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# The Quarterly Journal

OF THE

## Poona Sarvajanic Sabha.

EDITOR : N. C. KELKAR, B. A. LL. B.

SUB-EDITORS { L. R. BHOPATKAR, M. A. LL. B.  
D. V. GOSHALE, B. A. LL. B.

### CONTENTS

Ourself

The Sarvajanic Sabha

The Political Condition of India in the Time of Bala

C. V. VALDYA, M. A. LL. B.

13

Period Industry in India

Prof. N. N. GOBBOLE, M. A. B. Sc.

26

Nationalist Thoughts and Activities

S. BHIN CHAKRA PAL

36

Methods of Political Work

L. R. BHOPATKAR, M. A. LL. B.

3

The S.P.E. from day to day

I Memorials

51

II Correspondence

55

III Motion

57

Address of the President

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Established in the year 1870 for representing to Government  
the wants and wishes of the peoples of India.

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# OURSELVES

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**T**he readers of this Journal will be surprised, and most of them, we believe, agreeably surprised to see that it has reappeared. The last number of the Journal was issued in April 1897; and no wonder if its readers and subscribers counted it, in the meanwhile, with the dead rather than with the living. But now that the Journal has reappeared in full identity and in a slightly improved form, they will very willingly allow the interval, though certainly too long even for a self-indulgent vacation, to be a period of hybernation rather than death. We do not think that any useful purpose is likely to be served by our entering into any thing like an elaborate explanation of the non-appearance of the Journal for so many years. In fact we are among those who concern themselves more with the living present than with the dead past. We want our old readers to take up the threads of their acquaintance with the 'Quarterly Journal of the Poona Sarvajanic Sabha' and bestow upon it the same kindly attention as they did before. As for new readers we are glad we can hold converse with them without the encumbrance, if also without the advantage of any old memories or traditions.

The Quarterly Journal was always meant, in the first instance, to be a periodical record of the kind of public work and activity to which the Poona Sarvajanic Sabha had pledged itself. And though we obviously mean, by our adherence to the old practice, to give and take more breathing time between this Journal's issues than the reader world is accustomed to, in these days of successful *monthly* magazines, we shall not, we hope, be regarded as unnecessarily conservative. We need hardly say, however, that our Journal will, in fact, be much more than a Journal, meaning thereby a passive record of passing events and transactions relating to the Sarvajanic Sabha. The Quarterly Journal of

the Sabha was perhaps the only periodical of its kind when it was started and even for some years after. We have now quite a large number of magazines, and some of them indeed very good magazines, in which studies of public questions find a place. But we recognise on the other hand that the range of these questions has been enlarged during the last 25 years in even a greater proportion than the number of magazines; and studies of public questions will, therefore, be as salient a feature of the revived Journal as it was in the past years.

The high level of political and literary reputation which the Journal had reached in its palmy days cannot  be remembered without grateful admiration; but the present, though it must be full of humility and reverence for the past need not necessarily look upon the future with despair.



## The Sarvajanik Sabha.

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The Poona Sarvajanik Sabha was formally established on the 2nd of April 1870. For four years before, the Association was working in an embryonic condition, so that the Sabha may be now said to be a public body fifty years old. The aims and objects of the Association are clearly stated in its Constitution. It was "deemed expedient that there should exist, between the Government and the people, some institution in the shape of a mediating body which may afford to the latter facilities for knowing the real intentions and objects of Government, as also adequate means for securing their rights by making timely representations to Government of the real circumstances in which they are placed."

It will be apparent from the above wording that the Sabha was conceived mainly as a political Association. It was a time when education had not yet made any appreciable progress. The first generation of our University-men had hardly been well settled in life, and the official administration in the country was still in a nebulous condition. The old order had been completely changed, but a new order was yet to take its place. Yet even in this period of uncertain light, half twilight half dawn, the glimmerings of a nascent public life were already visible. Corresponding to the unspecialised form of official administration, the native public life too did not make any distinction between officials and non-officials. In fact native officials were then the recognized, as they were also the natural, public leaders. And it is interesting to note that among the names of the leaders of the Poona Sarvajanik Sabha, at least in the early years, the names of prominent officials, like the late Mr. M. G. Ranade, were freely mentioned in the Sabha's official papers. The present castes also of the so-called pro-Government men and anti-Government men had not yet been created, so that the Chiefs and Sardars of the Deccan could freely and openly take part in the

work of the Sabha along with the public-spirited commoners. The country had no political propaganda of any particular description and the highest watermark of popularly approved public life could be reached by formulating a carefully mildly-worded petition or representation relating to what may now be regarded as minor matters of administration. It was in fact the day royal of petitions and memorials; and looked at from this point of view, the Sarvajanic Sabha had discharged its role as a mediating body between Government and people with the greatest credit to it-self. The Sabha had, by common consent, a glorious career of twenty-five years when in 1897 the era of cataclysms first dawned in the political life of western India; and the Sarvajanic Sabha was among those institutions which were nearly swept by the flood of official wrath. For reasons which we need not dwell upon or discuss in this place, the Bombay Government were pleased to declare that "the Poona Sarvajanic Sabha, as at present constituted must cease to be recognised as a body, which has any claim to address Government on questions of public policy." The first effects upon the public of this blight of governmental disfavour were only such as might be expected from a condition of political life in which official recognition was regarded as the only justification of the existence of public bodies. The public knew no angle of vision other than the one which brought themselves directly under the kindly light beaming from the official eye. And the punitive declaration of an enforced end of relations between the Government and the Sabha, was invested, in the opinion of the public, with an inexpressibly dreadful character. This unhappy contretemps had, however, one desirable effect. The mind of the Sabha was turned inside and it dawned upon them that they owed a duty as much to the public as to the Government in discussing public affairs and in formulating definite opinions upon them. In withdrawing recognition from the Sabha Government had practically taken away nothing from them. It is no doubt a great advantage to the public if Government could be drawn into a discussion of the merits of their measures with some-one competent to represent the non-official view

of things. But even from this point of view the gain so far had been not very substantial. For, as any reader of the previous volumes of this Journal will find, the section devoted to the publication of the 'Proceedings' of the Sabha contains comparatively but a few detailed and well reasoned replies from Government to the memorials or representations submitted to them by the Sabha. These 'Proceedings' are for the most part a one sided affair, their chief value lying not so much in the declarations of policy elicited from Government as in the memorials themselves of the Sabha which were as a rule very ably written, and embodied the best and the most well-informed opinion on the non-official side.

In fact we may attempt here an exhaustive review, of the replies which Government were pleased to vouchsafe to the Sabha's petitions and memorials, during full nineteen years, without losing much valuable space. A rough estimate shows that out of a total number of one hundred and eight letters, petitions and memorials addressed by the Sabha to Government, including under this term responsible heads of the official departments concerned, so many as sixty-four went absolutely unheeded, or at any rate failed to evoke any reply whatever; about twenty-eight were answered by something like a formal acknowledgment, and only about 16 were honoured by any sort of an official notice, part of which again as will be presently shown, being notice of not a very agreeable kind. The lengthy submission of famine narratives with which this memorable series of the Sabha's communications to Government began in 1877 received the reply that 'Government will be very glad to receive the periodical information which the Sabha proposed to submit regarding the condition of the people in the drought-stricken districts of the presidency.' A reply however from Government in January 1877 thanking the Sabha for their report and the information contained therein practically traverses every point made by the Sabha and in a terse manner. In reply to a letter from the Sabha in 1882 requesting Government interference with the affairs of the Poona municipality relating to the construction of the Reaymarket, the only reply received was that Government could not so interfere as it would be in opposition to the views of the supreme Government, regarding the powers of the Local self-governing

bodies. A communication from the Sabha in 1884 on the subject of the nomination made by Government to some Local Boards in Gujrat, provoked a reply that the Sabha was mistaken in its views, and that Government could not accept the advice of the Sabha in the matter. Later on the Sabha, having submitted another representation on the same subject, were told that they had now put the case in a somewhat different way, and that steps would be taken to do the needful as opportunity occurred. In 1885 the Sabha ventured to address to Government a protest against the proposed rules of free studentships in Government schools, and it at once provoked the temper of the then Director of Public Instruction, Mr. Leewarner, who no doubt sent them a detailed reply, but was animated by a spirit which will be made clear from the following sentences. "It is perfectly constitutional and natural that your association which specially safeguards the interests and claims of the Brahmin caste, should criticise any public orders. But it is not necessary for it to take up the cry already raised in the Brahmin press that the motive of the order is to single out the Brahmins and set them against other classes which is on the face of it an improbable and unreasonable supposition. It should be borne in mind by all classes or caste associations in India that officers of Government are required to see fairplay by all classes, even though the backward classes have neither native press nor association to represent their wants. I shall however take no further notice of what may be termed extravagant language." In 1886, the Sabha had the honour of letters being exchanged between themselves and Government, but once more is the temper in evidence of Government officials who are supposed to have treated the Sabha's communications with respect. It appears that Mr. M. G. Ranade who was a member of the finance committee of 1886 had induced the committee to ask the Sabha for suggestions regarding the reduction of public expenditure; to this invitation no response, it appears, was received from the Sabha in time. A special communication again from the President of the Committee to

the Sabha through Mr. Ranade during the Committee's stay at Poona, failed to elicit any reply; this put the President in a temper and the Secretary of the Committee wrote to the Sabha in the following terms; "The Finance Committee considers that by thus refusing to give any opinion on the subject of economy when courteously requested to do so, the Poona Sarvajanic Sabha abdicated any right to criticise their proposals in the character of representatives of the native community. The language used in certain parts of the memorial to Government regarding the Finance Committee is unusual in tone and bears an appearance of discourtesy." The Sabha being at fault in not submitting their statement of views in due time had indeed to express their regret at their inability to send a reply in time. But the Sabha took up the argument about the Finance Committee's pronouncement about the Sabha's abdication of its own status. The Sabha contended that there could be no question of an abdication or estoppel of their right to criticise any proposal of the Committee in a case like this, much less could the supposed abdication or estoppel of the Sabha involve a forfeiture of the right of the public itself, apart from the Sabha, of criticising the Committee. The Sabha eventually did submit a statement of its views on the subject of economies in the public expenditure. But it was sent so late as to reach the Committee only a week before the Committee dissolved, so that it could not be circulated among the members of the Committee, much less a resolution passed upon it. The statement though late seems however to have been of considerable merit; for in winding up the correspondence with the Sabha on the subject the Secretary to the Committee, we find, offered the complimentary observation that the Sabha's memorandum, if carefully examined, might have been found to be of considerable assistance. In 1888, the Sabha had some correspondence with the Director of Public Instruction on the subject of the Government High School at Poona, and we are glad to say that the correspondence this time ended without any temper being exhibited on the part of the D. P. I. though it did not result in Government accepting the views of the Sabha.

In the same year, the Sabha succeeded in eliciting a reply to their memorial to Government on the subject of Bench magistrates for Poona. But the affair is too insignificant to need any further comment. In the same year the Sabha submitted a memorial on the subject of the enhancement of the salt duty, which elicited the only reply that the memorial would be laid before H. E. the Governor General in Council. In 1890 the Sabha made one more attempt to request Government to reduce the salt duty from Rs. 2 annas 8 to Rs. 2 but it was met with no more encouraging reply than a simple acknowledgment of the Sabha's letter without even the usual formal assurance that it would receive due or careful consideration.

In the same year the Sabha made an attempt to get a personal interview with the Director General of the Post Offices, when he was in Poona during the course of his tour. But the Director General firmly though courteously rejected the proposal with the somewhat dubious remark that "the wishes of the committee and the reasons for their request were so clearly expressed that he would be putting them to unnecessary trouble by accepting their offer to represent personally the several matters about which they had written."

It would be but fair to note in 1891, the Honorary Secretary of the International Congress of Hygiene and Demography wrote to the Sabha to nominate its delegates to the Congress which was to meet in London, and to favour its interests in Poona. It will be observed, however, that this was hardly an overture from the Government in India or England; but that it was a solicitation from a private propagandist body. In the same year, the Sabha made certain suggestions to Government in the matter of the constitution of the Deccan Agriculturists Relief Act commission. In reply the Sabha was told that "the personnel of the commission had been practically settled before the Sabha's letter reached the Government; but that their wishes had been partially anticipated by the nomination on the commission of a prominent non-official. In the same year important letters from the Sabha on the subject of the famine evoked no warmer replies

than that they would receive the consideration of the Government.

In 1893 the Sabha wrote to the High-Court recommending that definite text books be prescribed for the law examinations held by them; but were told in reply that "their Lordships saw no reason for adopting the suggestion."

In the same year the Sabha made a representation to Government in regard to the inequitable distribution of the seats allotted to the Bombay Legislative Council, but were told that the rules framed by the Bombay Government had been approved of by the Government of India and carried into effect, and that the Sabha's representation would receive full consideration when after sufficient experience was gained of the present rules, time would come for reviewing their operation. The reply which the Sabha received from Government in the same year to their representation on the subject of Exchange Compensation Allowance to European and Eurasian officials may perhaps be claimed as peculiar triumph of the Sabha as in that letter Government were generous enough to say that "they agreed with the Sabha that these officers had no legal claim to receive compensations but that the distress from which they suffered was so wide-spread and severe that it was absolutely necessary in the interest of the public service and as a matter of policy to grant some relief."

Perhaps the most satisfactory reply from the point of view of fullness and frankness of expression which the Sabha ever received from the Government was that in 1894 on the subject of the Sabha's memorial about the Rules for regulating the Bombay Provincial Civil Service, though from the point of view of winning any actual concession from Government this particular reply too was as unsatisfactory as any other.

In the same year the Sabha had the honour of exchanging some letters with Government but as will presently be seen, the attention paid to the Sabha in this matter was not particularly complimentary. In November 1894 the Sabha had submitted a representation to Government on the subject

of the Public Music Rules, and requested Government to remove all causes for the misunderstanding which existed between the Mahomedans and some of the lower classes of Hindus. This provoked the following characteristically saucy and ill-tempered reply from Government:—

“Before proceeding to examine the recommendations which appear to be in some measure based on allegations which may or may not be well founded, but which are not supported by reliable evidence in the shape of references to publicly admitted facts, His Excellency in Council considers it highly important that he should be under no misapprehension as to the authors of the advice tendered him.

“In para (1) of your letter a Managing Committee is referred to and in para (2) it appears to be conveyed that the body authorised by the Sarvajanic Sabha to address Government is a committee composed of representatives of the Hindu, Mahomedan and Parsee communities. I am accordingly directed to request that you will be so good as to inform Government whether these committees are one and the same; and if so to favour Government, if you see no objection, with the names of gentlemen who are personally responsible for the opinions and suggestions conveyed in the letter.” No doubt the Sabha frankly gave the information required by Government explaining that one committee was the Managing Committee and the other was the general body of the Sabha. But not content with the same, Government point-blank asked the Sabha whether they would mind naming the 16 members of the managing committee who attended the meeting at which the Sabha's representation was adopted, distinguishing between those who voted for and those who voted against its adoption.

The Sabha no doubt, could not allow Government to pry into its working in this unusual fashion, and it took a definite and a dignified stand claiming that the memorial in question ought to be considered and disposed of by Government on its own merits as usual.

The Sabha, it was contended, had been recognised by



Government to represent certain public interests for about 25 years; but no such information was ever asked for from them.

The Government in reply followed up the point from their side, emphasising that the present was really an unusual case, and that the Sabha was dominated by a class of the Hindu community which was most active, and which could not be credited with any genuine, or disinterested desire to allay racial animosities. The Sabha's was, Government observed, a purely Hindu standpoint and it had therefore no right to look for more than general assurance that its representation had been carefully considered. Mr. Secretary to Government then entered into a long argument with the Sabha recommending that it should make greater efforts to induce the Hindu community itself to set the example of forbearance rather than hope to induce Government to change its rules; the Sabha had in reply the last word on that subject as its letter in reply to the above communication remained unanswered.

The long correspondence between the Government and the Sabha in 1896 on the subject of the famine was carried on, on the side of the Government in nearly the same strain. The first letter of Mr. Secretary Montieth was no doubt conceived and worded in the usual fashion of giving servative replies to the points made by the Sabha; but things soon became more lively. Government once more declining to take the Sabha's representations on their merits, pointedly inquired in one case as to the source of their information of the instructions issued by the Poona Collector to his assistants in the matter of the collection of Land Revenue, and of their approval by Government. The Sabha could readily give a satisfactory reply that the information in question was almost public property as Government orders in the case had gone as far as village officers and even khatedars in several districts. But Government were not apparently satisfied with the reply and instead of dealing with the question on its merits, Government made a great point of the reference by the Sabha to "correspondence whose publicity was not authorised" and Government disposed of the weighty

representation of the Sabha by simply declining to take it into consideration. Matters soon grew from bad to worse, and taking advantage of an inaccuracy in a public handbill issued by one of the agents of the Sabha preparatory to one of his public lectures in the mofussil, Government cut the Gordian knot of carrying on an inconvenient correspondence with the Sabha by holding the Sabha responsible for not repudiating a wrong statement of its agent, and only giving an inadequate explanation of the same and Government declared that "the Sabha must therefore cease, as at present constituted to be recognised as a body which has any claim to address Government on questions of public policy."

Such in short is the history of the relations between Government and the Poona Sarvajanic Sabha during the course of nearly a quarter century, and no thinking person will say that it discloses a very encouraging view of the results of this particular method of being in communication with and enlightening Government on public questions; especially when it is remembered that the Sarvajanic Sabha was the only public body of its kind and importance which could engage the attention of Government in this Presidency, having among its members and at its back some of the most highly educated persons and the most influential leaders of society.

It is certainly not meant by all this apparently captious comment that the day of petitions and memorials is spent or gone. Petitions and memorials, by a subject people, come into being with the birth of civilized political administration and they must also last as long as such government itself lasts in any country. But with the changing times it is absolutely necessary to remember that if petitions and memorials have a proper place in public life, they have also only a limited place therein, and that if they have a value, they have only a subjective or self-regarding value.

# THE POLITICAL CONDITION OF INDIA

## In the time of Harsha

(7TH CENTURY A. D.)

( C. V. Vaidya M. A. LL. B. )

**M**R. Vincent Smith observes at page 357 of his 'Early History of India' 3rd Edition, that when "the wholesome despotism of Harsha terminated by his death, India instantly returned to her normal condition of *anarchical autonomy*." This is, I am afraid, a wrong and an unhistorical view. To those who look upon India as one country and who consider a despotic imperial rule as the only remedy for her political ills, the political condition which usually obtained in ancient India may appear as one of *anarchical autonomy*. But it must be remembered that India never was one kingdom at any time except the present, when the British rule has brought the whole country under subjection. India may indeed be called one country from certain aspects of race, religion and tradition, but it cannot be denied that it never was, at least in ancient history, one country politically. It generally consisted of a number of kingdoms and these were usually at war with one another. To apply to this condition the term *anarchical autonomy* would be a misnomer.

For what was the condition of Europe at this time or for that matter at any time in its history? Europe may fitly be compared to India in every respect. Exclusive of Russia, Europe is almost equal to India in extent and population and its people are practically of one race, namely, Aryan and of one religion, namely, Roman Christianity. In the seventh century Hiuen Tsang describes India as divided into about seventy kingdoms (Watters' vol. I p. 140). Europe in the seventh century could not have been divided into less.

England itself was divided into five kingdoms, France, Germany and Italy into many more. Indeed the condition of society, civilization and the means of communication in ancient times prevented the formation of kingdoms larger than those that existed in India or Europe at that time. And history shows that these kingdoms of Europe were constantly at war with one another. European history is indeed a terrible history detailing the constant and usually sanguinary wars waged by the several kingdoms with one another. Now would it be proper to describe this condition of Europe as one of anarchical autonomy, or to make the comparison still more complete, to say that when the Empire of Charlemagne fell to pieces after his death, Europe reverted to her usual condition of anarchical autonomy? Even now when railways and telegraphs have made the growth of large kingdoms possible, Europe is still divided into a number of small kingdoms which are not larger than the kingdoms in India described by Hiuen Tsang. If we take 6000 li or 1200 miles as the average circumference of a large Indian kingdom like Maharashtra, the area of an average large kingdom in square miles comes to about, 1,20,000 sq. miles. Or we may make a calculation in another way and divide the total present area of India viz. 18,02,629 sq. miles, by 70 and arrive at the area 25,752 sq. miles, of an average kingdom in India as existing in the seventh century. The smaller kingdoms existing in Europe at this day, Belgium (11,373 sq. ms.), Holland (12,582), Portugal (32,000), Italy (1,10,632), Bulgaria (33,645), Roumania (53,489) and Greece (25,014), not to speak of the small states of which the German Empire is composed, are not thus larger than the kingdoms existing in India in Hiuen Tsang's days, and these states of Europe are normally in a condition of war. A decade does not pass without a fight somewhere, and yet these small states are alive and flourishing; and history cannot describe the normal condition of Europe as one of 'anarchical autonomy.' The mistake lies in looking upon India as one country or territory that deserved to be one country under one rule and hence, I apprehend, the use of the word anarchical.

The question for the historian is why did the small kingdoms of India succumb to the Mahomedans in the 12th century? Why did they not live and develop into strong kingdoms like the states of Europe? It is usually suggested that the Indian kingdoms ought to have foreseen the danger of foreign invasions and that they should have laid aside mutual feuds, in order to gather strength against them. It is argued, for example, that after the defeat of the Huns, under Mihirkula in 528 A.D. India was free from foreign invasion till the invasion of Mahmud of Ghazni about 1000 A.D. and she was free to work out her destiny. This involves not only the previous misconception that India was one country but also the further misconception that such foreign invasions could have been foreseen. In fact we usually look upon the condition of the seventh century from our state of knowledge in the 20th century. But the invasions of Mahmud could not have been foreseen by any the wisest man, in the 7th century. No body in those days or even later could have dreamt that the Turks, fired with the fanaticism of a new faith and cursed with the barbarism of new invaders, would devastate India in the 11th and the 12th century. Even the loss of Sind in the beginning of the 8th century could not have served as a warning. The conquest of Sind, in India, by the Arabs may fitly be compared to the conquest of Constantinople in Europe by the Turks. The Turks have remained in Europe like a thorn in the side of Europe for these five centuries in the same way as the Arabs remained in Sind for five centuries before the 13th. The Arabs from Sind molested the Hindus east, north and south much in the same way as the Turks harassed Europe in the west, north and south. Yet Europe never thought of laying aside her internal animosities and combining under one empire. Why should then the kingdoms of India have thought of combining under one sceptre to drive away the Arabs? Nay, the parallel goes much further. Mr. Sardesai accuses the Rashtrakutas of having actually taken the assistance of these Arab foreigners in their fights with the Gurjaras. But it must be remembered that in advanced Europe the same thing was done and is being done. History tells us that

Francis I of France excited the Turks against the Germans in his war with Charles V, Emperor of Germany, in the 16th century. And curiously enough the debt has been paid back in the present 20th century by the present Emperor of Germany by raising the Turks against the French and their allies although the latter are of the same religion, race and civilization as the Germans. The reason is, that in political struggles, even religion and race are not of much account. The Bulgars are at present fighting against the Russians though of the same race and even of the same religious church. We need not, then, feel wonder if the Rashtrakutas sought the assistance of the Arabs, against their own co-religionists. We must remember that the Gurjaras and Rashtrakutas formed two distinct kingdoms with different political interests. The real difference between Europe and India lies in the fact that while both the Gurjaras and the Rashtrakutas have eventually succumbed to the Arabs, the French and the Germans are still alive and not likely to succumb to the Turks. The real question therefore for the historian is why did the Gurjaras and the Rashtrakutas succumb? In other words why did the kingdoms in India not develop into strong nations? What was the political condition in the seventh and the preceding centuries, which led to their decline and downfall? That is the question which we really have to solve and which requires to be carefully tackled in the light of western and eastern history past and present.

In my view the main cause of this difference in the vitality of the nations in the west and the nations in the east lies in the entire divergence in the development of their political ideas. While in the west the highest ideal of a state was evolved at a very ancient date in Greece, in India the Indo-Aryan intellect not only failed to grasp the essentials of a perfect state but developed ideas which were diametrically opposed to them. Perhaps the Indo-Aryan intellect was, as said before, engrossed with the idea of the nothingness of this world's prosperity and devoting itself to spiritual speculation spurned the limitations of a limited state and concerned itself with the welfare of the

whole world, man and beast, animate and inanimate. In Europe the small citizen states of Greece, were led by the Hellenic intellect to a very high development and the Romans by their legal temperament carried it to the extremest limits. The duties and the dignities of a citizen of the Roman Empire, a word which still reminds us of the ancient development of city-states, were now clearly understood and defined and they in their turn moulded the development of political ideas in the Germanic nations, who added their own political instincts and notions to the ideas inherited from the civilizations of Greece and Rome. The German states were, indeed, not republics like the ancient states of Greece and Rome, but the power of the king in these was limited by institutions of states-general or representative assemblies of the people; and these have developed into the modern kingdoms of Europe with their limited monarchies. The rights and duties of the citizens or rather members of a state have further been developed by French thinkers preceding the French Revolution and their ideas have now permeated to the lowest class in each and every state in Europe. Under their influence each individual citizen in the western states believes that he is a partner in the political partnership of the state and is thus both its master and servant in his own small capacity. Each citizen again is bound to the state not only by ties of affection or patriotism but also by the ties of self-interest, for each one shares in the prosperity of the state or its adversity and is thus ready to make any sacrifice for it by self-interest as well as by patriotism. Such a state must necessarily be a strong organisation and can not be suppressed or killed except by the greatest exertion of enemies. Nay, it has come to be a maxim with political philosophers in the west that no people however few, imbued with the instinct of true citizenship, can ever be suppressed by force.

