknowledged at the same time their obligation to provide safeguards against the abuse of the powers vested in the police and the executive. The difference in the Bombay sections and the sections in the Bill is that the former incorporates safeguards, and the latter does not. For example, the orders of the Magistrate in the Bombay sections are controlled by the decisions of the Courts of law with regard to established rights of the parties. They regulate and control the use of music, but do not place it at the mercy of the executive. If we are to be consistent, let us follow the Bombay legislation on both sides and not simply take it up when convenient and drop it when it does not suit our purpose. My amendment gives the Council the opportunity of showing whether the affection for the Bombay Act is real or not.