The development of political ideas in India was exactly in the opposite direction. The Indo-Aryans were indeed in the beginning imbued with the same racial tendencies as their brethren in the west. The sovereignty so to speak belonged to the people and the king was merely their leader and agent.

There were public assemblies of the people which advised the king on all important matters. Taxation was levied apparently with the consent of the people. The later tradition that the people promised Manu  $\frac{1}{6}$ th of their land produce in consideration of his accepting their kingship contains the germ of this principle. Kings were often elected and in some tribes there were no kings at all, the people themselves regulating their affairs by a council of elders. In short in the earliest period of Indian history the political condition of the people was developing in the same direction as in the west. Indeed the union of the people with the state and the king was so complete in ancient times that the names of the three were identical. The state was still tribal and the same word in the plural indicated the state and the people; while in the singular it meant the king. In the Vedic and even in Epic times this was the rule. For example the Kurus, the Madras, the Panchalas, the Kosalas and so on meant both the people and the country; and the singular Kuru, Madra, Panchala and Kosala and so on meant the king. A similar state of things obtained in the west. The land was there also called after the people and the king was called by the same name. France was the land of the Franks, England of the Angles and Saxony of the Saxons; and France, England and Saxony meant also the kings of those lands. Thus the name of the people gave the name to the country and the king, both in the east and the west.

This was the state of kings in India down to Buddha's time. In the succeeding centuries this condition gradually changed. The people gradually receded from view, probably because they were now composed largely of Sûdras and not of the Aryans as in previous times. The kings who were often non-Aryan and sometimes even foreign, gradually assumed absolute power. The people thus became accustomed to the rule of kings who were not of their own race and of the Kshatriya caste. They gradually ceased to take interest in politics, being less or never consulted and eventually came to believe that it was none of their business to meddle with state affairs. Particular persons of the three higher castes, Brahmins, Kshatriyas and Vais'yas did take some interest in politics being soldiers



and officials, but the generality of the people, being S'udra, was debarred from all participation in political activities. And eventually the people lost all idea as to their possessing any rights of participation in the government of the country.

In this way, in my view, diverged the political developments of the Aryans in the east and in the west. Not that in the west the factor of a lower class did not arise. In Greece there were the Helots; in Rome the Plebeians; in France the Gauls; in England the Britons. In Germany alone, perhaps, the people were homogenous. But in all these cases the lower classes were not racially very distinct from the higher and not very inferior in physical and mental capacities. In all these countries therefore they struggled to obtain political rights. For instance the persistent efforts of the Plebeians in Rome to obtain political and even social equality are well known and these struggles themselves were an education to the people. In India, on the other hand, especially in the north, the Dravidian lower classes were very inferior in capacities, and being different in complexion, features and habits remained distinct in position, social and political, and never struggled for equality of rights. Political power therefore gradually centred primarily in the higher classes, especially in the Kshatriyas and in the kings next. The king was invested with divine attributes in public estimation by superstition as well as by craft, and the despotic power of kings without any restriction by popular assemblies was eventually firmly established during the Buddhistic period of Indian history.

Such remained the political condition of India in the seventh century. The king was absolute and possessed despotic power unrestricted by the voice of any public assemblies. The kingdom and the people belonged to him, so to speak, as his private property. The kingdoms naturally ceased to be called by the names of the people. Among the seventy or so kingdoms mentioned by Hiuen Tsang only a few bear the name of the people. The old names of Kuru, Panchala, Anga, Vanga &c. are gone and we have the names of Thanecer

Kanauj, Karnasuvarna, Tamralipti and so on. They are named generally after the capital town or some physical feature of the country. The kings are not named after the people but after a Vansa or family as the Vardhanas, the Maukharis, the Guptas and so on.

And these families did not attain to kingly position by the consent or approbation of the people or by hereditary rights of several generations even, but by divine favour obtained, it was believed, by reason of austerities performed by certain individuals in their past lives. Under this superstitious view any body might become king or had the right to become king if only he succeeded in establishing himself on the throne by hook or crook. For, the people's consent or acceptance was never thought of, as having anything to do with the affair. The story related by Kachana about how Ranaditya ( Raj. III ) became king is typical of this popular superstition. The Harsh Charita also relates how Pusyabhuti obtained a boon by assisting in a Pasupata sacrifice, that a Chakravarti would be born in his family. When the Brahmin Chacha usurped the throne of Sind, he is said in the Chachanama to have observed "It is written in the books of Hind that whenever a person who has trained his soul to austerities dies, his soul transmigrates to the child of a king or a great man in return for his good deeds." The people thus had not only no political rights but had no hand whatever in the acceptance of kings, as persons became kings by reason of their austerities performed in former lives. Under such a view of the organization of a state there can scarcely be born that national vitality which is the essential factor in the strength of nations. Naturally enough patriotism was a virtue which never arose in India. There are, in Indian history, no noble examples of patriotic sacrifices such as are to be found in Greek, or Roman history or in the later history of the European nations. The feeling of love of the country or the nation cannot arise when the nation itself has no existence. The place of patriotism was supplied by the feeling of loyalty. The king being the absolute master of the state or the people, appointed by divine will, the people

could naturally be actuated only by the feeling of loyalty or love to the divine king. Loyalty has been the distinguishing characteristic of the people of this country from the most ancient times. In the Harsha Charita we find many such examples recorded by Bāna and in these, servants or officers give up their lives simply for the grief they felt for the death of their sovereign. And if the royal family continued steady on the throne for generations it did so not by the patriotism of the people, but by the loyalty of their servants and officers. The people generally were also loyal to the reigning king. But their loyalty must always have been lukewarm and they were generally willing, or felt no concern when one rule was substituted by another.

What the condition was in individual kingdoms obtained in empires also. Harsha's Empire was the culminating point of the Buddhist period of Indian history, which was passing away. He founded and maintained an empire as strong as the Gupta empire and in the history of the following mediæval period no kingdom approached either the extent or the solidarity of Harsha's rule. Harsha again was one of the most righteous emperors in the history of the world, conscientiously endeavouring to secure the happiness of his people. And yet the political conceptions of the people remaining the same, he could not infuse into his empire any national vitality. On the contrary the very extent of this mass of kingdoms held up together by force, increased its aptitude to topple down at the slightest shock, like a pile of stones heaped one upon another without any cement. Of course, we cannot blame Harsha, for not introducing the cement. For, India had not evolved representative institutions, nor had the Indian intellect evolved proper conceptions of a political state. That department of enquiry remained a blank in the Indian intellectual activity. Harsha, therefore, could never have thought of giving to the people any rights of participation in the government of the country. His maintenance of order by sheer force but confirmed the current opi-

nions about the absolute power of kings, and of God's favour as the origin of all kingly power.

Under such a view kingdoms and even empires could not have any vitality. Harsha's empire fell to pieces, immediately his strong arm was removed from the administration. The subject kingdoms, immediately became independent while Kanauj itself was seized by the commander-in-chief, Harsha having left no son. For in such a state of political views not only the virtue of patriotism cannot be fostered, but the contrary vice namely treason cannot but have ample scope to flourish. Every ambitious person who can by force or treachery seize the throne has the assurance that the people's allegiance will be transferred to him as a matter of course. The people having no voice in the matter or rather believing that they had no voice were naturally held of no account in such revolutions and the successful usurper was always accepted without demur. Traitors were, therefore not uncommon. The punishment for unsuccessful rebellion or treachery was indeed drastic, then as now, traitors being imprisoned for life and 'dead or alive nobody took any account of them' as Hiuen Tsang observes. But such drastic punishment did not deter ambitious and bold persons; especially as success was not very difficult when opportunities offered. These revolutions or rebellions were never of the people but of a few individuals only. Ministers and commanders-in-chief, were generally the usurpers in such revolutions and they were usually successful whenever the reigning king died without issue, or was an incapable person. Such has indeed been the trend of Indian history from the days of the Sungas down to the days of the Peshwas and their lieutenants, and throughout the Mahomedan times. Had the people had a proper conception of their duties as citizens of a state they would not have tolerated such revolutions nor would the ministers have dared to seize thrones. Only since the establishment of the British rule are we getting accustomed to the sight of ministers never aspiring to place themselves in the position of their masters.

We have discussed heretofore at length what in our opinion was the main cause of the weakness of Indian states.

To put it shortly, the absence of representative political institutions prevented the people from feeling selfinterest in the maintenance of the state intact and the belief that kings were appointed from heaven in reward for their austerities in past lives made the people thoroughly unconcerned as to who ruled them. The king enjoyed absolute power and was the master of the state or kingdom as if it were an item of private property. Patriotism was naturally absent and though its place was tolerably supplied by the feeling of loyalty, disloyal and treasonable persons were not uncommon, those who were successful in their usurpation being accepted by the people without demur. This state of things continued down to the latest period of Indian history, for we find in the last successful usurpation by Raghoba, hundreds and thousands came forward to support his cause. Had the people a proper conception of their rights and duties as members of the Maratha state, not a man would have been found to stand by that misguided person in creating the unfortunate cleft in the solidarity of the Maratha state which eventually destroyed it. The greatest benefit of the British rule in India is the awakening of the people to their essential rights and duties as citizens of the British Empire. And it will be wise for the British government to take note of this awakening and to admit people to their due share in the government of the country. British statesmen should remember that even the British government in India is comparatively weak if it is not supported by the cooperation of the people rendered not merely by the sentiment of loyalty but by the feeling of self-interest engendered by self-government through representative institutions.

The question why nations fall is one of extreme complexity and difficulty. But there can be no doubt that representative government creates a feeling of self-interest in the people which is the great backbone of a nation's strength. History indeed records the fall of the brilliant city-states of Greece and of Rome inspite of such national sentiment. But we must remember that that sentiment had been completely undermined in Greece and Rome by demoralization and luxury and hence it

was that these states succumbed and fell. But they rose again when the same sentiment became strong. The Indian states on the other hand never developed the national sentiment at all and hence were never strong. They could not have developed into strong states in the succeeding centuries. On the contrary coming under the influence of certain causes which we shall discuss in another place they gradually became enervated and hence fell easily before the advancing tide of Mahomedan invasions.

It is, however, necessary to state before concluding that the despotic states of India of the seventh century were certainly strong as compared with the contemporary despotic kingdoms of Asia and it is hence that they could beat back the Huns who in Europe could not be beaten away. The physical and moral capacities of a people are an important factor in the vitality of nations. Even a vegetarian people inured to arms and abstemious in habits can hold their own in the struggle of nations. In the seventh century the people of India were habituated to the use of arms owing to the constant warfare waged by the different kingdoms. They were also, as Hiuen Tsang testifies, simple and abstemious in habits. The Indian states of the seventh century were strong and warlike in spite of their despotic constitutions and were neither enervated by luxury nor enfeebled by want of martial exercises. The prominent index of the enervation of a people is their employment of mercenary forces and neither Hiuen Tsang nor Bana mentions any mercenary troops in the army of Harsha.

Secondly the Indian states of the 7th century, it must be admitted, were generally happy and prosperous in spite of their despotic constitutions. The fact is that Indian thinkers had developed the theory that if the kingly power was divine the laws also were divine-made and incapable of change. The laws were laid down by the Smritis and no human agency had power to change them. The kings thus had no legislative power even with the consent of the people. In the west the king is looked upon as the source of all law. In India on the other hand law was ordained by the Smritis whose authority was supreme and unchal-

lengeable. The duty of kings was simply to administer justice according to the divine-ordained law and to keep peace and order by the punishment of robbers and other evil-doers. They were to receive taxes from the produce of land and the profits of trade for performing this duty and even the amounts of the taxes so to be levied were fixed by the Smritis. The expenses of Government, as Hiuen Tsang testifies were limited and the people with their highly religious nature were free from crime. Hence was caused that generally happy condition of the kingdoms of the 7th century in India which so favourably impressed impartial foreigners like Hiuen Tsang who themselves lived under widely different conditions in their own country. We shall conclude by quoting Hiuen Tsang's description of the political condition of this country in his time:—"As the government is honestly administered and the people live on good terms the criminal class is small. The government is generous and the official requirements are few. Hence families are not registered and individuals are not submitted to forced labour and contributions. Taxation being light and forced labour being sparingly used, every one keeps to his hereditary occupation and attends to his patrimony. The king's tenants pay  $\frac{1}{8}$ th of the produce as rent. Tradesmen go to and fro bartering their merchandise after paying light taxes at the ferries and the barrier stations." &c. &c. (Yuan Chwanga's travels by Thomas Watter's Vol. 1.)

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# Pencil Industry in India

( N. N. Godbole,, M. A., B. Sc.

*Professor of Science, Dayal Singh College, Lahore. )*

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Pencil industry is apparently a very small industry, yet it is a very complete industry and deserves a thorough and careful study. Wood, graphite and clay are its main raw materials, and to a superficial observer, it looks as if we had plenty of these in India. In a way we have; in a way we have not. Wood of an inferior quality we have in abundance; for a superior quality we must take resort to plantations or import. As to graphite, we have any number of mines in Madras, Travancore and Ceylon; but the refining has got to be done in foreign countries, because the industrial uses of graphite are unknown in India. Clay, we have in any amount, but it requires some expert knowledge to find out the right sort. I know of at least two factories that began work without making any distinction between the right sort of clay and the wrong one and had to spend thousands in late experimenting. A thorough preliminary inquiry has got to be done regarding wood, graphite and clay, if the pencil industry is to be successful in India.

2 The first information that would be useful regarding pencil-industry would be the probable sale of pencils in India, annually. Any efforts in answering this question would only be approximately correct, in as much as in the annual statistics of the sea-borne trade of British India, pencils are included in the general heading of ' Stationery excluding paper. ' The following table gives an idea of this general trade.

## STATIONERY EXCLUDING PAPER

Countries	April 1908 to April 1909	April 1912 to April 1913	April 1913 to April 1914	April 1914 to April 1915	April 1915 to June 1916
	Rs.	Rs.	Rs.	Rs.	Rs.
United Kingdom }	.....	45,10,249	49,73,290	40,90,923	31,60,286
Other Countries }	.....	17,92,962	20,24,627	11,08,021	9,45,267
Total	43,79,040	63,03,211	69,97,917	51,98,944	41,05,533



Other countries in the table stand for (1) Germany, (2) Austria-Hungary, (3) Japan and (4) United States. The detailed figures for the year 1913-14 show that out of the total trade of about 20 lakhs of rupees, Germany and Austria-Hungary together claim as much as about 12 lakhs of rupees. The fall that has taken place in the trade, under the heading of "Other Countries" for the years 1914-15 and 1915-16 (upto January) is obviously due to the complete stoppage of the imports from the enemy-countries. We can safely take it for granted that the trade of Japan and United States can not have suffered (except perhaps temporarily); on the contrary it must have risen. A very large portion of the import trade under this heading from the Teutonic powers is known to be in pencils alone. Therefore, it would not be a great mistake to suppose that of this trade of 12 lakhs, at least 10 lakhs would be in pencils. Besides, both Japan and United States do supply us some pencils of all grades. Therefore, in my opinion, the total imports of pencils in India may safely be put at 12 lakhs of rupees worth annually. Regarding the imports of the United Kingdom, which form the major part of this item of 'stationery excluding paper,' I do not think there is any appreciable trade in pencils. So I have left that big figure quite out of consideration for the present subject.]

3 As to the actual number of pencils sold in India annually, a German Expert, who claims first-hand information of Indian conditions, calculates that "India consumes now about 3 million gross pencils yearly, of which only some 150,000 gross sell at from  $\frac{1}{4}$  to 4 annas each retail. To all intents and purposes, the Indian market is one for a 3 pie pencil and this market will increase enormously during the next 25 years by the Government's enlightened action in pushing on a system of Universal Primary Education." In my opinion, this estimate of the German Expert is a little too high; for, remembering that the trade in this industry is worth about at least 10 lakhs a year, as was shown above, it would mean that we are buying 30 lakhs of gross pencils for 10 lakhs of rupees. This again would mean that we are buying 3 gross pencils for a rupee, on an average. This average gross price is obviously too low to be true; because the cheapest pencil in India

which comes from Japan is sold at as. 6 per gross. Taking all sorts of pencils into consideration, I might roughly hazard my estimate at 2 million gross pencils annually. It must be remembered that the trade of pencils in India in number as well as in price would only be an approximate guess-work; but it is more than sufficient to convince any-body of the scope of the industry for Indian enterprise. There is clear margin for at least 40 small factories each producing 100 gross a day. The possibilities of the expansion of the trade are also promising. A rough classification of the imported pencils would be (1) graphite pencils of varying degrees of hardness and (2) coloured and copying pencils used for various purposes. The standard sizes are, diameters 5.7, 6.5, 7.5, (Round and Hexagonal), 9.85 (Round and Hexagonal) millimetres and 17 centimetres in length; pencils meant for diaries and fancy purposes vary in size.

4 No one seems to know just when the lead pencil first came into use. It must be remembered that the so-called 'black-lead pencil' of the present day has nothing to do with metallic lead, but is made up of a mixture of clay and graphite, the latter of which is an allotropic modification of carbon, just as diamond also is. As a pencil expert puts it, 'a lump of graphite from Ceylon, a handful of clay from Austria, a few sticks of soft red cedar from Florida, properly worked to-gether by special machinery and skilled labour, produce the lead pencil of common use.' Of course it must be remembered that the expert is not to be taken too literally, in-as-much-as the graphite, clay and the wood of a similar quality are now available elsewhere also. The ancient Greeks and Romans used a "stylus"—a hard wood or metal point with which they wrote on wax-tablets. When lead (the metal) was discovered, strips of this were used, but it was too hard for practical purposes. Elsewhere it is stated that a painter's brush was also called a pencil in pre-Elizabethan period. Any how, it seems that graphite or plumbago came to be used for the first time in the reign of Queen Elizabeth. The first mine of graphite was discovered in England in Cumber-land in her reign, and the product obtained direct from the mine was so pure that it could be cut into convenient chunks and used for writing purposes without any purifi-

cation. Then some one hit upon the idea of cutting it into strips and encasing them into wood ! But the supply of pure graphite soon became exhausted and a large quantity of powdered graphite was left behind. It was in utilising the powdered residue that the beginnings of the processes used at present began to be developed. Naturally, from about 1563, when the Borrowdale graphite mines in Cumberland were discovered, England enjoyed the monopoly of this industry for a very long time. Then it was taken up by the famous Faber family of Nürnberg in Germany in the year 1761, Mr. Casper Faber was the first to start this industry and it seems that in his time, he used to mix some sort of sticky substance to hold the graphite particles together. When he first started his factory, he employed about fifteen labourers only; today the Faber family monopolizes a very large portion of this world-industry. About 30 years after the first pencil factory was started in Germany, a great revolution was brought about in this industry by a famous French scientist. Nicolas, J. Conte (1755-1805) was a mechanical genius, chemist and an artist of great repute in France. We are told, "the events of the revolution soon gave him an opportunity for a display of his inventive faculty. The war with England deprived France of plumbago. He substituted for it an artificial substance obtained from a mixture of graphite and clay and took out a patent in 1795 for the form of pencil which still bears his name." An expert to the Government of Mysore tells us in his report, "Napoleon offered a prize for an artificial lead pencil, and thus was the originator of the scientific pencil, which is so indispensable to civilized nations now; the Bavarian Government started a state pencil factory and so laid the foundation of a great industry in Bavaria, which became and still is the great world centre of pencil manufacture." It is just possible that Conte's invention above referred to was due to the prize offered by Napoleon, if this expert were to be believed. It is also worth noting that the

Bavarian Government started a *state* pencil factory and thus set an example to its subjects, as this expert of great experience tells us. In 1856, the Faber family laid a firm foundation of its industry by taking a sole monopoly of the graphite mines in East Siberia and by establishing its own saw-mills in America to work the soft Florida Junipers. In other words, Germany or rather the Faber family is monopolizing an industry by importing both the graphite and the wood from outside. This is indeed a remarkable example of organization ! In 1861, Mr. Eberhard Faber of the same Faber family introduced the industry in America by starting a factory in New York. Nürnberg is to-day the chief centre of pencil industry and has remained so for more than a century. There are now more than 26 factories in Germany employing over 5000 persons and producing a variety of pencils valued at 60 lakhs of rupees, of which, I expect, India alone consumes about a sixth part. Japan has recently got into the field and has undoubtedly displayed great activity in producing cheap pencils.

5 The three raw materials required for the industry are (1) graphite, (2) clay and (3) wood. As pointed out before, metallic lead has no connection with the lead pencil. The confusion arises from the fact that graphite, which is also known as plumbago, was for a long time supposed to contain lead; it was also confused for a long time with the sulphide of molybdenum when Scheele in the year 1779 showed that molybdenum sulphide ( glance ) was different from graphite. Graphite occurs in nature and is tolerably widely distributed. The best graphite was found in the Borrowdale mines in Cumberland, in green slate. In the 16th and 17th centuries, they were so productive as to yield an annual income of £ 40,000, although they were only worked for a few weeks in the year for fear of exhausting the mine. It is also found at Passau in Germany, in Bohemia and in Styria. It likewise occurs in many places in the United States, the deposits at Stourbridge, Mass, Ticonderoga ( Essex County ), Raleigh ( N. Carolina ), and Cumberland Hill ( Rhode Island ) being large enough to yield a considerable supply. By far the largest mine in the United States is the " Eureka Black-lead mine " at Sonora in

California. The graphite here forms a layer of some twenty to thirty feet in thickness and is so pure that it may be obtained in large blocks. In Siberia, to the west of Irkutsk, this substance occurs in considerable quantities in the Batongal mountains and is largely exported to Europe. I believe, it is this tract that the Faber family has monopolized since 1856. Deposits of the mineral had long been known in Korea; but exploitation may be said to have commenced on a commercial scale only about seven or eight years ago, the Japanese being most largely responsible for the enterprise which resulted in 1908 in the production of over seven thousand tons and the export of over five thousand tons, although at that time only two mines were in active working, the rest of the enterprise having been still in the prospecting stage. Korean graphite however, is for the most part of inferior quality. In India, graphite is found in Travancore, Tinnevely, Kristna, Godaveri and Vizagapatam districts and in Ceylon. The Ceylon graphite is reputed to be one of the best in the world, containing about 98.55 per cent of carbon. The purification of the graphite exported from India is done in foreign countries, because the industries for which graphite is used are unknown to India. It is used for the manufacture of carbon electrodes for electric lamps, for manufacturing plumbago crucibles, as a lubricant and for pencil industry. If, therefore, Indian graphite is to be used for pencil manufacture, it must be exported to a European country, purified by a simple process (in which water is largely employed and on which it floats though specifically heavier), and then re-imported. Even the export trade of this raw material is suffering and will suffer more in future, because so many graphite mines are being newly worked in various parts of the world and artificial graphite is also coming into the field as a serious rival. The following table will explain the condition of this industry.

## EXPORTS OF GRAPHITE FROM INDIA AND CEYLON

Year.	Tons.	Value in Rs.	Year.	Tons.	Value in Rs.
1904	3323	2,70,000	1909-10	2140	3,00,000
1905	2324	2,33,490	1910-11	1740	2,43,000
1906	2600	1,50,000	1911-12	1450	2,00,000
1907	2433	1,10,000	1912-13	1819	2,40,000
1908	2873	2,10,000	1913-14	.....	.....
1908-09	1460	1,50,000	1914-15	.....	.....

In this connection I had written to Mr. G. Findlay Shirras, Director of Statistics, who was good enough to give me the following information:—

“ With reference to your letter dated the 17th February 1916, I have to state that there were *no exports of graphite* from British India during the *official Year 1914-15* or the rest of 1915. The only exports recorded during the official year 1913-14 are stated below;

From Bombay--quantity figures not available, Rs. 20;

„ Madras Cwt. 10 Rs. 50;

No information regarding the exports from Ceylon is available in this department.

Practically the whole of the Indian out-put came from Travancore, Graphite occurs in small quantities in various parts of India—in Godaveri and Vizagapatam, the Chattis-garh, Feudatory States, Coorg, the Ruby mines district in Upper Burma. The total production of the world is estimated to be 1,00,000 tons annually of which nearly a third used to come from Ceylon alone. If, therefore, pencil industry is to be started in India, graphite will have to be imported. I have carried on a good deal of correspondence with a Mexican firm on this subject and I have examined three of the samples sent by the firm by laboratory tests and found them to contain about 98.5 per cent of pure carbon. I think, it is much more convenient to work

with imported refined graphite rather than to take up the responsibility of purifying the Indian graphite, which would divide the attention of a pencil expert. I think, however, the refining of graphite is not a difficult task and those that feel interested in the subject would advantageously refer to a paper submitted to the Indian Industrial conference held at Allahabad in 1910, by B. Viswanath Esq. on 'The plumbago industry.'

6 Coming now to the question of clay, it may be remarked that finding out the exact nature of the clay required, has been a stumbling block to many an experimenter and manufacturer. Indeed, it might be said that the nature and proportion of clay used may be looked upon as the trade-secret of this industry. The rest of the work is purely of a mechanical and technical character. As has been pointed out before, until the time that M. Conte took out his patent in 1795, clay was not used at all for preparing the lead-sticks. The great advantage in this process lies in the fact that graphite whether in a lump or in a powder form could be used and after mixing with clay in the proper proportion could be, by means of a press, worked out in any desired form, square, round or triangular. Further, by adding more or less of the clay, the degree of hardness could be regulated to any desired extent. With more of clay, the lead becomes hard and with less of it, it becomes soft. As many as thirty or forty different grades of hardness of lead are now available in the market, all adjusted by the addition of more or less of clay. The chief quality of the clay is, that it should be soft, finely divided, and free from silica, lime and iron as far as possible. I know, the Broach and Calcutta factories have invested a large sum in experimenting with a variety of clays and finding out the right sort. The right sort of clay is available in plenty in India, e. g. in the vicinity of Poona and round about. The following is the detailed description of the Conte process.

" Pure clay or clay containing the smallest proportion of  
 " calcareous matter or siliceous matter is the substance which  
 " he employed to give aggregation and solidity, not only  
 " to plumbago dust but to all sorts of coloured powders. That  
 " earth (clay) has the property of diminishing in bulk and

“ increasing in hardness, in exact proportion to the degree of heat  
 “ it is exposed to and hence may be made to give every  
 “ degree of solidity to crayons. The clay is prepared by  
 “ diffusing it in large tubes through clear river-water and  
 “ letting the stirred mixture settle for two minutes. The super-  
 “ natant milky liquor is drawn by a siphon from near the surface,  
 “ so that only the finest particles of clay are transferred into the  
 “ second tub upon a lower level. The sediment which falls very  
 “ slowly in this tub is extremely soft and plastic. The clear water  
 “ being run off, the deposit is placed upon a linen filter and  
 “ allowed to dry. It is now ready for use.

“ The plumbago must be reduced to a fine powder in  
 “ an iron mortar, then put into a crucible, and calcined at  
 “ a heat approaching to whiteness. The action of the fire  
 “ gives it a brilliancy and softness which it would not otherwise  
 “ possess and prevents it from being affected by the clay which it  
 “ is likely to be in its natural state. The less clay is mixed with  
 “ plumbago, and the less the mixture is calcined, the softer are the  
 “ pencils made of it; the more clay is used, the harder are  
 “ the pencils. Some of the best pencils made by Conte were formed  
 “ of two parts of plumbago and three parts of clay; others of equal  
 “ parts. This composition admits of indefinite variation both as  
 “ to the shade and hardness—advantages not possessed by the  
 “ mineral. Plumbago and clay being mixed in this way, and  
 “ converted into a homogeneous mass, the paste is converted  
 “ into lead under high pressure by being passed through a matrix  
 “ in a screw-press. The leads are then dried and baked in an oven  
 “ at varying temperatures. These again are put in wooden cases  
 “ of all sizes and shapes and we have the lead pencil of  
 “ commerce ”.

Since the beginning of the use of graphite for pencils, M. Conte's invention is the greatest revolution in the growth of the industry. But for this progress, it is doubtful whether we would have acquired any skill in manufacturing the different degrees of hardness in lead, which are used by the carpenter, the photo-grapher, the painter and the average consumer.

7 In making coloured pencils, the process in many respects is similar; only in the place of graphite, some good aniline colour



of the desired shade is used and in addition wax and some sticky solution such as glue or a solution of flour are used. The black-lead sticks are subjected to a process of burning, whereas in this case no burning is required. If this mixture were heated strongly, the organic substances used, namely aniline colour, wax, and flour-paste or glue would all char. This fact is responsible for the serious drawback in these coloured pencils, which is that the coloured mass does not possess the strength and the rigidity of the graphite lead-stick. Roughly the proportions may be taken at about 7 lbs of waxed and washed clay, 1 lb. of colouring and a quarter of a lb. of glue. The whole mixture is melted in an iron pan and thoroughly agitated by wooden stirrers. The mixture is thoroughly kneaded and mixed sufficiently well so that the heterogeneous mass becomes a uniform mixture. The mixture is then dried leaving behind a little moisture and then converted into sticks and transferred to the grooves in the slats. Obviously everything else being the same, with a change in the aniline colour employed, any desired type of pencil can be obtained. The coloured pencils sell from 2 As. downwards to  $\frac{1}{2}$  an anna whereas the graphite pencils sell from As. 4 (Kohinur Brand) each down up to two for a quarter anna (Japan Made). In India, no-body up to now seems to have taken up the manufacture of coloured pencils, where-as many attempts have been made and are being made for graphite pencils.

8 The third and perhaps the most important requisite for this industry is wood. The available information on this subject may be classified under two heads, (1) information available in Government publications and (2) private information. Private information can be of two kinds, that obtained by personal experience and personal observation and the second obtained either through correspondence or through some friends interested in the subject. The information available in Government publications, particularly those published by the Imperial economists in the Forest Research Institute at Dehra Dun, I reserve for a latter part of this paper, because I want to discuss at length and point out the inaccuracies made in these publications. Regarding private information, I can only claim to have done as much as any *private* individual can do under the circumstances. I have

personally visited some of the forests in the following places, ( though I can not claim to have exhausted the work of examining these forests ) ( 1 ) Darjeeling, ( 2 ) Nainital and Almora, ( 3 ) Dehra Dun and Mussorie, ( 4 ) Dalhousie and Chamba, ( 5 ) Jammu to Srinagar ( where I went on foot ), ( 6 ) Multan, ( 7 ) Zargoon, Ziarat, Chontair, and Mangi, in Baluchistan ( 8 ) Mt. Abu, ( 9 ) some forests in Gwalior, Indor and Baroda, ( 10 ) round about Lonavala, ( 11 ) Londa Jungles and ( 12 ) Nilgiris ( Ootacamund, specially ). Besides this, I have carried on correspondence with the following forest-officers, and have secured direct information from some other responsible persons where I could not find any forest-officers; ( 1 ) Chilas, ( north of Kashmir ), ( 2 ) Hazara ( North Western Frontier Provinces ), ( 3 ) Parachinar and Kuram valley ( 4 ) Mysore ( 5 ) Cochin ( 6 ) Tehri Garhwal ( a Native State in the Himalayas near Badri Kedar ) ( 7 ) Travancore and ( 8 ) The Sunderbans near Calcutta. Besides this during my spare time, I have referred to various district gazetteers to find out if any suitable variety of timber is to be found in any of the localities. I have also secured the samples and quotations of the soft cedar from Germany, America and British East Africa, which are supposed to be the best varieties, available in the world. Before stating my experiences, I think, it is worth while explaining what is the nature of the wood required for pencil-manufacture. Pencil wood is of two kinds, that used for superior and that used for inferior pencils. The wood required for superior pencils, ought to be soft, close-grained, smooth, straight-grained, light, easily workable, and if possible also brown-coloured. The wood used for cheap pencils may be any thing else. The best wood which satisfies all the conditions of the superior class belongs to a class of trees known in Botany as the Junipers, *Juniperus Macropoda*, *Juniperus Virginiana* etc. This wood is available in large quantities in Africa, America and I am told in Bavaria also. I have referred above to the fact that the Faber family in 1856 erected its own saw mills in America to utilize the Florida Juniper timber. This Juniper is known more commonly as Red Cedar and is a slow-growing tree. In India we have Juniper growing in Baluchistan and in some Himalayan forests

above an altitude of about 6 000 ft. I have visited the Baluchistan forests more than once and I have been granted a liberal concession by the Baluchistan Government to whom I am very much indebted. But the difficulties of labour, transport, and wastage have been so great as to make the use of the timber prohibitive. From Chilas, Naini Tal and Chamba I have secured first class samples of both Juniper ( known locally in the Baluchistan and other hills, as ' *obisht* ' ) and Cupressus Torulosa ( known locally as Devi Dyar, not Deo-dar which is different and more common ). Some of these samples are so fine that they easily beat the best imported samples from Africa, America and Germany. But the difficulties are of two kinds, either they are inaccessible or they are not available in sufficient quantity and some-times both. So far, they are only fit for being preserved in Museums and unless special plantations are taken up by the forest department, I do not think there is any hope for producing a superior quality pencil out of Indian timber. It is possible to import a good variety from Africa or America and manufacture a superior quality pencil to compete with the average imported pencil from Germany which, by the way, it may be remembered, is a reasonably good quality for the price paid. I shall now proceed to narrate in brief my experiences with the various forests where I have tried to collect information from responsible quarters.

( To be continued )

## NATIONALIST THOUGHTS AND ACTIVITIES

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( *Shreeyut Bipin Chandra Pal* )

**T**he want of a NATIONALIST ORGANISATION for all India has been increasingly felt since the last four or five years; and an earnest endeavour must immediately be made in this direction, if the large body of Nationalist opinion and enthusiasm in the country is to be effectively applied to the very serious constructive work that lies before the people and the Government of India just now.

2 Such an organisation is especially needed just now to initiate a new Nationalist policy and programme which will meet the requirements of the new situation in Indian and world politics which the events of the past few years have distinctly created. The earlier Nationalist policy of complete aloofness from the present Government in India, was really a protest against (i) the all but universal practice of popular Indian political ideals and activities to have everything for the people done by the Government, and little or nothing done for themselves by their own effort and organisations, except getting up costly demonstrations and sending up petitions and memorials to the Government; and (ii) against the equally universal attitude of almost contemptuous indifference of the rulers of the country to the opinions and sentiments of the ruled. That protest has largely achieved its end. There is a new self-consciousness in the people to-day, and a distinctly "new angle of vision" in at least a section of the very highest officials both here and in England. On the other hand there is an unfortunate tendency in some directions, to divert the youthful patriotism in the country which the Nationalist activities of the last few years have called into being, into suicidal revolutionary channels. These new developments no longer justify the maintenance of the earlier policy of complete aloofness from all association with the Government; but they demand, on the contrary free and honourable co-opera-

tion with them for the advancement of the Nationalist cause, upon terms of complete intellectual and social equality between the leaders of the people and the representatives of the Government.

3 This co-operation is however impossible except upon the basis of a real and rational Reconciliation between the demands of Indian Nationalism on the one side, and the reasonable requirements of the integrity of the present British Empire, on the other.

4 This Reconciliation can be worked up only upon the basis of the acceptance of FEDERAL IMPERIALISM as the only rational and practical Ideal for the British Empire. Great Britain and her Self-Governing Dominions must accept it openly and unreservedly as the ideal constitution for the British Empire, and India and Egypt must also equally accept the position of equal co-partnership in this Empire as their own Nationalist Ideal, freely giving preference to this imperial co-partnership over the ideal of possible sovereign but isolated independence, as more likely to secure their rightful place in the modern world. And the building up of this Imperial Federation in which India and Egypt shall be unreservedly accepted into an equal place with Great Britain and her colonies, must be laid down as the one universal test of every political or fiscal relation between these countries. While the building up of an autonomous Federation in India itself, composed of different provincial autonomies represented by the different provincial administrations and principalities, must be accepted as the one abiding end and objective of every administrative measure or policy of the present Government of India.

5 This Federal Ideal will simultaneously correct the popular Nationalist emphasis on Sovereign independence on the one side, and the popular imperialist conceit of a Dual Empire composed of some dominant and other dependent nationalities on the other. Such a Federal Empire, while absolutely ensuring to India and Egypt a self-controlled and self-reliant national life and evolution, without any let or hindrance from or subjection to, any outside country or

people, will at the same time preserve and increase our National prowess and through honourable co-partnership with other powerful national units, secure for India and Egypt a higher and stronger position in modern world-history and world-civilisation than what, in our present condition, it will ever be possible for these countries, to attain even as an isolated sovereign state, in the face of the increasing conflicts and complexities of present day world politics. It is also the only way open to Great Britain for the preservation and consolidation of her imperial status. This Federal Idea will, without hampering the fullest realisation of our own national life, make us equal partners in a world-wide empire, and thus enable us once more to throw ourselves into the mid currents of human history and human progress. It will also offer to Great Britain the only line of least resistance for the perpetuation of her Indian connection which is so essential for the maintenance of her imperial position.

6 To work up this reconciliation, the first step must be taken by the Government, and we must have a clear and authoritative declaration, sanctioned by Parliament, if possible, in the shape of a small Bill of Rights, and promulgated above the signature of His Majesty the King Emperor, accepting this ideal of Federation as the one unalterable objective of British Policy in all matters of the internal administration and outside relations of this country.

7 The next step must be to immediately admit the people of India into these elementary rights and responsibilities of national autonomy that are found in every country that has a national Government, whatever may be the particular constitution of their state,—the rights, namely, of unrestricted admission into every branch and rank of the national service for which the individuals seeking such admission may be physically and intellectually fitted, and particularly into the army and the navy,—when an Indian navy is organised, as it must be in the near future if India is to hold her own in her own waters, in the face of the growing naval strength of Japan and China.

8 The third step must be the repeal and removal of all

Statutes and Regulations that mark the Indian as a member of an inferior race, with an inferior civic status not only in the Empire, but even in his own country; and that impose any sort of disabilities upon him on the ground of his country and colour, and that offer, on the other hand, any differential treatment to people of other countries and races resident in or visiting India.

9 The fourth step must be the granting of complete freedom to the people to create, work, and develop the vehicles and institutions of their modern civic life without any let or hindrance from the present British Bureaucracy, subject only to such safeguards as may be required for the preservation of peace and order in the country, which is and must remain for a long time to come, the absolute and primary function of the present Government, even though it may be controlled and manned by British officials. This may be best done by a voluntary Associations Act on the lines of the existing Charitable Institutions and Scientific and Literary Associations Act of the Government of India.

10 Fifthly, the existing Legislatures must be gradually enlarged, upon a system of elective franchise, having the Village communities for their primary basis, so that being thoroughly representative and responsible bodies, these may assume the functions and discharge the duties of advanced national legislative assemblies of the modern world, and the existing executive first in the provinces and then in the supreme Government of India, must be gradually made subject to the control of their respective Legislative Councils.

11 And finally, the Federal Government of India, thus built upon a popular basis, and completely representative of the composite Indian Nation, shall be admitted into an equal place with the other national Governments in the Empire, in the Federal council, or Parliament of the Empire, which will initiate and control Imperial policy.

12 These are, briefly, the lines along which our present political education and agitation should be conducted and with a view to help this education, the Nationalists in the country should combine and organise themselves into some

Association, and work either independently or in co-operation with other organisations for the realisation of these common ends.

13 The question of Name is "a minor matter, but as Nationalist thought in India had strongly repudiated the so-called Colonial Ideal as unreal for India, and had subjected the cry for "self-government within the Empire" to a most cruel and searching analysis, and as neither colonial self-government nor even Home-Rule conveys the full sense and significance of this Federal Ideal, it seems we should have some name for our organisation and movement as will clearly and unmistakably convey the complete meaning of what we want. If the word Home Rule is desired to be kept, I would suggest the addition of the word *Federal* to it. "Federal Home-Rule" seems to avoid all misconceptions.



# Methods of Political Work

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( *L. B. Bhopatkar, M. A., LL. B.* )

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As a generation's time has now passed since the political work in India was commenced on organised lines, it will not be premature to pause a bit, to take stock of the work done and left undone, and to consider whether the methods that have hitherto been adopted for achieving political progress do or do not require any modification or alteration therein. The Congress was meant to represent and does represent the embodiment of the current political thought in India, though of late attempts have been made to give a sectional tone and colouring to its proceedings. It has been able to carry out a part of the moderate programme, which it had set before itself, and to accomplish what an institution similarly situated and conditioned could have done. It has changed the angle of vision of the educated classes of India, and has awakened in them the right sort of political consciousness. It has made them feel and realize that in the economy of life there is a higher and nobler call, viz. the call of the Mother-country, which it is their sacred duty to respond to. It has also produced in some the lofty spirit of self-sacrifice, and in others the capacity to rise to the full stature of manhood. In fine, the Congress movement has laid down the solid foundations upon which, if the Indian politicians are so minded, can be reared up the grand and noble structure of Indian nationality. The time is almost ripe when earnest and sustained endeavours should be made in this direction by persons, upon whose shoulders lies the responsibility of directing the political agitation in proper and useful channels.

The last thirty years of the Congress activities may be roughly divided into two parts. The first part covers the period from 1885 to 1906, and is characterized by the specific

demands made to, and the redress of particular grievances sought at the hands of, the powers-that-be. The dominant idea in this period appears to be to inspire educated persons with patriotic notions and to make them alive to the political needs of the country. The second part covers the last nine years and can be distinguished from the first by the outstanding feature that an ideal is placed before the nation to be worked out by constitutional means. There can be no doubt that this period marks a decided step in advance upon the first. It has assimilated all the good points of the first, and has in addition kept a goal before the nation, which should, for the present at least, serve as an unerring guide in India's efforts at self-realization.

There cannot be any gainsaying the fact that the ideal, as preached by the Calcutta Congress of 1906, is not the same as accepted by the Convention Committee at Allahabad in 1908, but that it has been brought down to a much lower plane. The object, that has been declared by the Conventionist Congress, is "the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire and a participation by them in the rights and responsibilities of the Empire on equal terms with those members;" and it is proposed to be achieved "by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering public spirit and developing and organising the intellectual, moral, economic and industrial resources of the country."

Though the ideal and the means of realising it have thus been laid down in clear terms, one fails to find any material change effected in the *modus operandi* of the congress. The old, traditional method of holding the Congress for three days in a year, of passing a number of resolutions regarding the burning questions of the day, of submitting them for consideration to the highest authorities in the land and then leaving them to their fate, is being followed with all the tenacity worthy of a better cause. The story of 1885 is repeated over again even in 1915. There is the clinging fast to old moorings and the moving in the same prescribed grooves. Cities vie with each other in holding the sittings with the oriental love for pomp and pageantry, the list of

delegates is swollen to an unusual length, and is declared in jubilant tones to be the unfailing test of its so-called grand success. Most of the persons from different parts of the country attend it, more with the desire of having a pleasant outing during the Xmas, than with a real, living interest in its deliberations. For three days the pandal shakes with the thundering eloquence of a Surendra Nath, or vibrates with the soft, dulcet cadences of a Madan Mohan. But, all the speeches lack the quickening touch of any new suggestion, or the vivifying breath of any original thought. The political shibboleths of old, though long exploded, are given utterance to by some with cloying monotony. Social position more than actual work is made the passport for securing a prominent place in the proceedings of the Congress. Persons, who were hardly known outside the circle of their friends, or were known to have acted in *unnational* spirit when an opportunity presented itself to them, are palmed off as staunch patriots, and with surprising haste are pitchforked into the chair of the *National* Assembly. Patriotism is thus in a sense mocked and work though unwittingly is held to ridicule. The atmosphere, in which the Congress lives, moves and has its being, is so dull and stereotyped that unless the venue of its activities and the means of carrying them out to a successful issue are substantially changed, there is the serious apprehension of its getting fossilized soon. The ideas and ideals of the people have immensely progressed in recent times, but the methods of fulfilling the political destiny in view have not been brought in tune with them. No wonder, then, if the congress agitation should not be attended with any considerable degree of success, and should be looked upon as almost a dead formula to be repeated for some days only to be forgotten for all the remaining days of the year.

The lines, on which the congress is being run now, must therefore be entirely changed, at least thoroughly recast, if it is to encompass the end aimed at. The present are the momentous times in India's life as a nation, and are pregnant with deep and profound meaning. It is exactly the psychological moment, which we have got to turn to the best possible account; and we shall be failing in our duty, if we allow

it to slip through our fingers. Most of us are looking forward with wistful eyes to the time after the cessation of the present war, when important political rights will, it is hoped, in all probability, be conferred upon us in recognition of the splendid services rendered to the Empire by the sons of India. As a consequence, by all the love which we cherish towards our Motherland, it is our bounden duty to sink all differences, and not be swayed by petty considerations of power or party-politics. Our political agitation must henceforth be conducted in such a way that the whole nation, from the highest to the lowest strata of society, will throb with the same impulse and pulsate with the same feeling. We must at once fall to the work of focussing together the forces which have already been created, and of creating them in places where they do not exist at present. Attempts should also be made to coordinate all the existing national movements, and if necessary, to subordinate them, one to the other. Our watchword should be, "educate the ignorant, agitate the dull and organise the restless elements in the nation." In a word, the primary object of the Congress for a decade or so at least should be to equip the masses with the necessary qualifications to enjoy the boons of Self-Government, by fostering public spirit in them and by producing in them an intense desire to acquire it at any cost and hazard, rather than the attainment of Self-Government itself on colonial lines. For, the latter will perforce follow in the wake of the former, nay, it may even be said that it will be the necessary consequence of the former.

The question, that then naturally crops up, is what are the reforms which should be effected in the existing methods of the Congress, and what new methods should be substituted for the old ones? The answer is, that henceforth the political work should be carried on by us from within and from without, and that too with all the insistence and persistence that we are capable of. The time of resting content with the fitful efforts of the British Congress Committee or with the occasional visits of the Indian delegates to England, for the purpose of rousing the British conscience to the sense of the grave defects in the Indian administration, is long gone

by. Instead, we should be sending delegates every year not only to England, but also to other parts of the world, who should endeavour to enlist the active sympathies of the liberal-minded persons there. We should also encourage colonization by Indians in those lands. For, history unfolds to us the view that the bonds of love and fraternity thus forged have been greatly helpful in a nation's struggle for political emancipation.

But it is in regard to the work from within that we should hereafter concentrate our best energies and thoughts. The Congress should be more a *directing* rather than a *deliberative* assembly. It should meet for some days in a year, but not with the object of passing resolutions, but for the purpose of checking and controlling the work put forth by the District and Provincial Associations. It is not merely the payment of Rs. 20 that should qualify a person to be a delegate thereof. It is hard and continuous spade-work among the masses, that should count largely for being elected a delegate. The D. C. (Delegate of the Congress) should be made a title as full of honour and pride as the V. C. From this point of view it will meet our present requirements if the Congress is restricted to 400 delegates only and is constituted as here-in-below laid down:—

80	Delegates	from	United Bengal
75	"	"	Bombay
75	"	"	Madras
40	"	"	United Provinces
40	"	"	Punjab & North } Western Provinces }
28	"	"	Central Provinces
25	"	"	Berar
20	"	"	Bihar
5	"	"	Burma
12	"	"	Assam, Coorg, } Ajmer } & Baluchistan, }

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400

All the ex-Presidents of the Congress, residing or present

in India and the permanent Secretaries of the Congress should be delegates in addition. The delegates to be sent by each province should be, as far as possible, the Secretaries of the different national movements in that province. By this arrangement large sums of money, which are frittered away on the score of the Congress, will be saved, and the District and the Provincial Associations will be under the obligation to hold their conferences regularly and without any break. It should be the function of such Associations so to conduct the political agitation within their jurisdiction, year in and year out, as will catch the popular imagination and make the masses feel that they are but the component parts of a united whole. The political education to be imparted by means of the Congress must be made to gravitate down, till it reaches not only the provinces and districts, but if possible, the taluks and villages. It should be one of the guiding principles of the District and Provincial Associations or Committees to conduct the proceedings of their meetings in the vernacular of the District or the Province. For this purpose, India may be divided into provinces and districts on the linguistic basis. The English language should be eschewed from such meetings, and should be confined only to the sittings of the Congress. In order to add leaven to the agitation and to maintain the continuity thereof, there should be appointed paid political preachers of approved merits and reliability of character for each revenue division, whose duty it should be to initiate the un-educated into the workings of the administration, to glean information regarding public questions, and submit it to the Provincial Association for consideration and action. There should be, in short, the parallel administration of the Congress with the All-India Congress Committee at the summit, and the Village organization as forming its base, and all this should be knit together by the golden thread of the passionate love for the Mother-land, an unshaking faith in her glorious future and a capacity to work out her political salvation under the ægis of the British rule. To supplement the efforts of the District and Provincial Committees, the political literature concerning the public topics

of the day should be published in the vernaculars of the different districts and provinces, and should be circulated broadcast. The All-India Congress Committee should immediately start a central fund to meet all the necessary expenses.

But while seeking to bring about an upheaval as outlined above, there is an important factor that we cannot afford to ignore or to overlook. The Native States number about 675, out of which 175 States are under the control and supervision of the Supreme Government, whereas the suzerainty in the case of 500 minor States is entrusted to the Provincial Governments. The area covered by these States is approximately 7 lacs of square miles with a population of 7 crores, as against the total area of the British India which is 10.9 lacs of square miles with a population of 24.4 crores. Thus the area of the Native States is more than a third of the total area of India, and their population is a little less than a fourth of the total for the whole peninsula. The Indian Princes used to lead an exclusive and self-centred life in the past, and they rarely allowed any movement to touch their administration. But their ideas in the matter appear to have undergone a vast change. One can perceive a marked tendency on their part to make their administration as popular and democratic, as the peculiar conditions and environments, in which they are placed, would permit them to do. As such, it behoves us to strengthen that tendency in them by everything that lies in our power, and to appeal to them to meet together, ofcourse with the permission of the Government of India at least once a year and to interchange freely their thoughts with each other. The more progressive and enlightened among them should therefore be approached by the representatives of the Congress Committee with a request that they should have their own Congress, which may be styled as the Congress of the Indian Chiefs. If this Congress becomes an accomplished fact, we shall have here the Congress of Chiefs and the Congress of Commons, corresponding to the House of Lords and the House of Commons in England. The advantages to be derived from this arrangement will be that closer relations will come to be established between the Chiefs and the

Commoners of India, the former will profit by the initiative and mental vigour of the latter, and the latter will get congenial soil to try their political experiments upon.

Such are, in the main, the lines on which the Congress has got to labour with all the despatch and earnestness it can command. Now is, or never will be, the time for us to organise our resources, and concentrate whatever forces might have, been in play in the nation. The educated classes have been sufficiently imbued with the modern spirit, only they have to be stimulated into active work. It is the education of the masses, which should form the subject of our anxious thoughts. Our movements are bound to triumph in the end; but the triumph will not be hastened, unless, by taking recourse to appropriate means and methods like the ones mentioned above, we make all the Indian hearts responsive and sympathetic. It is assiduous and persevering work among the masses that is the crying need of the times, and till we supply that long-felt desideratum, all our political work and agitation is sure to be "like the morning grass that withers at eve."



# THE SABHA FROM DAY TO DAY

( 1 )

[ The Sabha during the last quarter submitted three memorials to Government on the subjects of ( 1 ) The Belgaum Jury notification, ( 2 ) The Medical Bogus Degrees Bill, and ( 3 ) The break-up of the Muslim League meeting at Bombay. ]

## ( 1 ) BELGAUM JURY

The Poona Sarvajanik Sabha  
Joshi Hall, Poona City.

*15th January, 1916.*

From,

N. C. KELKAR, B. A. LL. B.,  
Chairman Poona Sarvajanik Sabha  
Poona.

To,

The Secretary to Government,  
Judicial Department  
Bombay.

SIR,

We have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit, for favourable consideration by the Government of Bombay in the Judicial Department the following observations of the Sabha on Government Resolution No. 7087, dated 19th October 1915 and the press-note thereon which appeared in the Bombay Government Gazettee dated 2nd December 1915, in regard to trial by Jury in the Belgaum District.

( 2 ) The Sabha notes with regret that at a time when the Empire is in the throes of a trying and unprecedented war, and when the best energies and attention of every component part thereof should be directed towards vanquishing the common foe, the Government of Bombay should have issued a Resolu-

tion, curtailing the right of trial by Jury in Belgaum, and should have thereby strongly agitated public opinion in the Deccan. The Sabha respectfully submits that the action of the Bombay Government in this matter is in direct conflict with the present policy of the Indian Government of not undertaking any measure which is controversial in nature or which is calculated to ruffle the equanimity of the public mind.

(3) The Sabha submits that the Press-note issued by the Government of Bombay, defending and justifying their action in depriving the people of the district of Belgaum of their precious right of trial by Jury in certain serious cases, is a somewhat illogical and highly unconvincing document, and embodies a marked departure from the policy of liberal statesmanship enunciated by the Government of India in 1862, and practically carried into effect by the Government of Bombay in 1885, so far as the District of Belgaum is concerned. The Committee regrets to find that such a retrograde step should have been taken by the Government of Bombay, when it has been presided over by such a large-hearted and liberal-minded statesman as Lord Willingdon.

(4) The Sabha does not feel it necessary to dilate at great length on the manifold advantages which the nation has already derived and is sure to derive in future from the institution of trial by Jury. It is of opinion that the right of trial by the Jury is the fittest complement of the two other rights, namely the right of Local Self-Government and the right of having an effective popular voice in the Legislative Councils, and is the best medium for imparting that political education to the people of India, which will make them better and higher citizens. The right of trial by Jury is prized more than any other right by Englishmen, and it is considered by them as one of the bulwarks of civic liberty. In the Sabha's opinion the Jury-system is more of a Political institution than a judicial one, and to look upon it as a merely judicial institution is only to take a narrow view of it. Moreover, looked at even from the point of view of justice, in the present state of India, when in an overwhelming majority of cases the Sessions Courts are presided over by Englishmen not very deeply conversant with the customs and manners of the people, there is all the greater need for the extension of this institution on a wider basis, thus largely associating the people in the administration of law and justice.

(5) The Sabha is aware that the Bombay Government have in one respect extended the scope of the Jury-system by making all offences in the Belgaum District triable by the Sessions Court also triable by Jury. But the Sabha submits that Government have withdrawn the right in cases where exactly they should not have done so, and extended it to offences of mere minor importance. It is in cases of murder, forgery etc. that the need of a popular tribunal consisting of persons selected from the same district, and as such, conversant with the knowledge of local condition and limitations is most vitally felt. And by taking such offences outside the pale of the jurisdiction of Juries Government would be throwing an unfair burden of responsibility upon the shoulders of Sessions Judges who are, as a rule, inexperienced in the ways and manners of the people, and whose decisions are for that reason likely to result in grievous miscarriage of justice.

(6) One of the reasons assigned by the Government for withdrawing the right of trial by Jury is that there has been an alarming increase of late in cases of murder, dacoity and robbery, and that the same is due to factions which are rampant in the District of Belgaum. But the Press-note, issued by Government on the subject, unfortunately does not contain any evidence relied upon by Government in support of this allegation. In the absence of such evidence the Sabha is not in a position to express any opinion as to the increase or otherwise of offences of murder, dacoity &c., nor can it definitely say as to whether the alleged increase is of really an alarming nature or not. It is not also aware of any factions existing in the District of Belgaum. But even conceding that there is an alarming increase in cases of murder, dacoity and robbery, and that factions do exist in every part of the District of Belgaum, the Sabha does not understand by what process of reasoning Government have come to the conclusion that a very large proportion of the aforesaid crimes is necessarily due to the existence or the working of these factions.

(7) The Sabha further submits that if the tendency of committing violent offences of any description is really on the increase in the District of Belgaum, it is somewhat strange that the right of trial by Jury should have been withdrawn only in cases of murder, and not in cases also of dacoity and robbery, which are equally of a violent nature and which, according to the Press-note, result from party-feuds. Will the

limitations put upon the people's right of trial by Jury in cases of murder wipe out or even effectively check the criminal propensities and factious spirit which are said to be abroad in the District of Belgaum? The Sabha respectfully submits that they will not bring about the desired result. Viewed in this light there can be little or no justification for the particular action taken by the Government. The public has not yet been taken into confidence over the matter. The Sabha submits that Government owe it to themselves no less than to the public at large to publish the whole correspondence and statistics relied upon by Government in order that there may be enough material before the people to grasp the issue involved in all its aspects and bearings.

(8) Another reason advanced in the Press-note for the abolition of the Jury-system in certain classes of offences is that the field for the selection of Jurors in the District of Belgaum is not as wide as it is in Bombay or Poona, that persons of lower intellectual calibre or moral fibre are required to be put on the Jury-list, that they cannot resist the temptation or intimidation to which they are too often subjected and that consequently the percentage of acquittals during the last thirty years has increased from 31.19 to 47.37. In the committee's opinion it is a serious charge that has been levelled against the Jurors in the District of Belgaum, and it deserves to be substantiated with the aid of comparative statistics of Bombay, Poona and Belgaum. But the Press-note is quite silent about them. It does not cite concrete cases wherein Jurors, being the victims of temptation or intimidation, were found wanting in the necessary moral stamina to rise superior to it. The Jurors in the District of Belgaum are apparently chosen from the same classes from which they are selected in Bombay or Poona, and it is not shown why an average juror in the former district should differ from an average in the latter. It is moreover not quite apparent how the Jurors who were fit for their responsible work for over 30 years in the past have suddenly ceased to be so of late, when there has admittedly been a marked rise and growth of education and the sense of civic responsibility in other matters. Also the fact that some of the Jurors in the District of Belgaum have not received English education sufficient to enable them to follow intelligently the arguments of the pleaders or the charge to the Jury can not and should not disqualify them for their inclusion

in the Jury-list. The proper remedy for such an unhappy state of things is not to limit and circumscribe the rights of such persons, but to insist upon the pleaders arguing the case or the Judges charging the Jury in the vernacular of the district. By no stretch of imagination can knowledge of the English language be said to be a *sine qua non* of good Jurorship. According to law and the circulars issued by the Bombay High Court, all the proceedings in the Sessions Court are required to be held in the vernacular of the district concerned. It is only optional with the parties to allow them to be held in English. But a party has the legal right to insist upon his case being tried from start to finish in the vernacular. The Sessions Judges, as a rule, have, it is true, only a smattering of the knowledge of vernaculars, and the proceedings are allowed to be held in English, more to suit their convenience than in the exercise of any legal right. If in these circumstances the pleaders argue the cases or the Judges charge the Jury in English, the fault lies more with them than with the Jurors, who know little of English but who can intelligently follow the proceedings if they be held in the vernacular. In the Sabha's opinion, therefore, if at all there is any shortcoming it is not in the quarter pointed out in the Press-note, but rather on the part of the Judges who charge the Jury or of Pleadors who argue the case in English, and the sooner steps are taken by Government to remove this state of things, the better will it be for all concerned. It may also be pertinently argued that persons who are not sufficiently qualified, by reason of inadequate acquaintance with English, to act as Jurors in cases of murder must be equally so in cases of dacoity and robbery, in which also the arguments are made or the charges delivered to the Jury in English.

(9) The Sabha is of opinion that even if the measure may be said to have any justification in cases of murder, it has none at all in cases of forgery. The reason given in the Press-note is that the issues involved in such cases are of a highly technical nature requiring exceptional intelligence for their appreciation. Cases of forgery and similar crimes often come for trial before the Sessions Court of Bombay, Poona and other places where the system of trial by Jury is in vogue and to the Sabha's knowledge they are tried by common Juries. It is neither the law nor the practice in these places to empanel only such Juries as consist of experts in the art of detect-

ing forgeries. In the face of all this, it could not be reasonably maintained that while the Juries in Bombay or Poona are endowed with exceptional intelligence to fully appreciate the issues and evidence in such cases the Juries in Belgaum alone are so dull-witted as to render them unfit to cope with the work before them. If that be the sense which the Press-note attempts to convey, the Sabha submits that the Government of Bombay have taken an entirely mistaken view of the existing state of things in the District of Belgaum, and of the proper function of Juries in general.

(10) From the Press-note it is evident that in the opinion of Government there must have been something rotten in the District of Belgaum, and that the evil has somehow got to be removed. But the Sabha is of opinion that instead of the blame thereof being fastened upon the shoulders of the Juries, it is the Police of the district that must be held responsible. If the criminal tendency is really fast growing there, it may as well mean that the police in the District happen to be particularly incompetent. And the efforts of Government may, with perhaps better effect, be concentrated upon a reform of the Police service in the District. For where as a Jury comes in only when an offence has been committed and investigation proceeds to the stage of a commitment to the Sessions Court, a vigilant and competent Police may be able to prevent the commission itself of the offence.

(11) The Sabha, for these reasons, respectfully urges that the Government would be pleased to treat this question of the curtailment of the rights of the Belgaum people to trial by Jury as still an open one, and to publish the statistics and other papers relied upon by them, in their entirety, so that the public may be enabled to make, if need be, further representations to Government upon the subject.

We have the honour to remain,

SIR,

Your most obedient servants,

N. C. KELKAR, B. A. LL. B.

Chairman, Sarvajanic Sabha,

L. B. BHOPATKAR M. A. LL. B.

D. V. GOKHALE, B. A. LL. B.

Secretaries S. S. P.

(2) MEDICAL BOGUS DEGREES BILL.

When the Indian Medical Bogus Degree Act was introduced into the Imperial Legislative Council, the Sabha sent the following telegram to the Viceroy:—

"The Poona Sarvajanik Sabha begs to emphatically protest against the Indian Medical Bogus Degrees Act now before the Imperial Council, and urges its withdrawal altogether, as the Bill involves the principle of permanently depriving the private agencies of their right to confer any kind of degree on any persons howsoever qualified. The Bill affects prejudicially the interests of the graduates of the private Medical Colleges at Calcutta, who are rendering very useful medical services throughout the country, and when in fact the country is in need of as many such practitioners as possible. The Sabha does not believe that the equipment of the private Medical Colleges is not even on a par with the Government Medical Schools, the students of which are entitled to Government recognition. There is, the Sabha strongly holds, every reason to expect that the private Medical Colleges will, in course of time, be fully equipped."

In reply to the above telegram the Sabha received the following letter from the Secretary to the Government of India Legislative Department:—

From,

No. 4003.

THE HON'BLE Mr. A. P. MUDDIMAN, C. I. E.

Secretary to the Government of India,

Legislative Department.

To,

S. G. LAWATE, Esqr.

Secretary, Poona Sarvajanik Sabha,

POONA.

SIR,

In accordance with the rule noted in the margin, which is an extract from one of the rules for the conduct of the legislative business of the council of the Governor General, and with reference to your telegram of 9th November 1915, I am directed to request that you will be so good as to submit any communication on the subject of the

"Except in the case of the High Court at Fort William, such communications shall ordinarily be sent through the Local Government."

Indian Medical Bogus Degrees Bill through the Government of Bombay.

I have the honour to be,

Sir,

Your obedient servant

A. P. MUDDIMAN

Secretary to the Government of India.

Upon receipt of the above letter the Sabha submitted to the Government of India the following Memorial in regard to the Indian Medical Bogus Degrees Bill.

THE SARVAJANIK SABHA ROOMS.

*Poona, 27th January 1916.*

From,

The Chairman Poona Sarvajanic Sabha, Poona.

To,

The Secretary to the Government of India.

Legislative Department,

Delhi.

SIR,

We have been directed by the Managing Committee of the Poona Sarvajanic Sabha to submit the following observations on the Indian Medical (Bogus) Degrees Bill 1915, which is at present before the Legislative Council.

(2.) The Sabha submits that this reason of "public inconvenience and injury" given in the statements of objects and reasons of the Bill, and also relied upon by the Hon. Sir Pardey Lukis in his speech while introducing the Bill into the Supreme Legislative Council, is a mere assumption which is not warranted by any evidence. Uptill now it has not come within the observation of the public that any complaint has been made to the Government regarding such "inconvenience and injury" arising from the holding of the so-called Bogus Degrees by Medical Graduates of private institutions.

(3.) On the contrary, the Sabha submits that the Bill, if passed into law, is likely to cause much real inconvenience and injury to the public as it would affect the number of medical practitioners in the country for whom there is a growing demand.



(4.) There is already a dearth of medical practitioners throughout the country, and the Sabha holds that the presence of medical practitioners, even of slightly less efficiency than the Government standard, would go a long way to relieve the inconvenience and injury caused by the total absence of any medical practitioner in the country.

(5.) Even now, as it is, Government can provide on an average only one medical man of the inferior type of the Sub-Assistant Surgeon to a Taluka town, which means one medical man for a group of 100 or more villages. The medical relief thus provided is absolutely inadequate to the wants of the people and the Sabha therefore holds that the efforts of Government should necessarily be supplemented by private institutions.

(6.) The Sabha is afraid that it cannot comprehend the meaning conveyed by the words in the preamble "preventing the grant to unqualified persons of titles etc." and of the words in the statement of objects and reason "at present diplomas are issued by private institutions to untrained persons." Does this mean that Degrees are conferred by private institutions upon persons who have received absolutely no training, who have undergone no course of any instructions, and have not gone through any test or examination before they come up for receiving degrees? This would mean a strong indictment of the promoters, the teaching staff and the examining bodies of such institutions, and would be equivalent to laying the charge of the wholesale swindling of the public at their doors. If Government will be pleased to look at some of the names of the teachers and examiners of these private institutions they would find that there are among these competent medical graduates like Drs. Row, Malik, Basu, Bhajekar, Bhalchandra and others, graduates of both the Indian and European Universities holding the high positions in the Government service as well as in private practice. The presence of eminent men like these on the examining bodies should be a sufficient answer to the above charge. The Sabha cannot persuade itself to believe that men of such eminent positions would give a full qualification certificate to "totally untrained or insufficiently trained persons."

(7.) The Sabha submits that even the S. A. S. whom the Hon'ble Dr. Nariman of the Bombay Legislative Council described in his Council speech as "men of much inferior

qualification" and whose period of study and the curriculum according to the same authority "falls short and is low" are doing excellent humanitarian medical service to the public and are deemed "for state reasons" as "sufficiently qualified" by the Government. But the Sabha in no way can understand why medical graduates from private institutions with qualifications certified by recognised medical experts (like I. M. S. and M. D. S., M. B. S., M. S. S.) are branded as "unqualified" when they can render at least equal, if not better medical relief to the public at large.

(8.) The Sabha begs to invite the attention of Government to the fact that many of the graduates from these private Colleges are employed and doing excellent and satisfactory work, as Medical officers in the service of Municipalities and on board ships, voyaging between India and foreign shores, and are acting as Durbar Surgeons or medical officers in Native States and hold certificates of efficiency from their superiors.

(9.) Turning to the Bill itself the Sabha finds that the object of the Bill as framed at present, aims at restricting the right of conferring degrees to certain Government or Government-recognised bodies composed of men about whose competency to grant such degrees etc. no doubt can possibly be entertained by Government. The Sabha submits that the examining body of at least one college in question is composed of men of undoubted efficiency and competency—men who are individually "recognized" by Government although the "body" as such formed by these very men falls in the category of bodies unqualified and thus unrecognized. Thus we are face to face with a paradox that individually recognized medical authorities together form an "unrecognized body in aggregate"

(10.) The Sabha begs to protest emphatically against the Bill as it embodies the principle of depriving public and private institutions of their natural right of conferring their own degrees or tokens of recognition upon persons found to be qualified to their satisfaction. This means creating a new monopoly of the right of conferring Degrees resting in the Government and is thus an undesirable encroachment upon the rights of an individual or individuals.

(11.) The Sabha thinks that the competency of medical graduates should be allowed to be automatically adjusted by his skill and the experience of the public. The Government and private teaching institutions should simply aim at giving full

efficient education and leave the medical graduate to himself for his future career. Efficiency of the medical graduate is determined not by examinations and certificates alone but by the work he does and by the reception given to him by the public as medical efficiency admits of more qualifications than a mere degree or a certificate given by a body howsoever elevated.

(12.) For these reasons the Sabha submits that Government may be pleased to drop the bill altogether; but if Government can not do so, the Sabha requests the Government to so amend the present bill as to allow private institutions to confer degrees which, however, may in no way pass for a colourable imitation of the recognized Government degrees. This would obviate the supposed inconvenience and injury to the public arising from their present similarity and would at the same time leave sufficient scope for the private institutions to continue their much needed useful work.

(13.) The words "Document" appearing in secs. 3.4 and 'Description' in sec. 6. are too vague and too comprehensive and would cover even ordinary certificates granted by recognized authorities such as Sir William Osler.

(14.) The Sabha further requests that the Bill would inflict a great injustice upon persons already in practice if it is ordained to have a retrospective effect. It is entirely against the spirit and genius of law-making to give enactments a retrospective effect.

(15.) In conclusion the Sabha requests that Government may be pleased to make an active effort to still further ascertain public opinion on the Bill before proceeding with the further stages of the same.

We have the honour to remain,

SIR,

Your most obedient servants,

N. C. KELKAR, B. A. LL. B.

Chairman, Sarvajanic Sabha,

L. R. BHOPATKAR M. A. LL. B.

D. V. GOKHALE, B. A. LL. B.

Secretaries S. S. P.

The Government of Bombay acknowledged the receipt of the Memorial and the covering letter in the following terms:-

No. 1110  
General Department,  
Bombay Castle, 14th February 1916.

From,

P. W. Monie, Esquire,  
Acting Secretary to Government.

To,

The Chairman  
Sarvajanik Sabha  
Poona.

Sir,

I am directed to acknowledge the receipt of your letter dated the 28th January 1916, on the subject of the Indian Medical (Bogus) Degrees Bill and to state that the Memorial sent therewith has been forwarded to the Government of India in accordance with your request.

2. I am to request that three additional copies of the memorial may be forwarded to this Government for record.

I have the honour to be,

Sir,

Your most obedient servant,

P. W. Monie,  
Acting Secretary to Government.

### (3) THE MUSLIM LEAGUE MEETING.

The Sabha submitted the following Memorial regarding the attitude that was taken by the Police Commissioner of Bombay at the time of the break-up of the meeting of the Muslim League held at Bombay in December last:—

THE SARVAJANIK SABHA ROOMS,

*Poona City, 17th March 1916.*

From,

N. C. KELKAR, B. A. LL. B.

CHAIRMAN, POONA SARVAJANIK SABHA,  
POONA

To,

His Excellency The Right Honourable  
Freeman Freeman-Thomas  
BARON WILLINGDON OF RATTAN,  
G. C. I. E.

May it please Your Excellency,

We have been directed by the Managing Committee of the Poona Sarvajanic Sabha to submit the following representation for favourable consideration and necessary action by Government regarding the break up of the meeting of the Moslem League at Bombay on the 31st of December 1915.

(2.) It is alleged that Mr. M. A. Jinnah, Bar-at-Law of Bombay requested the Commissioner of Police, Bombay, who was personally present outside the pandal to clear the pandal of the public who were not members of the Moslem League, in order to be able to carry on the legitimate proceedings of the League but that the Commissioner of Police refused to help him. He was, however, ready to take charge of the pandal and clear it of every body. The Police Commissioner also advised Mr. Jinnah not to hold the meeting at all. We beg leave to quote here the very words of Mr. Jinnah as reported in the public press. "I went to the Police Commissioner and told him that under certain circumstances which I described to him shortly but faithfully, the meeting of the All-India Moslem League had to be adjourned. I further stated to him that it was desired by most of us that this meeting should continue its deliberations in the pandal and certainly no body in the pandal, even though he be in the pandal has a right to take any part in the proceedings. I told him that we admitted the public by leave and

licence and out of courtesy some complimentary tickets were issued. I told him that in view of what had already taken place it was our desire to exclude the public entirely and confine our proceedings to the members of the All-India Muslim League, and I asked him to help me to carry out that desire. I further stated to him that those members of the public who had come into the pandal on payment would be refunded the money which they had paid for their tickets at once. The Police Commissioner refused to interfere in the matter and he said to me "If you apprehend any serious danger I am prepared to take charge of the pandal and clear every-body from the pandal."

Mr. A. Rasul, Bar-at-Law, is reported to have stated that the Police Commissioner said to Mr. Jinnah "I advise you not to hold the meeting of the League at all."

(3.) There are, we beg further to submit, also other serious allegations made against other officers of Government.

(4.) The Sabha submits that, such allegations if they remain uncontradicted, are calculated to leave an impression, howsoever unfounded, on the mind of the public that the Government officers were in some way a party to the regrettable incident of the enforced break-up of the Moslem League meeting.

(5.) The Sabha therefore submits that it is incumbent on Government to institute inquiries into such allegations openly made against high officers and justify their policy of holding an even balance between man and man.

(6.) The Sabha submits that Mr. Jinnah was a responsible official of the Reception Committee of the Moslem League and the members of the League were exercising their legitimate rights in holding the meeting of the League; and when Mr. Jinnah as a responsible officer of the League asked for help, the Police Commissioner was in duty bound to do so in order to allow subjects of His Majesty to exercise their legitimate right of public deliberations, the lines of which were settled previously at a meeting presided over by His Excellency the Governor and which lines it was never in contemplation to depart from. It seems strange that when the business of a meeting is settled with the kind co-operation of the head of Government, a Police Commissioner should not only refuse to give legitimate help for carrying out the object of the meeting but go to the length of advising the conveners not to hold any meeting at all.

(7.) The Sabha, therefore, respectfully submits that the conduct of the Police Commissioner in the matter is such that it

should be inquired into by a small mixed commission of officials and non-officials as command the confidence of Government and the people and the result be made known to the public with such observations as Government may deem fit to make thereon in the interest of justice.

We beg to remain,

Your Excellency's

most obedient servants,

N. C. KELKAR, B. A. LL. B.

Chairman, Sarvajanik Sabha,

L. B. BHOPATKAR, B. A. LL. B.

D. V. GOKHALE, B. A. LL. B.

Secretaries, S. S. P.

The receipt of the above Memorial was acknowledged by the Government of Bombay by the following letter:—

Government House Bombay

21st March 1916.

Sir,

I am desired to acknowledge the receipt of your petition dated 8th March 1916, and to inform you that it has been transferred to the Judicial Department for official consideration and disposal.

Yours faithfully

J. CREAR.

Private Secretary to H. E.  
the Governor

To,

The Chairman,

Poona Sarvajanik Sabha

Shukrawar Peth,

Poona City.

( II )

[ The following is the precis of some of the more important letters sent and received by the Sabha. ]

( I ) On the 4th of August 1915 the Sabha passed a resolution praying that God may be pleased to crown the arms

of the allies with success in the present war and submitted it to the Government of Bombay. The following is the reply thereto received by the Sabha through the Collector of Poona:—"I have the honour to convey the thanks of Government to the Members of the Sabha for their prayers for the success of the British arms."

(2) The Collector and President District Local Board Poona, sent a letter No. L. F. 200 of 1915 dated 3rd September 1915 to the Secretary of the Sabha as follows:—"I have the honour to forward herewith a list of questions drawn up by the Committee appointed by the Government to report on the extension of the principles of Local Self-Government in regard to Local Boards and to request you to be so good as to favour me with your views thereon, not later than the 18th instant." The Sabha accordingly forwarded answers to the questions of the Local Board Committee.

(3) On the 13th March 1916 the Sabha received a telegram from the Maharajah of Kassimbazar from Delhi as follows:—"It is proposed to present All-India Farewell Address to Lord Hardinge at Delhi on 25th. I trust, your Association supports the proposal and will cooperate by deputing representatives to join in presenting the address. Kindly wire reply." The Sabha wired to the Maharajah in reply to the above as follows:—"The Poona Sarvajanik Sabha heartily cooperates with you in presenting All-India Farewell Address to Lord Hardinge. His Lordship's regime was characterized by liberal statesmanship and sympathy with popular aspirations and the Sabha voices sincerest feelings of Maharashtra in saying that India will ever cherish His Excellency's name in grateful memory. The Maharajah sent a further telegram to the Sabha requesting the Sabha to depute a delegate of the Sabha to be personally present at Delhi to take part in the function of presenting the All-India Farewell Address to Lord Hardinge. Thereupon the Managing Committee of the Sabha authorized the Secretaries to send the following reply to the Maharajah "I have to thank you for your favour of asking the Poona Sarvajanik Sabha to cooperate with you in presenting an All-India Farewell Address to Lord Hardinge on 25th of March. As wired to you a meeting of the Managing Committee was held and I have in pursuance of the resolution of the Managing Committee wired to you yesterday the views of the Sabha in the matter. Kindly see that



the message of the Sabha receives due attention. I am sorry that the Sabha does not find it suitable to send a representative to Delhi to be personally present, but I assure you that the Sabha will be present there on the 25th in spirit."

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( III. )

[ The following is a summary of the proceedings in connection with the public meetings held under the auspices of the Sabha ]

( 1 ) At the invitation of the Sarvajanic Sabha, Mr. C. Y. Chintamani, the Editor of the *Leader*, delivered an instructive address on "Self-Government" in the Kirloskar theatre on the 31st December 1915. Mr. B. G. Tilak was in the chair. The learned lecturer, in the course of his address, said that the war had proved India's loyalty to the hilt. India had a right to ask what position she would be holding in the empire after the war. It was true that the councils were, thanks to them, no longer what the orator of the Congress (the Hon. Mr. Surendranath Bannerjee) called them in the pre-reform days, viz., 'gilded shams composed of magnificent nonentities,' but that even as the councils were after their re-constitution and reform, no real power was enjoyed by the non-official members. India wanted Self-Government within the empire to realise its destiny and it was liberty alone which would fit India for liberty. The Hon'ble Mr. Pandit of Nagpore and Diwan Bahadur Govind Raghava Ayyar of Madras endorsed what Mr. Chintamani had said about Self-Government and the Council Reforms, and expressed the hope that the nationalists would, by taking advantage of the amendment passed by the Conventionist Congress at Bombay, again rally under the banner of the Congress.

Mr., B. G. Tilak, after thanking all the speakers on behalf of the Poona public, remarked that if after a hundred years of British rule the people of India were unfit for Self-Government, it clearly showed that the bureaucracy was unfit to govern India.

( 2 ) Under the auspices of the Sabha a public meeting of the citizens of Poona and the District was held in the Kirloskar theatre on the 29th of March 1916, to adopt a resolution thanking Lord Hardinge for all he had done for India. Dr. V. R. Patwardhan was in the chair. The first resolution ran as follows:— "That the citizens of Poona

and the District in this public meeting assembled, desire to express their deep sense of appreciation of and gratitude for the eminent services rendered by His Excellency to this country at a critical period of its history and his earnest and unflinching endeavours amidst personal afflictions and public difficulties, to support the aspirations and advance the interests of the Indian people in India and abroad."

Messrs K. P. Khadilkar, S. M. Paranjpe, and B. G. Tilak were the principal speakers on the first resolution. Another resolution was passed empowering the president to take the necessary steps for submitting the first resolution to the Viceroy. The resolution was accordingly telegraphed to the Viceroy by the president who received the following telegram in reply thereto "Viceroy sends his best thanks for appreciative resolution passed by citizens of Poona and District."

(3) The 46th birth-day of the Sabha was celebrated on the Hindu New Year's day (3rd April 1916) in the Joshi Hall under the presidentship of Dr. V. R. Patwardhan. Mr. N. C. Kelkar, Chairman of the Managing Committee, took a resume of the work done by the Sabha from time to time.

Dr. Patwardhan made some remarks regarding the constructive work done by the Sabha, and expressed the hope that it would be able to achieve still more in future. The proceedings terminated after the distribution of Pansupari and flowers.

(4) A public meeting was held under the auspices of the Sarvajanic Sabha in the Joshi Hall on 16th April 1916 to elect delegates from Poona and the District to the 18th Bombay Provincial Conference to be held at Belgaum. Mr. B. R. Vaidya was in the chair. Mr. Khadilkar moved the 1st resolution of electing delegates to the Belgaum Conference.

Mr. Kavade read out the names of nearly one hundred and seventy five delegates and further proposed that the president of the meeting and Mr N. C. Kelkar, the chairman of the Sabha, should be authorised to sign the delegation forms. The resolutions were passed unanimously.



## THE POONA SARVAJANIK SABHA QUARTERLY JOURNAL

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1. The Journal will be published in January, April, July, and October of each year.
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4. The Editor does not bind himself to return articles not accepted.
5. All business communications should be addressed as follows:—To the Manager Sarvajanic Sabha Quarterly.

N. C. KELKAR.

Editor, Quarterly Journal

Poona Sarvajanic Sabha.

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# The Quarterly Journal

OF THE

## Poona Sarvajanik Sabha.

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EDITOR . . . N. C. KELKAR B. A. LL. B.

SCB-EDITORS { L. B. BHOPATKAR M. A. LL. B.  
D. V. GOKHALE B. A. LL. B.

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### CONTENTS.

	PAGES.
The Irish Demand for Home-Rule. BY THE EDITOR.	69
Local Self-Government in the Bombay Presidency. MR. B. G. PRADHAN, B. A. LL. B.	96
Indian Banking. THE HON. MR. MANMOHANDAS RAMJI.	101
Life Assurance as a factor of National Wealth MR. G. S. MARATHEY, M. A., A. I. A.	103
Hand-Industry in India. PROF. N. N. GODBOLE, M. A., B. Sc.	117
Lord Hardinge. BY POLITICUS.	125
The 15th Bombay Provincial Conference.	145
The Sabha from day to day I Reply to Memorial	147
II Meetings	152
BY THE EDITOR	

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# Poona Sarvajanik Sabha

( Established in the year 1870 for representing to Government  
the wants and wishes of the peoples of India. )

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# THE IRISH DEMAND FOR HOME RULE

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(A DISTANT PARALLEL FOR INDIA.)

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(*By the Editor.*)

'The Irish Parliament was like one of those buried cities dear to Irish legend which lie beneath the waters of some legend-haunted lake. The dark waters of corruption covered it; there came a moment when those waters fell away and revealed an ancient institution, defaced indeed, but still honourable and imposing then the engulfing waves closed over it again, and it vanished—but not for ever.'

Justin M'Carthy

**H**istory, it is said, repeats itself; but no two versions of any portion of it are ever alike. It is therefore difficult to say how far one country may profit by invoking the aid of historical precedents. Resemblance with a difference is the utmost that could be said to characterise any two historical parallels; and to thoughtful observers the difference may often appear to be as much, if not more, important than the resemblance, India in her present struggle for constitutional freedom may often fancy herself to be the successor of Ireland in this sense that, judging by the innumerable points of similarity between the Indian and the Irish nation, India's turn for achieving Home Rule may come next after that of Ireland, now that the Irish Home Rule Bill has been passed under conditions which, thanks to the Parliament Act, makes that piece of legislation quite conclusive. There is indeed much reason for the fanciful supposition that Ireland having quitted the arena of political fight, India has taken her place, and that, for aught we know, the course of India's struggle, if only by the sheer

weight of circumstances, might be far more easy than what fell to the lot of her Celtic prototype. But there are considerations that are equally weighty on the other side; and the wisest perhaps would be he who, in the present peculiar circumstances of India, would simply refuse to dogmatically speculate as to future happenings. But Home Rule is the phrase which India has deliberately decided to choose for expressing the political demand which the nation has formulated after serious agitation and also a close study of political conditions for the last thirty years; and Home Rule is a phrase which unavoidably brings with it Irish associations. We therefore propose in the following pages to briefly review the great Irish Movement of which the world has heard for nearly half a century, and which by common consent is now assumed to have reached a successful termination, leaving our readers to look for and find points of resemblance or difference as their own instinct or education may guide them.

The Irish demand for Home Rule is not in excess, but in defect of the constitutional freedom which she at one time enjoyed. For what Ireland possessed at one time even under the British Government was a Parliament which was the exact replica of the British Parliament itself. It has been truly said that there have been many versions of the British Parliament, but only one counterpart, and that--the Parliament of Ireland. The colonial legislatures are no doubt so many models formed after the fashion of the legislature of England; But they depart from the original in several respects. The similarity of the Irish and the English constitutions, however, was all but perfect. For, the Irish Parliament like the British Parliament was a body consisting of the King, the Lords, spiritual as well as temporal, sitting in their own hereditary right, and the Commons elected, in theory, exactly like the English Commons by the freeholders of the counties and by cities and towns deriving right to return members from the charters of Kings. And such a full-fledged Parliament Ireland possessed for more than three-hundred years, before any Colony in America had a name



But Ireland could not permanently enjoy the benefits of such a constitution, because of the peculiarly adverse development of the great principles which lay at its roots. With an identical constitution for their Parliament the parting of the ways for England and Ireland came with the Revolution. For whereas that great constitutional event culminated for England in the expulsion of the Stuart dynasty and the suppression of the principles of its rule, Ireland still continued to be governed for nearly a century afterwards on the bad old Stuart principles. Even after the Revolution the struggle went on, not between the Sovereign and the Irish Parliament, but between the Irish Parliament and the English Ministry.

In the words of Grattan "the aim of the Irish patriots was to extend to Ireland the rights gained by England at the Revolution and thus to assimilate in spirit as well as in form the Irish to the English constitution. But the aim of the English Ministry, who unscrupulously usurped the prerogatives of the Crown, was to make the Irish constitution a mirror in which the abuses of the English constitution would be strongly reflected, a system which might tend to adopt all the defects of the British constitution, rejecting all its excellences and advantages." As observed by Edmund Burke, "In England it was the struggle of the great body of the people for the establishment of their liberties against the efforts of a very small faction who would have oppressed them. In Ireland it was the establishment of the power of a smaller number at the expense of the civil liberties and properties of the far greater part, and at the expense of the political liberties of the whole. It was, to say the truth, not a Revolution but a conquest, which is not to say a great deal in its favour."

We may briefly review the salient features of the peculiar development which the Irish constitution underwent, eventually culminating in the union of the Irish and the British Parliaments, which really was, as will be presently shown, only another name for the total negation of all free Parliamentary Government for Ireland. Taking first the Irish

House of Lords we find that in the reign of Elizabeth the number of Irish temporal peers was only 32. By the year 1681 it increased to 119. The Irish House of Lords consisted of 228 temporal and 22 spiritual peers at the time of the union. Many of these were however Englishmen and Scotchmen who had no connection with Ireland either by property or family, and some of whom had never taken their seats in the House and indeed had never seen Ireland. What was more curious still was that the absentee peers could, not only vote, but record their protest by proxy. The creation of local peers in Ireland was, if any thing, more objectionable; for, any ruffian who possessed borough-interests could easily secure the honour of the peerage. As Grattan once said in openly accusing the English Ministry, "a sort of brokerage of honours was introduced in Ireland to establish a fund for corrupting representation." Curran, also another Irish patriot, once bitterly observed, "The sale of peerages is as notorious as the sale of cast horses in the castle yard, the horses not warranted sound, the other animals warranted rotten. The Ministry sold the Irish Lords and bought the Commons."

As for the spiritual peers Dean Swift characterised these as, "high-way men who murdered on Hounslow Heath the gentlemen appointed to the Irish sees, stole their letters patent, came to Dublin, and were consecrated in their places."

The Irish House of Commons for a century previous to the union consisted of 300 members. In 1613 their number was 232. But subsequently some 68 new constituencies were created by the English sovereigns from time to time. Seats in the Irish House were always available at a cost of from 600 to 3000 £. Of the 300 members of the Irish House of Commons, we have it, on the authority of Grattan himself, that above two hundred were returned by individuals, from 40 to 50 were returned by 10 persons; several boroughs had no resident elector at all; some of them had but one; and on the whole two-thirds of the grand total of 300, that is to say 200, were returned by less than 100 persons. It is hardly an exaggeration to say that some of the members did not know what constituency they represented. The story is well

worth relating of the Irish M. P., who being challenged by the door-keeper, lest the latter would be admitting a mere pick-pocket, replied, " Why, then, upon my soul, I forget the borough I represent; but if you get me Watson's Almanac I will show it to you ! ". Parliamentary boroughs were regarded as private property so that when the Irish Parliament was broken up compensation was actually given to the amount of 75 thousand pounds for each seat to 84 disfranchised boroughs. That the Irish parliamentary members were corrupt is not a thing quite unique, for even members of the English parliament have not been altogether free from the charge. There was this difference however against Ireland that, as observed by Mr Flood, " In England the legislature has only to contend with the native power of Government; but we have here in Ireland to contend against the mass of another great executive power. " " I rise " said Curran in one memorable debate " in an assembly of 300 persons, one hundred of whom have places and pensions. "

As regards the relation of the Crown of Ireland to the Crown of England it may be of interest to note that by a statute of Henry VIII the kingdom of Ireland became inseparably annexed to the Imperial crown of England, so that even though the succession statutes passed by the English Parliament were not re-enacted in Ireland, whoever was king *de facto* in England, became King *de jure* in Ireland. The Irish crown though annexed to, was not merged in the crown of England and thus had a separate existence in theory; but in practice the English King exercised all the prerogatives of the crown only as an English king, and Ireland had to take all the consequences. As bitterly observed by Wolfe Tone, " Ireland was without pride or power or name; without ambassadors, army or navy. "

In Ireland the laws originated neither directly with the people nor with the king; they originated with the Privy Council. The Privy Council must have preconceived all such laws as they chose that the Irish Parliament should pass; and the Irish people themselves were absolutely excluded from all power to originate legislation. The British Parlia-

ment had all along claimed that it had a right to legislate for Ireland; and by an Act of the Irish Parliament itself passed in 1495 and known as the Poyning's Law, all the laws of England antecedent to that date were declared good and effectual in Ireland. It was further enacted that no Parliament shall be held in Ireland, unless and until the King's Lieutenant had certified to the King, causes and considerations of Acts to be placed before the Parliament and were affirmed by the king and the Privy Council; so that the Irish Parliament could meet only if allowed to meet, and even then it was left to the Parliament only to negative the laws already framed for Ireland.

The Irish Parliament could indeed introduce heads of Bills but the Privy Council had Power to alter, to mutilate or totally to suppress the bills; and the English Attorney General could erase, insert or expunge according to his pleasure even for the sole purpose of stamping the constitution of Ireland with the fiat of contempt. The Irish Parliament could only either accept or reject *in toto* bills so tampered with; for the Poyning's law was interpreted so as to prohibit Irish Parliament from altering any word in those bills.

The king of England was indeed the king of Ireland, but the Lord Lieutenant of Ireland and the Privy Council could successfully prevent all communication between the king and Ireland.

Needless to say that though the outward framework of the Irish constitution looked very much like that of the British constitution itself as a legislative body, it was "a huge sham and a ghastly simulacrum". The Catholics formed, as they do still form, a large majority of the Irish population. And yet no Catholic could sit in Parliament nor could he vote for a protestant member.

Even such as it was the Irish people were proud of their Parliament. The Irish leaders were cognisant of its defects, but their policy was to make the Parliament completely independent before they reformed it. To secure this independence was not a mean achievement, and under ordinary conditions, the task would have been laborious and even

tedious. But a cycle of exceptionally favourable circumstances came round, so that the Irish Parliamentarians secured the object of their desire in a couple of years as if by magic.

The doctrine that Ireland, though subject to the King of England was not subject to the English Parliament, that no laws were valid in Ireland which had not been made exclusively by **THE KING, THE LORDS AND THE COMMONS OF IRELAND**, received an impetus from the American discussions. The right of Ireland to Parliamentary independence had been asserted by the Irish Parliament of 1641. It was mentioned in the Remonstrance of the Irish Catholics in 1642. It was reiterated in emphatic terms by the Parliament of James II convened in Dublin in 1689. After the Catholics the Protestants of Ireland took up the doctrine, and it passed successively from one political leader to another—from Molyneux to Swift, from Swift to Lucas, from Lucas to Flood. The eloquence of Grattan, assisted by the example of America and by the spirit of independence which the sense of power naturally gives, was preparing its triumph. It had become a leading topic in the press and made daily converts among all classes. And this synchronised with the great difficulties of government administration as well as a threatened invasion by France and Spain. The Irish people, loyal to the core to the British Crown, had raised a great army of Volunteers, to defend the country against invasion when the British Government itself seemed unable to cope with that task. They had by statute a right to bear arms for their own defence in a time of declared public danger, and nearly the whole Irish gentry and all the political leaders took part in the organisation. "A sincere loyalty to the crown and a firm resolution to defend the country against invasion was blended with a resolute determination to maintain a distinctively Irish policy. Agreements to use only domestic manufactures and to abstain from purchasing English goods were now entered into by the Grand Juries of many Counties, by numerous County meetings, and were signed in most of the great towns. The uniforms of the Volunteers were all of Swadeshi cloth. The situation being so attuned to a display

of force, Grattan proposed in the Parliament the assertion of the right of the Irish nation to free trade; and the right had to be granted. But the commercial boon, said the Irish leaders, was a reason only for asking for legislative independence because without that independence that boon was perfectly precarious. The epidemic madness, as it was at first described by the British authorities, of demanding legislative independence soon passed from cranks and eccentrics to sober statesmen; and in 1780 Grattan introduced a Declaration of Independence in the Irish House of Commons. Would England, Grattan asked? would Great Britain refuse to the most loyal of subjects, meaning the Irish, what she had offered to those, meaning the Americans, who had been declared in rebellion? The only argument with which the demand was met on the side of Government was that it was inexpedient and premature. The motion was talked out in a fifteen hours debate; but it could not be put down permanently. Eventually in May 1782 at the instance of Fox the demand was fully and unconditionally granted by the House of Commons. The declaratory Act of George I was to be repealed; the appellate Jurisdiction of the English House of Lords was to be abolished. A bill was accordingly carried in both the Houses, and Grattan in moving an address of thanks to the throne said "I understand that Great Britain gives up *in toto* every claim to authority over Ireland."

And in this manner without the effusion of a single drop of blood the whole constitution of Ireland was changed and a great revolution accomplished, which Burke described as 'the Irish analogue of the English Revolution of 1688.' Ireland from the slave of England had risen to the dignity of independence. Soon after this independence was further accentuated by a movement against what was called a "Simple Repeal,"—a movement which asked that the repeal of the Act of George I was not enough, as the power of interference in Irish affairs was claimed and exercised by still earlier statutes and that therefore the British Parliament ought to expressly and by statute divest itself of all pretence of right to legislate for Ireland. Even

this was granted later on; and the shrewdness and the personal ambition of Flood completed the work which<sup>a</sup> was commenced by the self-less patriotism of Grattan.

But Ireland was not destined to reap the full fruit of her triumph. For Grattan found that he could not successfully reform the Parliament, and cure it of corruption. The Irish Parliament itself was the tool with which he hoped to bring this about; but the Irish Parliament had been "caught in the grip of the vice of self-interest, sedulously fostered in its own interest by the British Ministry." Reform Bill after Reform Bill failed, being opposed by the Government party in the Parliament. The Volunteers were disbanded; and the reformers were thus deprived of the one instrument which might have helped them to coerce the government. Viceroy after Viceroy was sent from England whose mission was to counteract the revival of Irish independence. With money and places at his disposal he practically held the Parliament in the hollow of his hand. The attempts made by the Reformers to emancipate the Catholics in order to create a united Ireland were resisted by the Ascendancy party with the result that, as a reaction, both the Catholics and their Protestant friends began to despair of reform; and the more impetuous among them were easily seduced to come under the influence of foreign conspirators and to think of making Ireland absolutely independent even of the Crown and to establish a Republic there as it was in France. The country was practically left to the mercy of the unscrupulous agents of absentee landlords, both temporal and spiritual, and of the tax-gatherers. Young, brilliant, selfless but misguided patriots like Tone came forward to try a hand at welding a strong patriotic political party out of the rising democracy in the north of Ireland and the down-trodden Catholics in the south and west; and societies of United Irishmen began to be formed. All attempts to suppress these societies failed. On the other hand the country was administered by a systematic savage repression. In 1798 a general rising was organized but failed, and terrible revenge was taken upon

the whole Irish Nationalist party. The men of the constitutional party like Grattan and Flood were not drawn into the eddies of the rebellion. They neither sympathised with nor believed in the success of the rebellion. But while the rebellion was raging they had naturally to stand aside, dropped as it were from the page of history.

The rebellion, however, served as an instrument in the hands of the British Ministry who were determined to bring about an annexation of Ireland, tempered with the offer of a number of seats to Irish constituencies in the British Parliament. The union of Irish with the British Parliament was by no means a new-fangled idea. The Union had actually existed for a long time during the Commonwealth, thirty Irish members having been invited to sit at Westminster. It had found an advocate in Sir William Petty in 1672. The great Molyneux had argued that if the British Parliament must control the Irish Legislature, Ireland must have its own members in the Parliament of England. It was, he said, a happiness he could hardly hope for. It is referred to as desirable in Adam Smith's *Wealth of Nations*. Arthur Young and Montesquieu had expressed themselves in favour of the same idea. The English Statesmen often fancied that the solution of the Irish difficulty lay in the Union. But for some very obvious and some very inscrutable reasons Ireland had always dreaded Union. Ireland could never think from past experience that her material interests would be safe in the hands of England; and it was only after the Rebellion and the evidence of foreign invasion that the few Irishmen, who honestly advocated Union began to entertain the idea. But while a large majority of patriotic Irishmen were against it the real objection to it lay in the means by which it was actually brought about. These means admittedly were blood-shed and bribery. The Rebellion itself was egged on, it is said, for the purpose of creating a plausible pretext for Union. And as for bribery 'the flood-gates of the Exchequer were opened and a very Ptoleus drowned with its golden current the few dying sparks of patriotism and honour which may have



lingered in the hearts of the majority of Ireland's representatives.' Even in a Parliament of 300 members, of whom 100 were place-men subject to the British Crown and 100 nominees sitting for close Boroughs and close Counties--the creatures of peers--only a bare majority could be obtained for the Union after such lavish use of money.. In June 1900 the Union was finally carried out.

The abortive rising planned by Robert Emmet was the last protest against the Union. After some years of lawlessness in Ireland, the face of the nation was seriously turned to England. There in the British Parliament was now laid the scene of the deliberations which might affect Irish weal or woe. The beginnings of a parliamentary life at Westminster proved full of despair for the Irish Members. The first great question which they had to tackle and fight for was that of Catholic Emancipation. But Pitt, who had offered hopes of Catholic Emancipation as an inducement to some of the members of the Irish Parliament to give their consent to the Union, forgot his promises as soon as the Union was effected; and when after the defeat of his party he, once more, took up the office of Prime Minister, he gave a distinct undertaking to King George III that he would make no concessions to the Catholics. In reply to the petition presented by a deputation he acknowledged his early pledges and promises and assured them that he was still an ardent advocate of Catholic relief; but that relief, he pleaded, was simply inexpedient, in fact, impossible at the time. The Irish members, then tried the leader of the Opposition, Mr. Fox; and the question of emancipation raised long and eloquent debates in both the Houses. Grattan made his first appearance at Westminster during these debates; but neither the genius of Grattan nor the eloquence of Fox could move or reduce the anti-catholic majority in the Parliament; and it was not before a quarter century that the question again came within practical politics.

Similar also was the case with the *Tithe* question which was an offspring of the Penal Laws. The claim to the tithes was so hotly pressed and fiercely opposed

that according to a calculation by Sidney Smith in all probability a million of lives may have been sacrificed over it. "Not all the King's horses, nor all the King's men could enforce an unwilling and united people to pay the detested tribute." Catholic Emancipation and the abolition of the Tithes were questions which a free Irish Parliament would have naturally solved much sooner than did the British Parliament who could not be induced to take interest in the Irish question except when it was roused to it by a great calamity or cataclysm. Catholic Emancipation came at last in the third decade and the abolition of the Tithes in the fourth after the Union; and Daniel O'Connell was the hero who was responsible directly for the first and indirectly for the second measure. But the removal of the disabilities of the Catholics and their enfranchisement were looked upon by O'Connell as but a means to an end, the end being the Repeal of the Union, which meant nothing else but the restoration of the Irish Parliament such as it was before the Union. O'Connell was perhaps the greatest agitator Ireland ever produced; and his favorite method was the starting of associations, the holding of monster meetings and the making of rousing orations. For furthering the cause of the Repeal he first started a society called the "Friends of Ireland" which the Government at once put down. He then started another called the "Anti-union Association." That was also put down. O'Connell was arrested for sedition, tried and found guilty; but judgment was deferred and never pronounced and O'Connell was released to carry on his agitation more vigorously than ever. The movement was not at first popular; for a year and more his audiences were of the thinnest; but its popularity grew eventually as O'Connell skilfully brought under requisition, for his purpose, the other minor movements which were already popular. It must be pointed out, however, that O'Connell was an advocate of only peaceful and constitutional measures. He had a most cordial hatred of the revolutions of 1798 and 1803, and he was also bold enough to express the bitterest animosity to the revolutionary tendencies displayed by some of his own con-

temporaries connected with such bodies as "Young Ireland," the "Irish Brigade" &c.

The year 1843 was declared by O'Connell to be the year destined for Repeal. The great meeting at Clontarf which was announced for October 8, 1843 was declared unlawful by Government, and a collision seemed almost imminent between authority and agitation. But O'Connell issued a proclamation declaring that the orders of Government must be obeyed and that no meeting would be held. This great act of constitutionalism, however, cost O'Connell the great popularity which he had enjoyed throughout life. O'Connell died in 1847 and no one took his place as an influential leader till the time of Parnell. There were, in the meanwhile, petty risings and individual acts of violence which the parliamentary leaders could neither approve nor put down. On the other hand the Liberal party in the Parliament occasionally gave evidence of the benevolent interest it took in the affairs of Ireland, and statesmen like Bright and Gladstone openly acknowledged that they were roused to action only by the reports of outbursts of Fenianism. Gladstone won the hearts of the Catholic Irish nation by disestablishing the church in 1869, and he was induced by his success to follow it up with his reforms in connection with the question of Irish education and Irish peasantry, and lastly the great question of Irish Home Rule itself.

The British Government had imagined that Fenianism in its acute form having been put down, they would have secured to them years and years of apathetic acquiescence on the part of the Irish nation in their rule over Ireland. But the bureaucracy in every country has been at least as often deluded and has committed as many mistakes as the most advanced wing of the Nationalists. They have never learnt the lesson that it is much easier to put down a rising than to kill a nation's desire for Home Rule; and after a quarter century the question of the Repeal was again sprung upon the Government in an unexpected manner. Mr. Isaac Butt was the most famous Irish Parliamentary leader after O'Connell.

A lawyer of great skill and ability he was much of a moderate at first and affected to despise O'Connell as a demagogue. But having conducted the defence of many of the brilliant and conspicuous Fenians and political prisoners he himself became, as years went on, more and more of a Nationalist and less and less of an adherent of the Government party; and eventually secured the union of all Irish policies and parties over the one goal of Irish Self-Government. In May 1870 a meeting was held in an hotel in Dublin which was attended by representative Irishmen of almost all classes of society and almost all phases of political and religious opinion. The Moderate and the Fenian, the friend of the British Government party and the Irish patriot, sat together shoulder to shoulder in that great meeting; and it was the privilege of Isaac Butt to move the resolution which was unanimously carried and which deliberately set forth the proposition that "The establishment of an Irish Parliament with full control over domestic affairs, was the only remedy for the evils of Ireland." A Committee appointed by the meeting eventually drew up the following resolutions which enunciated the creed of the first association formed in Ireland for obtaining 'Home Rule'.

'I.—This association is formed for the purpose of obtaining for Ireland the right of self-government by means of a National Parliament.

'II.—It is hereby declared as the essential principle of this association that the objects, and THE ONLY OBJECTS, contemplated by its organisation are:

'To obtain for our country the right and privilege of managing her own affairs, by a Parliament assembled in Ireland, composed of Her Majesty the sovereign, and her successors, and the Lords and Commons of Ireland;

'To secure for that Parliament, under a federal arrangement, the right of legislating for and regulating all matters relating to the internal affairs of Ireland, and control over Irish resources and revenues, subject to the obligation of contributing our just proportion of the Imperial expenditure;

'To leave to an Imperial Parliament the power of dealing

with all questions affecting the Imperial Crown and Government, legislation regarding the Colonies and other dependencies of the Crown, the relations of the United Empire with foreign States, and all matters appertaining to the defence and the stability of the empire at large,

‘To attain such an adjustment of the relations between the two countries, without any interference with the prerogatives of the Crown, or any disturbance of the principles of the constitution.

‘III.—The association invites the co-operation of all Irishmen who are willing to join in seeking for Ireland a federal arrangement based upon the general principle.

‘IV.—The association will endeavour to forward the object it has in view by using all legitimate means of influencing public sentiment, both in Ireland and Great Britain, by taking all opportunities of instructing and informing public opinion, and by seeking to unite Irishmen of creeds and classes in one national movement, in support of the great national object hereby contemplated.

‘V.—It is declared to be an essential principle of the association that, while every member is understood by joining it to concur in its general object and plan of action, no person so joining is committed to any political opinion except the advisability of seeking for Ireland the amount of self-government contemplated in the objects of the association.’

The demand for Home Rule was thus essentially a modest demand; but it aroused wildest indignation and most vigorous opposition in England. English newspapers and English politicians openly said “England would never listen to such a demand, it was no use making it, as it would never be entertained or even investigated.” “If the Home Rule theory,” says Mr. Lecky, “brings with it much embarrassment to English statesmen, it is at least a theory which is within the limits of the constitution, which is supported by means that are perfectly loyal, legitimate, and which, like every other theory, must be discussed and judged upon its merits”. But no one in England was then in a mood to consider the merits of such a fair demand.

The fortunes of the Home Rule movement rose and fell for a time with the fortunes of the Liberal party in the Parliament. Butt had to die without seeing any appreciable advance in its propagandism. But in 1874 there came to the front in Irish politics a man who was destined to reverse the relations between the Liberal party and the party of Irish Nationalists, and to make the latter the dictator instead of a hanger on of the former. This man was Parnell. The history of Irish Home Rule since the advent of Parnell is a matter of quite recent history, but for the sake of completing the account of the subject in hand we shall briefly review the most salient features of that history.

As Gladstone himself understood it, Home Rule did indeed alter the terms of the Act of Union; but it adhered to its principle which was the supremacy of the Imperial Parliament. According to the first Home Rule Bill of 1886 the Irish legislative body or Parliament was to be composed of two orders; the first to consist of 28 representative peers who would sit for life together with 75 members elected by certain scheduled constituencies, who would sit for 10 years in the first instance. The Second order would consist of 206 members who would sit for 5 years. The office of the Viceroy was to remain; but he was not to be the minister of a party nor to quit office with an out-going government. He was to have a Privy Council within which was to be formed an executive body of ministers like the British Cabinet. This executive was to be responsible to the Irish legislature. Judges were to be appointed for life during good behaviour on the advice of the Irish Government. The Irish Constabulary, to be for some time under the Lord Lieutenant, was ultimately to be made responsible to the legislature. Ireland was to have a local budget with a starting estimated surplus of about 400,000 £. after a payment of 1842,000 £ to imperial charges. The bill was defeated on the 7th of June 1886 by 343 against 313 votes, 93 Liberals voting against the Bill.

The second Irish Home Rule Bill was introduced by Mr. Gladstone in 1892. If according to the first Bill there were to be no Irish members at Westminster except for one

or two special purposes, according to the second Bill the Irish members were to remain in the Imperial Parliament but their number was to be reduced from 103 to 80. These were, however, to take part only in the discussion of imperial questions but not those relating to Great Britain. In the Committee stage the Bill was so amended as to enable the Irish members to vote on all questions without exception; but not all the amendments could make the Bill acceptable to both the Houses; for while the House of Commons passed the third reading of the Bill by 301 against 267 votes, it was rejected by the House of Lords by 419 to 41 votes. Mr. Gladstone made no more attempts at Irish Home Rule legislation and he resigned his office as Prime Minister in march 1894.

The third Irish Home Rule Bill was introduced in the House of Commons by Mr. Asquith in the year 1913.

Had it not been for the Great War which broke out in August 1914 the Irish Home Rule Act would probably be in actual operation by this time for the whole of Ireland. But it is also possible that there might have been a Civil war in England over the affair. The Great Continental war, however, has come to the rescue; for while it has, thanks to the loyalty and patriotism of both the Irish Nationalists and the Irish Unionists, helped to suspend animosities, it has given the Irish Nationatists an opportunity to make one more concession to the Unionists so that now by a practical unanimity of opinion it has been agreed that the Home Rule Bill should be allowed to operate in Ireland but with the exception of six counties in Ulster. God alone knows whether there may or may not be further delay in the long-looked-for realization of the hopes of the Irish nation to have a Parliament of its own. But there the matters stand at any rate as the result of the fluctuations of fortune during the last 116 years of Irish history.

## LOCAL SELF-GOVERNMENT IN THE BOMBAY PRESIDENCY \*

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( By R. G. Pradhan B. A. LL. B. Editor *Bharata Sevaka* )

OUR readers will remember that on 18th August last, a Committee was appointed by the Government of Bombay "for the purpose of considering and reporting what changes it is desirable to effect in the constitution of the District and Taluka Local Boards, and their system of administration, in order to secure a greater measure of progress in the developement of this form of local self-government." The resolution appointing the Committee was apparently framed in a liberal spirit, and made some very suggestive remarks on the system of administration of the Local Boards and their failure as instruments of political education and popular administration. It says "While the recommendations of the Decentralization Commission ... are generally in accordance with the methods of administration already prevailing in the Bombay Presidency so far as Municipalities are concerned, it is evident that the administrative system of the Local Boards of the Presidency falls short of the standard set by the Commission in respect to the organisation of these bodies on a popular basis and their emancipation from official control. Although it must be recognised that such causes as the essential difference between Urban and rural conditions, the rigidly restricted resources of the Local Boards, the absence in their case of powers of self-taxation, the extent to which their funds are regularly absorbed by the ordinary maintenance charges of existing works and institutions, and finally, the comparative limited scope of their functions generally militate against progress, it is nevertheless the fact that, in comparison with the substantial advance which has taken place of late years in

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\* Review of the Report of the Local Boards Committee and of the Resolution of the Government of Bombay thereon.



respect to Municipalities, the development of Local Self-Government in the case of Local Boards has been disappointingly slow. It is difficult to avoid the conclusion *that this state of affairs is to a large extent attributable to the fact that the system of administration of the Local Boards still remains what it was when these bodies were first constituted under the present Act some thirty years ago, and that during all that time, there has been no movement in the direction of endowing them with a more liberal organisation and releasing them from the leading strings of official control*". (The italics are ours). The Committee was composed of four official and five non-official members, the more prominent of the latter being the Hon'ble Rao Bahadur Sathe and the Hon. Mr. Patel. The deliberations of the Committee extended over a couple of months, during which period it orally examined eight official and thirteen non-official witnesses, besides considering the written statements received from about 280 witnesses.

2. The report of the Committee and the Resolution of the Government thereon have now been published. The report comprises minutes of dissent by Mr. Seddon, Commissioner, Central Division, the Hon. Mr. Sathe, the Hon. Mr. Patel, Mr. Mir Ayub Khan and Mr. Raffiuddin Ahmed and also a joint minute of dissent by the Hon. Messrs. Sathe and Patel. The whole document affords very instructive reading and cannot fail to stimulate thought on the various aspects of the problem of Local Self-Government in this Presidency. We propose in this article to review the report and also the resolution of the Government thereon, and to offer on both such criticisms as suggest themselves to us on a careful perusal and consideration of both the documents.

3. At the outset, however, we deem it our duty to point out that the Government of Bombay have made themselves liable to the charge of dilatoriness in issuing their resolution on the Committee's report. The report bears no date and we are not therefore able to ascertain from it when it was actually submitted to the Government. But

from the information vouchsafed to us by the Committee that it sat from 21st October to 3rd November and prepared the report, it would not be wide of the mark to conclude that it must have been submitted at least by the end of November. And when we remember that the Resolution appointing the Committee directed that the report should be submitted "not later than the end of October" we think that the above inference cannot be far from the truth. The resolution was issued on May 25th, so that it follows that the Government took about half a year to consider the report and arrive at any definite conclusions as to the recommendations of the Committee. And the resolution of the Government itself, it should be noted, is in the nature of an instalment or a fragment, whichever term may be used to describe it. It does not cover the whole report but only deals with the proposals of the Committee with regard to the constitution of the Local Boards. The recommendations of the Committee with regard to the functions of the Local Boards and their financial condition are not considered, the Government contenting themselves with the bare statement that they are unable to accept many of the proposals made, in particular the financial proposals which the Government hold are based in the main on wrong premises, and with the assurance that the various questions raised in the report will receive full consideration from them "in due course". We confess, we look upon the lack of promptitude which this state of things discloses as a serious defect in any Government, much more so in the enlightened British Government with its vaunted efficiency and despatch. The report of the Committee is not a voluminous one; nor can it be said that the various questions it deals with are beset with more than ordinary difficulty. And yet the only thing that the Government of His Excellency Lord Willingdon, which boasts of such clever and smart Councilors as the Hon. Mr. Chaubal and the Hon. Mr. Curtis, have been able to do is to issue a short and partial resolution on the report. Another instance of dilatoriness on the part of the Bombay Government has recently come to our notice; and we can-

not refrain from adverting to it, though we may be guilty of some digression. The circular of the Government of India on the subject of Female Education was published on 15th February last; whereas, the resolution of the Government of Bombay inviting opinions thereon from officials and others was not published until two months after. We have no desire to pursue this point further; we have only referred to it, to warn the Government that they give no handle to "unscrupulous agitators," as they are dubbed, to retort that the faults of lethargy and procrastination which Anglo-India often imputes to Oriental Governments are not peculiar to those Governments, but are shared in by Anglo-Indian rulers also. The Government, to be sure, ought to show great promptitude in the settlement of important questions affecting the welfare and the political progress of the people.

4. To turn now to the recommendations of the Committee. They relate to (1) Constitution, (2) Functions and (3) Finance. Let us first consider the proposals falling under the first head.

#### CONSTITUTION.

5. Questions falling under this head relate to the constitution of the Local Boards, the qualification of members and voters, the relation between the Taluka and the District Local Boards, and the control exercised over them by the Government and their officers, viz. the Collector and the Commissioner. The proposals of the Committee with regard to these questions may be thus summarised:—

(1) The District Local Board may be called the District Council.

(2) Village Panchayats should be created, and, where they are established, made the first link in the chain of Local Self-Government organisation. The Local Boards Act should be so amended as to provide for the creation of Village Panchayats, on the lines of the Bengal, Madras and Assam Acts.

(3) The Taluka Local Boards should not be abolished; they should further maintain their present relations to the District Local Boards.

(4) In both the Taluka Local Boards and the District Local Boards the proportion of elected members should not be less than two-thirds of the whole.

(5) The remainder of the members should be nominated; the number of *nominated officials* not exceeding one-sixth of the whole Board.

(6) There should be two kinds of constituencies viz. (a) territorial and (b) special, the former electing not less than one-half of the elective members, and the latter electing the remainder.

(7) The special constituencies should be (a) Inamdars, and Jahagirdars (b) Persons holding educational qualifications (c) Title holders and Honorary Magistrates and (d) The Muhammedan Community.

(8) The Vice-President of the District Local Board should be an elected non-official and ample powers should be delegated to him by the president, if the latter is an official.

(9) The President of the Districts Local Board should, as a general rule, be the Collector. But non-official President may be appointed "by way of experiment, in advanced Districts". In the latter case, the President should (a) in the first instance be nominated, (b) subsequently elected by the Board, subject to the approval of the Government and (c) eventually freely elected.

(10) The Vice-President of the Taluka Local Board should, as a general rule, be an official. But executive orders should be given that no official should be permitted to serve as Vice-President, where a suitable non-official gentleman can be found.

(11) The President of the Taluka Local Board should also, as a general rule, be an official. But if in some cases where a non-official gentleman with the necessary qualifications may be available, he should be accepted.

(12) The qualifying limits for members and voters should be reduced (a) in the case of landholders from Rs. 48 (paid as assessment) to Rs. 16 (b) in the case of other owners of immovable property from Rs. 5,000 to Rs. 2500 (as value of the property), (c) in the case of business

men from 500 Rs. to 250 Rs. (as net earnings), and (d) in the case of pensioned Government servants from Rs. 50 to 20 Rs. (as pension).

(13) The Central Authorities should be given greater outside powers of control in view of the proposed liberalisation of the constitution of the Local Boards, enlargement of their functions, and extension of their powers.

6. It has been stated above that some of the members of the Committee have appended minutes of dissent on some matters. The most important of these are those of the Hon. Rao Bahadur Sathe and the Hon. Mr. Patel; and it will be convenient if, before proceeding to consider the recommendations of the Committee, we note the points of difference between them and the Committee with regard to this question of the constitution of the Local Boards.

7. Both the Hon. Rao Bahadur Sathe and the Hon. Mr. Patel urge that Presidents of Local Boards should, as a general rule, be elected non-officials. The Hon. Mr. Patel has tersely expressed this view, by saying that "*Non-Official elected presidents and Vice-Presidents should be the rule, and official the exception*". The Hon. Mr. Sathe says that "The time has come when the franchise of having non-official Presidents might safely be extended to all districts reserving to Government power to exclude any particular district if necessary." "With this change" he adds, "it need not be apprehended that efficiency will suffer. The controlling provisions are a sufficient guarantee against misuse or abuse of power. Other reforms suggested by the Committee, and this reform particularly, will have the effect of putting these bodies on *more popular and liberal organisation*, and of releasing them from the *guiding strings of official control*, a result which is contemplated by Government in the Resolution under which this Committee was appointed".

8. Both of them are also opposed to special representation of the Mahomedan community. They also do not favour any extension of the powers of control exercised by the Government or their officers over the Local Boards. On the

contrary, the Hon. Mr. Patel is of opinion that it is necessary to divest the Collector of the controlling powers which he now possesses, in cases where he himself is a member or the President of the Board, such powers being vested in the Commissioner instead.

9. The first recommendation of the Committee concerns the name that should be given to the District Local Board. The proposed name, namely, "District Council" is certainly much better and it is to be hoped that the Government will accept it. It is, however, a matter of surprise that no reference is made to it in the Resolution issued by the Government. We can only hope that it will be considered in the second Resolution that the Government propose to issue.

10. We are extremely pleased to see that the Committee has advocated the establishment of Village Panchayats and the amendment of the Local Boards Act so as to deal with them, as is done in the Local Self-Government Acts in Madras, Bengal and Assam. There can be no doubt that the question of creating Village Panchayats is one of great moment; and indeed, it may be said, that in the absence of Village Panchayats, Local Self-Government cannot attain its natural and complete development. To build up Local Self-Government without the foundation of Village Panchayats appears to us like putting the cart before the horse. It is a matter of regret that this question of Village Panchayats did not form a subject of inquiry within the perview of the Committee. Nevertheless, it is to be hoped, that the Government will cordially accept the recommendation of the Committee with regard to the establishment of Village Panchayats, and that their policy with regard to them will be much more liberal and active than that of the Madras Government which has founded only 400 Panchayats during the last thirty years, though the total number of villages in the Madras Presidency exceeds 50,000.

11. The proposals of the Committee with regard to the constitution of the Boards and, in particular, the proportion of elected members to the total number, are sound, and no objection need be taken to them. In view of the fact that

their proposal to give special representation to the Mahomedan community has not met with the approval of the Government, we shall content ourselves with making only one observation with regard to this recommendation viz. that we are astounded that such a recommendation should have been made, in the teeth of the opposition expressed in almost all the official and non-official evidence to the principle of communal representation.

12. The proposal about the formation of special constituencies is good and, in particular, we are glad to find the recommendation made that there should be a special constituency of persons holding educational qualifications. Under the Local Boards Act, as it stands at present, persons holding educational qualifications as such, are not recognised as eligible for becoming either members of the Local Boards or voters. In this connection the Local Boards Act is less liberal than the District Municipal Act. Section 12 of the District Municipal Act distinctly provides that every Graduate of any University, every Advocate of the High Court and every pleader holding a sanad from the High Court are qualified both to become members of the municipality and to be entered in the list of voters. This difference in the policy of the Local Boards Act and of the District Municipal Act with regard to persons with educational qualifications has been sought to be justified on the ground that Local Boards being chiefly concerned with the affairs of rural areas and with the expenditure of Local taxation, the electoral franchise should vest in all who contribute to the Local rates to the exclusion of all who do not. The superficiality and narrowness of this view are so apparent that no arguments are required to refute it. It is a matter of satisfaction that the Committee has discarded this difference and recommended the granting of the franchise to persons with educational qualifications, just as is done in the case of municipalities. In the present state of development of Local Boards, it will be stultifying their efficiency and lessening their value as instruments of political education, if they do not contain a fair proportion of educated people as members.

13. One of the special constituencies proposed by the Committee is that of title-holders and Honorary Magistrates. With due deference to these estimable people one fails to see why they should be differentiated and exalted into a separate and special class of voters. They will certainly come under other categories of voters and it is impossible to conceive any sound reason for recognising them as a special constituency. The District Municipal Act does not even confer the franchise upon title-holders as such; and as regards Honorary Magistrates, though the Act gives them the franchise, it does not exalt them into a special constituency. There is no good reason whatever why special rights should be given to these classes of people in the matter of the Local Boards franchise.

14. We next come to the recommendations of the Committee with regard to the President of the Taluka and District Local Boards. These recommendations, so far as they go, are no doubt an improvement on the present state of things. But, on the whole, they are highly unsatisfactory and are not at all calculated to free the Local Boards from the dominating influence of officialism. Let us first take the proposals of the Committee with regard to the Vice-President.

15. The Committee seems in this respect to make a distinction between the Taluka and the District Local Boards. While they recommend that the Vice-President of the District Local Board should be an elected non-official, they think that fit persons will not be found in the Taluka places to fill the office of the Vice-President of the Taluka Local Boards. And, therefore, in the latter case they only recommend that executive orders should be issued forbidding officials from serving as Vice-Presidents, where suitable non-official gentlemen are available.

16. Is it true that the Taluka places are so barren of fairly intelligent and capable people that it will be difficult to find fit people to fill the office of Vice-President, and to discharge its duties, which cannot be said to be so difficult as to be beyond the capacity of a person of ordinary intelligence, common sense and energy, to the satisfaction of the people for whom the Board is responsible? We empha-



tically answer "No". In every district, there are two kinds of Talukas—Talukas which have both the Mamlatdar's office and the Subordinate Judge's Court, and Talukas which have only the former. In every Taluka with a Subordinate Judge's Court, there is a fair number of pleaders; in some such Talukas indeed, there are pleaders with University qualifications. Can it be maintained with truth that the ranks of the pleaders, whether LL.B.s or not, will not be able to furnish competent individuals for filling the office of the Vice-President? And even in those comparatively backward Talukas where there is only the Mamlatdar's office, but not the Subordinate Judge's Court, it is certainly too much to say that not a single individual can be found who will discharge the duties of the Vice-President with ability, zeal and integrity. If you of course begin with prejudices against the classes of people that are generally met with in Taluka towns and the surrounding villages, you will never get good people, such, as you think, ought to fill the office of the Vice-President. But if you keep an open mind, do not expect too much from the people, and do not exaggerate the nature of the duties which the Vice-President of a Taluka Board has to discharge, it will not be difficult to get men quite fitted for the office of the Vice-President. We are, therefore, emphatically of opinion that the apprehensions of the Committee about the lack or paucity of men to occupy the post of the Vice-President are ill-founded; and we, therefore, think that the Local Boards Act ought to clearly provide that the Vice-President of a Taluka Local Board should be an elected non-official, except in those Talukas which, from their extremely backward character, the Governor-in-Council may deem fit to exempt from the operation of this provision.

17. The same statutory provision but without the exception should be made in the case of the District Local Boards also. The Committee has no doubt recommended that the Vice-President of the District Local Board should be an elected non-official, and that where the President is an official, the orders issued by the Government in 1887 that large powers should be deputed to him by the President, should be en-

forced; but the Committee does not recommend that the Local Boards Act should be so amended as to provide for the Vice President being an elected non-official. Apparently, the Committee thinks that an executive order that the Vice-President should be an elected non-official will be quite sufficient. Those who know how the executive tends to override orders or instructions favourable to popular progress will not be disposed to accept this view of the Committee. On principle also, it is not proper to leave such an important matter to the discretion of the executive. As the Committee themselves have observed, the orders issued in 1887 have hitherto remained practically a dead letter. This fact itself is an apt illustration of how the executive fails to carry out orders which they do not like. What is, therefore, wanted is a clear provision in the Local Boards Act that the Vice-President of the District Local Board shall be an elected non-official. Again, under the present Act, the election of the Vice-President is subject to the approval of the Government. We do not see the necessity of such a provision. We would, therefore, suggest that Section 27 of the Local Boards Act should be so amended as to provide (1) That the Vice-President of the District Local Board should be an elected non-official and (2) that the election should not be subject to the approval of the Government.

18. The next question is about the Presidents of Taluka and District Local Boards. The Committee have advocated the continuance of the existing system except that in the case of Taluka Local Boards, a non-official may be accepted if available, and that, in the case of District Local Boards, non-officials should be appointed as Presidents by way of experiment in advanced districts. The reason given by the Committee for the continuance of the present system is that proper persons will not be found to fill the office of the President. As the Hon. Mr. Patel has pointed out in his minute of dissent, in the Central Provinces District Boards have been for a long time enjoying the privilege of non-official Presidents. It would have been better if the Committee had inquired how the system of non-

official Presidents is working in the Central Provinces. It cannot be said that the Central Provinces are more advanced than the Bombay Presidency, and it passes one's comprehension why non-official gentlemen should be found in the Central Provinces, but not in the Bombay Presidency, qualified to discharge the duties of Presidents of the Local Boards. We are not aware that the Government of the Central Provinces have ever complained that the system existing in their province has proved a failure; indeed, the very fact that the system has been in existence for a number of years is a sufficient proof that the Government have found it, on the whole, satisfactory. If the system is good for the Central Provinces, *prima facie*, it must be equally good for this and other provinces, which are in no way less advanced than the Central Provinces; and the Government must show very strong reasons for not accepting the principle of non-official Presidents in this Presidency.

19. The argument about the paucity or lack of competent men has very little substance in it, and it deserves to be noted that even the Decentralization Commission did not advance it, though they advocated the maintenance of the present system on other grounds.

20. In one respect the recommendation of the Committee with regard to the President is less liberal than the existing law on the subject. The Local Boards Act authorises the Governor-in-Council to declare that a particular District Local Board may elect its own President. Of course this Provision has, like many other provisions which depend entirely for their enforcement on executive discretion, has remained a dead letter. But the point that deserves to be noted is that the Act does not provide that in cases where the President may be elected, his election shall be subject to the approval of the Government. But the recommendation of the Committee is that in cases where the experiment of having non-official Presidents is to be tried, the President should in the first instance be nominated by the Government and that subsequently he should be elected, subject - to the approval of the Government. The difference between

the law as it stands at present and the recommendation of the Committee may be thus represented:—

1. Under the present Act, if the Government authorises any District Local Board to elect a President, there is, of course, no stage of nomination, and moreover, the election may not be subject to the approval of the Government; in other words there is no nomination at all, and there is complete election.

2. According to the recommendation of the Committee the non-official President will have to be in the first instance nominated in all cases, and if subsequently the right of election is given, it will have to be exercised subject to the approval of the Government; in other words, the Committee does not recognise the principle of election in the beginning; it recognises it only as the last stage of the matter.

21. Such is the position taken up by the Committee with regard to this important question, and it is a matter of regret that the Government have accepted it. We think the Government could certainly have found out a *via media*. They could have continued the present system so far as the Taluka Local Boards were concerned, but in view of the fact that most District towns now contain a fair number of capable and public-spirited men they could have provided that so far at least as the District Local Boards are concerned, their Presidents should be elected non-officials. Surely, a non-official President of a District Local Board is not likely to set the Thames on fire, and the Government would have been well-advised, if instead of adopting half-measures which make for very little progress, and moreover, please none, they had accepted the recommendation of the Hon. Rao Bahadur Sathe and the Hon. Mr. Patel that *non-official elected President should be the rule and official the exception*. But now, that the Government have in their Resolution committed themselves to the view of the Committee rather than of these two gentlemen, we only hope that the experiment of having non-official Presidents will be made on a liberal scale, that there will be no nomination, and that the expression "advanced districts" will not be too narrowly interpreted.

22. The other recommendations of the Committee with regard to the constitution of the Local Boards do not invite much comment. The Hon. Rao Bahadur Sathe and the Hon. Mr. Patel have done well in stoutly opposing the proposal of the Committee to give greater powers of control over the Local Boards to the Collector, the Commissioner and the Governor-in-Council. The Committee, we believe, is quite wrong in holding that the existing powers will not be sufficient, when the functions of the Local Boards are widened and they are invested with the power of self-taxation and other powers. The present powers of control are quite sufficient to enable the Government to exercise over the Local Boards as much supervision and authority as are consistent with their independence and their sense of responsibility. The Committee has done well in recommending the extension of the electoral franchise. We are, however, clearly of opinion that literacy should be made a necessary qualification for membership of the Local Boards, and that a literate should be held qualified for being a voter, irrespective of any property qualification. As regards the relations between the Taluka Local Boards and the District Local Boards, though some measure of independence may reasonably be granted to the former, there can be no doubt, that in the present state of development of public life and political spirit in the Presidency, it will be better to give precedence to the District Local Boards, and to hold them primarily responsible for carrying on local affairs within their respective jurisdictions.

23. We shall conclude this article with a few observations on the Resolution of the Government. The Government have made it clear that they do not accept many of the proposals, and in particular, the financial proposals of the Committee. We are inclined to think that the proposals of the Committee, including those which relate to finance, though they are not liberal and progressive enough, are, for the most part, satisfactory, and should be cordially accepted, as far as they go. We are, therefore, at a loss to understand why they should not have commended themselves to the accep-

tance of the Government. Of course, one cannot think that the objection of the Government to them is due to their not being liberal and progressive enough; and, therefore, the only legitimate conclusion appears to us that the Government do not wish to make even such advance in Local Self-Government as the Committee has advocated. If this conclusion is sound, we ought to protest against this attitude of the Government, which is strangely inconsistent with the liberal tone and spirit that marked their Resolution appointing the Committee. We would therefore suggest that the SARWAJANIK SABHA, the DECCAN SABHA and other public bodies in the Presidency should send representations to the Government expressing their views on the recommendations of the Committee, and urging that public opinion will not be satisfied except with a substial measure of advance in Local Self-Government. These representations must be sent before the second Resolution is published, and we earnestly hope that public bodies will do so with as much promptitude as is possible. If we cannot get more than what the Committee has recommended, we must at least see to it that we do not get less.

24. In our next article we shall deal with the recommendations of the Committee with regard to functions and finance.

# Indian Banking

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(By the Hon. Mr. Manmohandas Ramji)

I have to thank you all, gentlemen, for giving me this opportunity to come before you and speak something on the interesting question of Indian banking, which plays such a vital and important part in national economy. Before I come to the subject proper I may be allowed to give two short quotations. One is from Prof. Jevons in his foreword to the Indian Journal of Economics and the other is from a paper contributed by an anonymous writer to the COMMONWEAL. The first is:—"National progress can be made swiftly and surely only by utilising the experience of other nations". The second is:—"The political life of the nation is already showing signs of awakening, but a great state cannot be built up by politics alone; for, besides the governing and the teaching bodies of a nation there must exist those who have to do with the production and the distribution of the requirements of the people and the gathering up of the country's wealth also, that large band of useful labourers who come under their direct control and who have been well called the "feet of the nation". And it is here, in this great department of production and distribution, that banking holds such an important position. For, without a sound and extensive system of banking that part of the nation's life could not come into being, so closely together are the two bound up". You will see from this latter quotation that banking plays a great part in national progress. As to what it does in times of war, is seen by any one who studies the stupendous question of the financing of the biggest war the world has ever seen. It is deeply regrettable that notwithstanding this prime importance of banking,

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\* The Paper read at the Vasant-Vyakhanmala of Poona on 27th of May, 1916.

we have neglected it to a large extent and still more regrettable that when it was in our hands to develop it, we, instead of doing so, acted in such a way as to spoil our good name and ruined thousands of innocent people.

The banking needs of the country are great, so great indeed that there is no exaggeration in saying that many a commercial and industrial enterprise is nipped in the bud, just because there is no bank to foster and develop it. Of our total foreign and inland trade we have got a small proportion in our hands, a large part passing through the hands of non-Indian merchants. There are other reasons also such as want of Indian shipping, Indian railways, Indian agencies in foreign countries and the like. But the absence of Indian banks to accommodate and finance Indian trade and commerce plays no small part in the practical absence of Indian traders and merchants from the country's general trade. With this, is also to be borne in mind the fact that our industries are not able to flourish and new small industries not able to be started because of the same want of Indian banking. Nor is agriculture in a much better condition, though for some time past, efforts are being made to supply this primal want by some such panacea as cooperative societies etc. Germany, to a large extent, solved the problem of her industrial development by means of industrial banks. The chief difficulty would be that of getting men of pronounced abilities for the management of the proposed industrial banks. This difficulty can however be met with by adopting a system of management which, for their guidance, provided for expert advisers having practical experience in the several industries and also for the advice of men of business of known abilities. This is what has actually been followed in Germany, where a Board of Directors of Banks is composed of men who have been connected for several years with different industries. All who have observed the working of these banks in Germany are unanimous in their praise of the system. Prof. Louis, the eminent English scientist, emphasized the importance of German industrial banks:-

" In Germany, they had a large number of industrial banks



that were prepared to subsidise industries, even growing and young industries, almost to any extent and unquestionably that had been an enormous advantage to German industry. " The existing Presidency and Exchange banks have their limitations and unless there are started, in future, good joint-stock banks, they will not be able to cope with the ever-increasing demands of industries. It is because of this that I always plead for the establishment of banks, specially for industrial purposes, just as I also plead for the establishment of agricultural banks for the purpose of agriculture. Government can help such institutions by advancing to these, funds through Presidency Banks. At the time of the last banking crisis and also at the time of the breaking out of the war and the cotton crisis, Government was prepared to place with the Presidency Banks funds to the extent of £. 4 millions. If such funds are placed with the Presidency Banks they will be a great help to them in the way of their finances.

There is also a great want of Indian-managed Exchange Banks. The present Exchange Banks which have been entrusted with several crores of Indian deposits, use them naturally for preserving their own monopoly. Some idea as to how large the business of the present Exchange Banks is, may be formed by the fact that according to the figures in the Balance-Sheets of 1914, five out of the ten Exchange Banks are reported to have rediscounted in the London market bills to the value of Rs. 30 crores. We may from this circumstance imagine as to how Indian Exchange Banks, if organised, will be able to do a colossal business, besides helping the country in other ways. With regard to the present Exchange Banks the writer in *THE COMMONWEAL*, whom I quoted before, observes and with justification thus:—"At present all the Indian unused capital flows into English banks (because there are no Indian banks for it to flow into) whose English or European directors utilise large portion of it for European-managed industrial concerns and for European firms. This is quite natural, and it is only fair to add that in business, generally speaking, there is little racial feeling, and that In-

dian firms are also largely financed by English-managed banks. But the English Banking community naturally mix and work with European firms more than with Indian firms, and many a banking deal is brought about through close acquaintanceship with the firms to be dealt with. Also, European firms follow European methods and English banks naturally understand and prefer their own western methods."

Is it too much to expect Indian people to rouse themselves from their stupor and to organise such Banks which will be a great incentive to trade and Commerce?

As to the agricultural banks, I do not think, Cooperative Societies alone will be able to solve the vast problem of agricultural indebtedness in this country. It is a good movement, but it should be only subsidiary to the agricultural banks on the lines of the Agricultural Bank of Egypt or the Agricultural Bank of Argentine with large capital and able to advance to agriculturists for the improvement and development of agriculture. Co-operative Societies, by the very nature of their constitution, cannot command a large capital and are unable to advance to agriculturists for the improvement and development of agriculture, and hence can proceed only piecemeal in their working, while the former can take a broad grasp of facts and play a material part in the improvement of agriculture and making two blades grow where there was one. The idea of the agricultural banks in Egypt originated with Mr. Palmer, Financial Advisor to H. M. the Khedive, when Lord Cromer was High Commissioner. Mr. Palmer, it may be mentioned, belonged originally to the Finance Department, Government of India. He was moved by what he saw of the condition of the Fellaheen in Egypt to prepare a scheme by which the National Bank of Egypt was to be financed by certain capitalists to provide the necessary capital for their agricultural requirements. This scheme was promulgated in about 1895 and the next three years showed such a progress that the Agricultural Bank of Egypt was started independently, the original scheme being modified by this.

The condition of Indian peasants much resembles that

of the Egyptian Fellaheen in extreme poverty and what has proved good for the latter will prove good for the former, provided it is worked out with honesty and singleness of purpose. Cooperative Societies have not received much Government help in the way of capital, though in the present initial stage the control is partly in the hands of the Government. Government help to the proposed agricultural banks can well be given in the same form in which I propose it to be given to industrial banks. With reference to these Co-operative Credit Societies the Hon'ble Mr. Wacha writes in his article on Agricultural Banks, contributed to the Indian Economic Journal, that neither any number of credit co-operative societies of the character now instituted, nor any legion of Government resolutions for control, audit and so forth would be of any avail, if it really be our aim and object, once for all, to relieve agricultural indebtedness; but that what is wanted at the present juncture is courage and enterprise among Indian capitalists themselves in each Province to start an Agricultural Bank tentatively.

Science and enterprise and other things are also essential; but unless there are the principal sinews of war in the way of finances, it will be found impossible to work out the development of industries and agriculture. Over and above these industrial and agricultural Banks, there are the ordinary joint-stock banks which are also an essential item in any programme of national progress. With regard to all such projects it has to be borne in mind that Government help and interference can come only after they are put into practice, as Government cannot go out of their way and establish banks for different purposes. Government can do much to help even now inland trade by arranging for the increase in the number of branches of the Presidency Banks, which can tap the outlying districts and develop trade and industries in the mofussil. This brings me to an important question concerning the relation and inter-relation between the Presidency towns and the mofussil. At the time when the Swadeshi concerns were going on well, almost all of them had their branches established in different parts of the mofussil.

The object of these branches was simply to drain the capital to Presidency towns for trade and commerce there, for none of these branches was authorised to make any advances. The result was that Indian Shahukars, who have been disparaged too much, had their stream of capital dried up. This was to be regretted, as with all their faults, these Shahukars were a great factor, when there were no banks, in keeping up industries and agriculture at great personal risk and loss. If however, the draining process is stopped and the branches are empowered, as in the case of Presidency Banks they are, to make advances, the mofussil will get a rich fertiliser and will be all the better for it. Unless this is done, banks will never be brought into close and direct contact with the lives of agriculturists, petty traders and artisans and the progress of the country will be retarded so far. I go further and say that there is a necessity for a bank at every village and town, just as there is in the United States.

The writer in the Commonweal, to whom I referred above, observes that, "banks means civilization" and proceeds to say:—"All this goes to show that the extent and standard of the banking system of a country denotes the extent of the country's commercial and industrial activity. And it shows more, for banking customs and credit are based upon honesty—a confidence in one another amongst the people of a country for the carrying out of a written contract—and that denotes a certain standard of morals or of civilization. No modern system of banking could be built up in an uncivilised country. We had in our past a greatly developed system of banking. There is no reason why we should not succeed in reviving that system in the modern Western garb to the immense benefit of the country and the people."

Banks increase facilities for credit and familiarise people with instruments of credit, economising thereby the use of coins and precious metals. Our people are still to an infinitesimal extent familiar with instruments of credit and hence the passion for the hoarding and the slow circulation of money. With an increase in number of banks and branches

of these or small banks established in villages and towns people in the remotest villages will be familiar with banking institutions and will thus be able to take part more and more in the development of trade, industries and agriculture.

Credit is the soul of the modern business-world, and rightly so too, for it is the lever by which people are enabled to carry on business operations on a far more tremendous scale than if they were to be carried on principles of cash. It is because of this that while merchants in ancient times, with say a lac of rupees, would carry on business operations to the extent of not more than a lac of rupees, merchants in modern times can do business to the extent of five lacs of rupees. There are several instances of the operation of the fine mechanism of credit whereby trade to the extent of lakhs of rupees is carried on without anybody's putting in a single pie from his pocket. It is the function of banks to facilitate credit and so if a country would have its trade and industries developed, the first essential is an increase in the number of sound banking concerns.

"The utility of credit" Mr. Fiske observes, "consists in the transfer of capital, or accumulated wealth, from one to another in a way to admit of its more effective application to the process of production, which is to be taken as including all the operations necessary for bringing the materials of nature to the consumer of the finished articles. The capital which might be idle or wasting in the hands of one man is put at the command of another who can employ it in producing and trading to the advantage of the community as well as of himself."

With regard to the function of the banks the same authority observes that, "it stands to the community as an embodiment of credit, making the scattered and unknown credit of some, available for the benefit of others through its own concentrated and known responsibility, bringing together demand and supply in the use of credit by its own unifying force."

So much banking as we contemplate means so much

talent which we must take care to provide. Our youngmen must be either sent to foreign countries to learn banking or facilities must be found for them at Presidency Banks. Unless such a training is provided, no progress worth the name can be expected. Banking courses may also be specially organised at institutions like the College of Commerce and facilities made for students who wish to attend these by providing evening classes. Education here as elsewhere is a handmaid to commerce and industries.

# LIFE ASSURANCE AS A FACTOR OF NATIONAL WEALTH.

( By G. S. Marathe, M. A., A. I. A., Actuary. )

In studying the rise and progress of nations which flourished and prospered, setting glorious examples to other nations around them, the key to the continuous prosperity of these nations can be found in the growth and power of their commerce. Though the beginning of the really successful career of a nation can be found in its military efficiency, this in itself is not sufficient to maintain its supremacy unless it is supported by an efficient system of trade and commerce. The nature of the system varies with the time and the surrounding conditions, depending upon the facilities of communication and the capacity of supplying the articles in demand according to the constantly changing conditions. It is now impossible for India to remain isolated, and she must try to adapt herself to the changed conditions and to assimilate the system followed by the rest of the world. The principle feature of the present system is combination, on a larger and larger scale, for the better securing of common interests, and for, the more even distribution of common losses. The most important form assumed by such combination is that of Joint Stock Companies, and a most wonderful spectacle was that of a Joint Stock Company performing the functions of a king, and large provinces paying homage to a trading concern !

Just as no army is really efficient without a Supply and Transport Corps, so there can be no solid progress in commerce without a well-developed machinery for the collection and distribution of money. Money is the sinews of every campaign, military or commercial, and wealth requires a proper organization of the monetary system for its consolidation and augmentation. Such a monetary system is

provided by the Financial Institutions of a country which include Banks, Insurance Companies, money-lending houses, and all other concerns which borrow money and lend it out. It is not the business of truly financial institutions to engage in any trade on their own account (such as the silver and pearl transactions of the Indian Specie Bank), but it should only supply money to other traders. Similarly Insurance Companies must not invest their funds in any proprietary or Commission Agency business on their own account.

The commerce of a nation requires to be financed with two kinds of money, short and long money. Short money is money required for short periods and long money is money required for longer periods. Short money is the one very often required and it can secure a larger Rate of Interest. The functions of Banks and those of Insurance Companies differ in this respect, that Banks supply short money and Insurance Companies supply long money. This is due to the nature of the deposits and withdrawals being different. In a Bank, even the fixed deposits are never for long periods, and the other deposits are likely to be asked for at any time. In an Insurance Company the deposits are represented by that part of the premiums paid which is carried forward as a Valuation Reserve with the intention of being returned to the policy-holders; and on an average most of them are likely to remain with the company for a considerable number of years.

As to withdrawals, in a Bank, they are always on demand, (except in fixed Deposits) while in an Insurance company, on an average, two months elapse between the intimation of a claim and the payment of the amount of that claim, on account of the certificates which have to be submitted and of other formalities which have to be gone through.

About the deposits in Banks repayable on demand, the Banks reserve a certain proportion of these in cash but a large part of the remainder has to be invested in such a manner that considerable sums could be at once realized in case



of emergency such as a run, which is not an unlikely contingency. Insurance Companies however are practically never subject to a run except in case of a national calamity. At the most, in case credit is shaken, policies would be surrendered but the formalities to be undergone in such cases leave time enough for sufficient funds to be raised on the strength of the assets. Besides such a run considered by itself does not do any harm to an Insurance Company because the amount reserved to meet the calculated liability in respect of a policy is always larger than the amount paid as surrender value.

It is on account of this difference that Insurance Companies serve a different purpose than Banks in the Financial Operations of a nation. The available Funds of Banks become useful in those operations in which there is a more or less rapid turn-over of capital, thus helping current mercantile transactions. The Funds of Insurance Companies, on the other hand, become useful for steadier operations which tend to diminish the risk of fluctuations natural to mercantile transactions, thus enabling the undertaking of transactions on a larger and larger scale.

The Rates of Interest realized by Banks and Insurance Companies differ on account of the difference in the mode of investment. In any investment the rate of interest varies according to the following circumstances (1) Amount invested, (2) Period of investment, (3) Security, and (4) Other conveniences. Of these, security is the most important. Insurance Companies are more fortunate than Banks in the matter of the amount available for any single investment and the length of period for which they can lend the money. But this makes it necessary to be far more careful about the security of the investment, though this leads to a smaller rate of interest. In calculating Life Assurance Premiums the rate of interest likely to be realized in future is assumed to be small, (3 to 4 percent), and hence it may be safely said that the deposits received by Insurance Companies are obtained at a small rate of interest on condition that the security of the capital is well attended

to. The question naturally arises, why is it that security of capital is of greater importance in Insurance Companies than in Banks? I think this is due to the following reasons.

(1) Much greater expenses have to be undergone by Insurance Companies in securing their deposits (i. e. Premiums) (in the way of commission to Agents, Medical Fees &c.) than by the Banks.

(2) The depositors in Insurance Companies are more helpless in respect of their deposits than the depositors in Banks; because, it is possible for Bank depositors to withdraw the whole of their deposits if they are not satisfied with the working of the Bank, while Policy-holders can get back only a small percentage of the amounts paid by them.

(3) The deposits in banks are more in the nature of commercial wealth, that is intended for the sake of gain or augmentation of income. The premiums of Life Assurance Companies are more in the nature of prudential savings, that is, intended as a protection against unexpected contingencies; so that broadly speaking, the loss of Bank deposits would mean loss of luxuries while the loss of Insurance Premiums would mean loss of the necessities of life.

To indicate the nature of the investments of Life Assurance Companies I give a list of the investments of British Life Assurance Companies in 1892 and 1912, showing what percentage the amount in each class of investment bears to the total amount invested in that year.

Description	Percentage of the Total in the returns for the year.	
	1892	1912
Mortgages.....	39.3	21.8
Loans on Policies.....	4.4	5.3
Loans on Rates ( Municipalities &c ).....	10.7	6.8
British Indian and Colonial Government Securities.....	9.1	5.7
Foreign Government Securities.....	1.7	4.1
Debentures.....	11.6	23.2
Stocks and Shares.....	6.5	9.8
Land and House property &c.....	7.5	9.5

Municipal Securities.....6.0  
 Other Minor items.....9.2.....78  
 (Rates are like municipal taxes. These would be utilized, in the first instance, towards the instalments of the loans). From this list it will be seen that all the investments are of a steady nature.

The funds of Banks are usually invested in Bills of Exchange, Hoondies, Advances to tradesmen &c. These investments, though carefully made, depend more or less on the chances of trade, and as such, they are subject to a certain amount of risk. Such funds, however, are absolutely necessary for the prosperity of commerce, and such liquid capital seems to be more in demand than the more solid and steady capital of Insurance Companies. Both kinds of capital, however, are necessary for a nation; the first for the progress and the second for the stability of the national wealth. Just as a person drawing a high salary would not feel happy until he amasses an amount of wealth sufficient to secure a permanent and large income independently of his salary, so a nation must try to utilize its resources in such a manner as to form a backbone to its commercial operations.

It will be seen from the above that Life Assurance conduces in a high measure to promote the financial prosperity of the nation. It can further be shown that Life Assurance tends to augment National Wealth in other ways also. Wealth may be defined as anything having exchange value. Wealth is divided by economists into three classes, Land, Labour and Capital; and Labour has been divided by the earlier economists into productive and unproductive, according as it actually produces something which has or has not got an exchange value. It was reserved for List, the celebrated German economist of the first half of the 19th century, to show the real importance of Productive Power. He says 'The Power of Producing Wealth is infinitely more important than Wealth itself.' Adam Smith also, though he did not lay down this principle so clearly, was aware of its importance, as can be seen from the following passage, 'Labour forms the fund from which every nation derives its wealth, and

the increase of wealth depends, first on the productive power of labour, namely, on the degree of skill, dexterity and judgment with which the labour of the nation is generally applied; and secondly, on the proportion between the number of those employed productively, and the number of those who are not so employed.'

India is poor; but it has got ample means to become rich. Though the actualities of the Indian Nation in the matter of wealth are small, her potentialities are very great. Labour is plentiful and intelligent; it has to be trained to acquire much higher exchange value. (The economic word Labour includes all work of business-men and professional people in return for which they obtain something.) In order that Labour should be more efficient, it should be surrounded with favourable circumstances. These include protection from the evils arising from unexpected contingencies. It is evident that in the society in which a worker does not starve when he is out of employment, receives proper treatment when he is ill, and is sure of his family not being left destitute in case of his sudden death, the general standard of health, intelligence and morality would be very high; and efficiency would rapidly follow from the requisite training duly imparted. These advantages can be easily secured from Insurance.

Though Life Assurance refers only to the chances of unexpected death, the Assurance against Sickness and Unemployment follows in natural course of events. In western countries Life Assurance is resorted to by almost all well-to-do people, and for the poor people there are institutions called Friendly Societies, which receive small weekly subscriptions from members, in return for which they give sickness and unemployment benefits during life and a sum of money on death. For still poorer people who cannot afford to take the benefit of such societies, National Insurance is introduced by State Legislation, by which such people can be insured with the help of their employers and of the State. To give an idea of such insurance, I give below the benefits derivable by the poor under the National Insurance Act (1911) of Great Britain and Ireland.

- (1) **SICKNESS BENEFIT:**—For men 10 Sh., and for Women 7½ Sh. per week for a period of 26 weeks beginning from the 4th day of illness.
- (2) **DISABLEMENT BENEFIT:**—5 Sh. per week for either sex, commencing upon the cessation of Sickness Benefit.
- (3) **MEDICAL BENEFIT:**—Treatment by a Doctor, including provision of medicines and certain surgical appliances.
- (4) **SANATORIUM BENEFIT:**—Treatment in a Sanatorium or in other ways in case of Consumption &c.
- (5) **MATERNITY BENEFIT:**—A sum of 30 Sh. upon the Confinement of the wife of an insured person, or of the insured woman herself.

The contributions that have to be made to the State are 4 d (i. e. four pence) by a male person and 3 d. by a female per week. The employer is to add to this 3 d. per week. The total contribution per week thus becomes 7 d. for every male contributor and 6 d. for every female contributor. If these are not sufficient to meet the cost of the benefits which would be payable, the State would pay the deficit.

Germany has adopted a National Insurance scheme more than twenty years ago, but the contributions in that country are not uniform; they are based on the wages earned. Austria and Russia have got similar schemes and other countries are following suit. The Governments of most countries have long ago given countenance to the benefits of Life Assurance by legislating that the income spent in paying Life Assurance premiums should not be counted for purposes of taxation.

That Life Assurance promotes habits of thrift can be seen from the consideration that a considerable part of the sums of money paid in as premium, would have otherwise been spent in luxuries or easy living instead of being saved for future needs.

From the above it would be seen how the principle of Assurance is becoming more and more essential to the development of a nation's prosperity. It serves to mitigate

the evils arising from the vagaries of fortune and helps in the equitable distribution of a nation's wealth. It thus encourages the individual units forming that nation to greater and greater efforts for developing the moral and intellectual faculties and in general for organizing the resources of a country so as to fetch their highest exchange value. These considerations go to prove the importance of Life Assurance as a factor of National Wealth.

# Pencil Industry in India.

( N. N. Godbole, M. A., B. Sc.

*Professor of Science, Dayal Singh College, Lahore )*

[ Continued from our last issue. ]

( 9 ) At Darjeeling, I found a good variety in *Cryptomeri Japonica* which is said to be imported from Japan and planted successfully round about ' The Tiger Hill ' ( 7 miles from Darjeeling from where Mt. Everest is visible and also from where we get one of the grandest views of sunrise in India. This is said to be a fast-growing tree commonly available in Japan and from which I anticipate cheap pencils are made in Japan. This variety can be taken up for special plantation in all hilly tracts in India and it is worth while trying if it is possible to foster its growth even in the temperate plains. The other varieties I got here are common in the Himalayas and can only give cheap pencils. *Cryptomeria* will give a pencil middling between the two common pencils sold in the market. At Naini Tal I saw a very good sample, *Cupressus torulosa*, growing above the Naini Tal (lake) and below the 'Chinar' peak. This is one of the best species in India that I know of and it is worth finding out whether a special plantation of this cannot be taken up round about Naini Tal. The trees growing here are very vigorous and healthy and have in some cases assumed great dimensions and have imparted a glorious grandeur to the vicinity. This timber, I was informed by a Forest Ranger at Almorah grows well and in quantity in the Garh-wal (British) and Tohri Garh-wal ( Native State ) districts. This locality therefore seems to be naturally suited for taking up special plantations of ' *Cupressus torulosa* ' known more commonly as the ' Himalayan cypress. ' At Dehra Dun and Musorie proper, there are not many varieties of timber useful for the manufacture of first class pencils in any reasonable quantity. North of Dehra Dun, in the Chakrat forests, there seems to be some quantity of ' *Cupressus torulosa* ' but I shall explain more about this later on. In Dalhousie and

Chama, I got a number of samples. I got a sample of 'Devi Dyar,' belonging to the Pangli forests (Chamba State) where the kingdom of snow prevails for 9 months in the year and where a special allowance known as 'Funeral allowance (something like local allowance) was granted to officers of the State upto recently. I had a personal interview with Mr. Copeland, conservator of State forests Chamba State on about the 5th of April 1915 and he gave me to understand that he could at the most supply about 500 mds. a year of Devi Dyar not to mention the difficulties of transport which are great. It is worth while finding out whether the Chamba State could not take up special plantations of this tree in its comparatively thinly populated districts. A number of varieties, I saw on my way to Chamba, from Dalhousie via Kalatop and Khajiyar. Those that I got tested were the following, (1) Rai, Silver fir, (*Abies pindro*), (2) Deodar, (3) Tosh, (*Picea Morinda*) and (4) Gun chestnut; of these some are useless for pencil manufacture, and about two are good enough for cheap pencils. From the Punjab Himalayas, I tested many varieties, for instance, (1) Tun, (*Cedrela Toona*) (2) Tut, (3) Chir (*Pinus longifolia*), (4) Kail (*Pinus Excelsa*) etc. But they are only fit for cheap pencils. From Jammu to Srinagar through Pir Panjal and back to Rawalpindi, I came across most of the varieties that I had previously tested, with the exception of the poplar (locally known as Safeda) which adorns the road from Baramulla to Srinagar a distance of 32 miles and makes it one of the most picturesque roads in India. This tree is also found in the plains on the banks of the Indus in the Multan forests, and is only fit for a cheap pencil but most suited for match manufacture. The tree grows rapidly and straight into the sky with very little branching and can be taken up as specially suited for plantations all over India for match and pencil purposes. In Multan, as I have just mentioned above, the Poplar is the only useful species (locally known as Bahan) I know of. Multan is subject to excess of heat and excess of cold and is situated within 1000 ft. above sea-level. The whole district is sandy and is famous for four things as the proverb goes 'Garda, Garama, Gadao aur Gouristan.' A tree which grows both in cold (Kashmir) and hot countries ought to grow, apparently, in more temperate places. In Baluchi-



stan, we have one of the most useful species, *Juniperus macrocarpa*, (known here as 'Obisht') growing largely in Ziarat, Chontair, Kach Mangi, Karbi Kabnh and Mangi forests. There is one difficulty in obtaining useful timber here and that is, the Baluchistan Government does not grant any licence to cut green timber, and as I observed personally, the dead trees are few and far between and their timber is greatly rotten and largely eaten up by germs and borers as one of my friends put it, "Baluchistan is nothing but forests without trees, rivers without waters and villages without population." Though the jungles are not thick, yet the trees in many places are very old 'as old as the Vedas' as one of the police officers told me! The difficulties of transport are very great; there are places in the forests particularly near Chontair and Gairgi where even mules cannot penetrate. My trips to some of these places have been both sensational and romantic and sometimes they have shaken my life out of me. The people, the wild scenery, the pathless districts, and the scarcity of water over a distance of 20 miles at a stretch at times make the district fit only for camels to live in! I think, however, there seems to be a good field for trying plantation of Junipers in the districts adjacent to Kach and Mangi which are two railway stations on the N. W. Ry. between Quetta and Sibi through the loop-line. The prohibitions imposed upon the cutting of green timber, the small number of dry useful trees available, and the difficulties of transport, apart from the difficulties in procuring labour make the use of 'Obisht' practically impossible on any commercial scale. At Mt. Abu, where I spent nearly a week, there is very little useful timber of any sort. I had a very long talk with a forest officer who was residing there and I had a very poor opinion of the forest management there. In India in the administration of the forest department as far as I have seen, very little human effort has been made to replace nature's bounty by more useful vegetation. The trees are merely preserved and sold after they are fit for felling. Most of the trees on Mt. Abu seem to be fit only for fuel purposes. I pointed out to the forest officer the great possibilities of taking up useful varieties for special plantation and I pointed out to him the great chances of a corresponding increase of income to the state. But the

difficulty seems to be two-fold, first the lack of knowledge of industries connected with forestry and secondly the inertia. More about this will be discussed at a later stage. Regarding some forests that I have an idea of near Gwalior, Indore, Baroda Lonawala and Londa, I do not think there is any timber that is likely to give a first-class pencil. At the most, we could get some cheap pencils but even then the wood would be a little too hard for the lead. It must be remembered in this connection that with very-well-made lead but with hard wood the pencil-expert, who-so-ever he be, gets unnecessarily a bad name. The pencil-expert is not responsible for the hardness or the texture of the wood; he is only responsible for making good lead and manufacturing a good pencil. As the common saying goes, man can make a box but can he make a tree? It is worth while trying whether by any process the hard wood cannot be softened. I am told, in Japan, hard wood is softened by a process of burning and if that or any similar method can be employed, it would not be a bad bargain to even manufacture cheap pencils. In the Nilgiris, the Blue pine seems to be a very common tree and its leaves are used for distilling and manufacturing Eucalyptus which seems to be a great trade in Ootacamund. I do not think I have come across any good specimen here suitable for making a first class pencil. On the Nilgiris with its varying altitudes upto nearly 8500 ft above sea-level at Dod-beta which commands a splendid view all round, more specially on a partly cloudy day, there seems to be a great scope for plantations of various types of trees. I do not exactly know what portion of the Nilgiris is taken up by tea-plantations which seems to be a prosperous industry. Coming now to forests of which I have no personal knowledge, in Chilas and Parachinar, there are good samples but the transport difficulties are immense. The forest officer of Hazara, N W. F. provinces writes to me that "there is no Juniper timber worth mentioning in Hazara." The samples mentioned by the pencil-expert to the government of Mysore, (in the official report he has submitted to the state) are in my opinion unfit even for 2nd class pencils and could only be used for third class pencils. The Conservator of Cochin state forests writes to me in one of his letters that "Neither *Juniperus Excessa*

nor any other conifer is available in the state forests here. The conservator of forests at Tehri Garhwal has promised to send me samples since long but I have waited for months without getting any. I know, there are some very good species in this State forest, particularly *Cupressus torulosa* but I have no idea of the quantity that is available and the cost of its transport down to the nearest railway station. A friend of mine has tested a number of timbers from Travancore and he is of opinion that two or three of the varieties could be used safely for a second-class pencil. The Sunder-bans, near Calcutta, are practically on sea-level and one of the varieties growing there is being used by S. I. D. Co., of Calcutta, the only pencil-factory that is working at present in the whole of India. The wood, I am afraid is not even a second-class wood, and the proprietors are trying their best to make the best article out of the material at their disposal. The samples I have received from America and British East Africa are undoubtedly good and can, in my opinion, be imported and worked profitably on a commercial scale. From this short but concise narrative, one thing must have been clear and that is, as we are, we cannot hope to produce a first-class pencil, commercially, out of Indian timber, and Indian graphite.

10. Reference has already been made to the methods of manufacture both old and new. In the old method plumbago was cut out from a block into the desired form and was used direct without any admixture. In this process, the plumbago was used away much more easily than what is done now and the powdered plumbago was practically left away as a residue. In some cases, the powder was mixed with some sort of sticky material and moulded in some desired shape with great difficulty. It is said that before M. Conte's process was discovered the Faber family made a number of improvements in the machinery then employed and when Conte's process became known all over Europe, the industry received a new push. Once the mixture of lead and clay was properly made, through lead presses, any desired kind of lead could be shaped and the wastage was reduced to its minimum. Soon, Bavaria began to be the centre of this industry and even today, Nurnberg is famous for its pencil-machinery. The developement in the machinery has

been so great that a representative of a German firm with whom I carried on correspondence ( before the war began ), wrote to me that he could not supply me with an estimate of machinery capable of producing 100 gross per day because in Germany the smallest capacity of a pencil factory was put down at 300 gross a day. This shows clearly the difference between the old and new methods of manufacture. I need not repeat here the details I have already given of the Conte-process which has done so much for the progress of pencil industry.

11 The machinery used differs in different countries. I have personally seen Japanese and German machines and I have also seen some photographs of certain American machines. The American and German machines seem to me to be based on the same principle, namely, large productions whereas the Japanese machinery is suited for hand labour and small production. The steps involved in the two cases are the same but the difference lies in the power employed and in the rapidity of production. Apparently the investment in the Japanese machinery is much smaller than in the perfect German machines. Japanese machinery presupposes so many things:— ( 1 ) cheap yet *intelligent* labour, ( 2 ) cheap and useful raw-material and ( 3 ) a certain general average knowledge of mechanical engineering. By mechanical engineering, I mean a knowledge of engineering involving carpentry and smithy. It is an open secret that in a land where there is scarcity of the knowledge of the alphabet, the knowledge of the proper use of a carpenter's or smith's tools is still rarer; as I have explained above the raw materials are neither easily available nor are they cheap and the competition under an open free trade is severe. All these factors are enough to discourage the use of Japanese machines in India because the conditions that prevail in Japan are just the opposite of what they are in India. Advocates of home industries may perhaps be discouraged by the statement I am making but they should not fight shy of facing the truth. German machines require a huge investment and that may debar any one person of average means from starting a factory but I may as well mention that machines of German pattern can be made and have been made in India. For instance, the proprietor of the pencil factory ( now closed ) at Jhadeshwar near Broach has manufactured his own set

of machines of the German pattern and Mr. R. V. Alagwadi, match expert of Dharwar has also prepared a small set of machines entirely in India. I know the German machines are all out-come of long specialised study and are very intelligently made. Yet I maintain that India must one day make a new start in the line of machine-making and never before ( than now ) has it been proved how disgracefully dependent we are on foreign countries for every nut, bolt or nail. The departure means facing new difficulties but they must be boldly faced; there is no alternative; it is much more creditable to face difficulties and solve them rather than be a laughing stock of the whole world. Any-how, I must not let myself digress from my point in a new province. The machinery required is for two purposes, for making lead and for making pencils. In making lead the graphite has got to be finely pulverised and so also the clay. The two are thoroughly mixed in proper proportions after the refining is finished. The purifying and refining is done mostly by the help of water because chemical processes are often very expensive and troublesome. In mixing the graphite and clay, some manufacturers use a little borax solution. The reaction brought about at the last stage of heating seems to me to be this; on heating the leads in a furnace, the borax fuses and spreads all over the mass uniformly, forming a transparent glassy substance and gives a sort of strength and rigidity to the lead. The mixture is thoroughly mixed up and kneaded in a kneading machine and the whole in a fluid condition is pumped up to a filter-press where most of the water is removed and a solid compact mass slightly moist but not watery is left behind. Then the mass is transferred in small quantities to a lead-press which is a steel-cylinder with a circular slit at the bottom or side, of the size of the lead required. A light piston moves down under high pressure and forces the mass out of the orifice in the form of a serpent-like thread which is delicately handled, straightened and cut into proper lengths. After proper drying, these are burnt in muffle furnaces and the degree of heat is regulated to suit the production of the desired degree of hardness. Great skill is required in giving proper heat to the furnace. Here the lead department practically ends and the important machines required are ( 1 ) Pulverising or grinding machine, ( 2 ) Filter-press, ( 3 ) Hydraulic press, or lead press

or the graphite-thread--drawing--machine and ( 4 ) Muffle furnace and crucibles.

In the wood department, the first step is to saw the wood into boards and convert them into slats. In the Japanese system, two rectangular pieces of the length of a pencil and the thickness of a trifle over the radius of the pencil are taken and grooved on one side to hold the lead.

The grooving is done either by hand or by a machine. The pieces are glued together after inserting the lead and put in a press for a few hours till the glue has dried up. Then the pencil is rounded up by two operations, by means of semi-circular knives. It is next polished in a sand-paper machine, its edges are properly cut and then it is varnished ( if necessary ) and stamped. Some people are so pitifully ignorant of two separate pieces forming a pencil that some of them think that a rounded piece of wood is taken, a hole is bored into it by a drilling machine ( like boring a well ) and then they think molten metallic lead is poured into it !! In the German process, instead of one, slats of six pencil breadth, the same length and thickness as in the Japanese method are taken. Instead of one, six symmetrical grooves are made by a grooving machine; six leads are inserted and the two slats are bound together by a thin paste of glue properly made and the combined slats are subjected to the action of a strong press. Then it is subjected to the action of the moulding or shaping machine where it is made semi-circular on one side by the rapidly-rotating knives; then by turning it upside down, the other side is rounded and six separate pencils come out of the machine. Then they are taken to the sand-papering machine where the rough surface is made smooth enough to receive the varnish. The edges of the pencils are then cut in an edge-cutting machine. Then they are coloured or varnished if necessary; the cheap grade pencils are sold without a varnish, first, because they do not take a good varnish even after half-a-dozen coatings, and secondly because good varnishing is a costly process. It should be remembered in this connection that red cedar takes up a good polish after only two or three coatings. The stamping is done by means of a hot steel-dye and the cheap silver and gold powders, which are

alloys of cheap metals, are used for this purpose. The machinery required for these operations is as follows: (1) The sawing machine (small and large saws as desired), (2) Grooving machine, (3) Shaping or moulding machine (if necessary, the same spindle can be used for fitting up both the grooving and shaping knives), (4) Sand-papering machine, (5) Edge-smoothing machine, (6) Colouring or varnishing machine and (7) Stamping-press. Of these the grooving and shaping machines are the most intelligent machines and require great accuracy in their making; the rest are comparatively easy machines. The productive capacity of these machines is much greater than the cheaper Japanese machines. A personal visit to a pencil factory, it might be borne in mind, is much more instructive and much more convincing than a volume of explanatory notes or diagrams.

Coming now to the question of efforts in pencil-making, I have tried to collect first-hand information regarding the various experimenters. I have seen the Calcutta factory in December 1914 and am in correspondence with the proprietor; of others I have got samples of pencils; I have personally met and talked to the proprietor of the pencil factory at Broach; I have been in correspondence with some others at Meerut and Satara; and I have got newspaper-cuttings of factories which have long since been closed; and in August last I met the Director of industries of the Madras Government and have had a talk with him on the proposed pencil factory of the Madras Government. In other words, I have tried to secure every possible information I could, within the time at my disposal. The earliest experiments made in India seem to have been taken up by the late Mr. M. M. Kunte B. A. Head Master of the Poona High School who began to work with wood imported from Germany and graphite imported from Ceylon. Report has it that he could sell upto five pencils a pice. I believe, it is possible that we might find in Poona to-day some of his co-workers or friends who might throw some light on how he worked. I have not been able to procure any samples of the pencils made by the late Mr. Kunte, and so I am not in a position to pronounce any judgment on their quality. Any-how, the fact is there that

after his death, nobody continued the work, good or bad; and we are told that the machinery was sold piece-meal for its value of iron. It is undoubtedly a great pity that such should have been the case. After this effort, we read of two efforts made, one at Anakapalli and the other at Bimli-patam, both in Vizagapatam. From what I can gather of the former factory, it started work with imported German machines and a good supply of graphite deposits in the vicinity. I am of opinion that the start was made without any supply of workable wood, I mean, good wood and partly on account of this and partly on account of lack of capital, the concern had to meet a premature end. I quote the following from the "Indian Patriot" regarding this factory "It is gratifying to notice that such shrewd business men as Messrs Wacha, Dhamnaskar and Tilak have expressed themselves confident of the venture proving a great success and that applications for shares are being received from all parts of the country." If I have taken the references rightly I am afraid, we are not justified in forcing business judgment on our political leaders. I can quite understand our political and other leaders encouraging every Indian concern but it is too much to expect them to venture an authoritative statement on a business question. Be that as it may, the concern is long since closed and my information is that the Anakapalli pencil machines are now purchased by the Madras Government and are being re-erected in a new building at Washermanpeth in Madras. Some efforts were simultaneously made, I believe, in Hubli, Satara and Bombay. I have got samples made by some firm in Hubli, and judging from the samples, the effort seems to have been undoubtedly poor, no attention being paid either to the quality of the wood or lead. In Satara, Dr. Gokhale has been making some efforts and I think he is trying to use a variety of timber (Dyar or Deodar) commonly found in the Punjab. This wood as I have mentioned above is only fit for cheap pencils and I cannot say what will come out of these efforts. In Bombay, one Mr. Athale used to manufacture some varnished cheap grade pencils, obviously by the help of Japanese model



machines. From the samples which I have in my possession, I think both the wood and the lead are bad; and not much could have come out of this effort. It is not necessary to mention that the factory closed doors much earlier than expected. At Meerut, a certain gentleman who is by profession a pleader seems to have made some efforts in pencil making. He has been neither working on the Japanese model nor on the German but seems to have been exerting on the "Indian" model. He differs from me in the matter of the difficulty of wood supply, for he thinks there is ample of it; his difficulty seems to be of a financial character. In one of his letters to me after answering a number of questions I had asked him, he makes rather a novel statement. He says "I intend to make pencils without wood as I have been successful in making *artificial* wood. I have a mind first to try these pencils on a large scale with foreign leads etc." I hope, he is not referring to pencils that contain lead rolled up with thick paper and are not very popular in the market. If he does not mean these pencils, I should think, it is a great achievement. Messrs F. N. Gopta & Co. of Calcutta have been selling some good red-cedar pencils. The pencils are good and I believe they must have been made out of imported Juniper. I am sorry, I have no information about their factory. Then comes the Jhadeshwar pencil factory, 3 miles from Broach owned by Mr. Kashibhai Amin, a landed proprietor residing in Jhadeshwar. His pencils were stocked and sold by the swadeshi Co-operative Stores of Bombay and perhaps some stock of the same is still being cleared to-day. The factory was, so to say, born in December 1905, and it died some time in a dark month of the year 1913. Mr. Kashibhai is a fine gentleman who has calmly and patriotically borne the great loss he has suffered in this industry. If I mistake not, he has lost in this enterprise nearly Rs. 40,000, but be it said to his credit, that he has successfully manufactured for himself a complete set of up-to-date machines with a capacity of about 300 gross a day. His main difficulty like that of many others in this line has been the difficulty of getting a suitable wood to manufacture a pencil out of, and the wood that he actually used 'odina wodier' known on Dharwar side as 'moyi' was so hard that it could not capture the market.

The difficulty of using hard wood lies in this that more pressure has to be put on the wood in mending the pencil which becomes too much for the lead to bear and un-necessarily in the company of a tough wood, the lead gets a bad name ! After a struggle of eight years, Mr. Kashibhai could not afford to lose any thing more and he had reluctantly to stop his pencil factory ! Very few can realize what it is to bear a loss of Rs 40,000 in a small industry and in spite of all such heroic efforts in the face of the oddest of difficulties, Indians are said to be lacking in enterprise ! At Dharwar, just a few months back, Mr. R. V. Alagwadi, Match Expert, has made a small set of machines and has successfully worked them. With a little care in the adjustment of the machines and with a supply of the proper kind of wood, I am sure he will work wonders. I have seen his samples and many of my friends and pupils in Lahore have been using them. One and all are satisfied with everything of the pencil but its wood, for which the maker is obviously not responsible. The Small Industries Development Co. of Calcutta is the only one that is working at present. It is producing about 30 gross pencils every day of the cheap variety. The wood used comes from the Sunder-ban Forests near Calcutta, and the finished pencil is well varnished. Red cedar is used for the superior quality and there has been great difficulty in procuring this wood. The machinery is of the best German pattern and is worth about 15000—20000 rupees. The factory was registered in 1907; experimental work commenced from 1911 and actual work commenced from 1912. The initial difficulties of this factory have been to secure good and suitable wood and to secure other raw materials. The investment so far has been Rs. 70,000, of which Rs. 30,000 have been spent in purchasing and fitting up the machinery and the rest is spent in working the concern. The capacity of the machines is very great but because of the difficulty in procuring raw materials and the severe Japanese competition at Calcutta, the factory has not been able to produce more than 30 gross a day. Recently the company has purchased some very good supplies of red cedar from British East Africa and it will

be soon known how far the concern can be run successfully with this imported timber. The company has admirably persisted in its efforts in spite of severe losses and it will soon have a bright day.

I shall now consider in brief the proposed pencil factories. The Mysore Government some-time back specially appointed an expert who has pointed in the report he submitted to the Department of Industries the great possibilities of this industry in the State. He says "Who does not realize that from this fountain a stream of prosperity unparalleled in history will arise?" After referring to the establishment of a State pencil-factory in Bavaria, he says "Will Mysore do the same for India and the East as a whole with its stupendous possibilities?" But for the war, I am told, the proposed factory would have been started by this time. I only hope that the Mysore Government and the Economic Conference will carefully examine the estimates put down in the report and also the quality of the timbers suggested before undertaking the concern. In Madras, the undertaking is being managed by Government through its department of Industries. There are different experts for wood, graphite and machines and if my information is correct, the machinery is purchased from Anakapulli factory. An attempt is being made to refine and use Indian graphite and looking to the division of labour involved, the experiment ought to succeed at least for demonstrational purposes. Of course, no private factory can support three different experts, at least in the beginning and in this sense, the Madras factory ought to show the best possible results, in as much as the experts must be in Government service and therefore the establishment charges would not be heavy. The Travancore factory seems to be still in embryo. "A Travancore report has it that an American firm of lead pencil manufacturers is seeking a concession for the establishment of a lead-pencil factory in the state," writes "C" in the *Capital*. How much foundation there is for the report, I cannot say, but it is interesting to point out that the existence of plum-bago in more than one tract in Travancore was established

very many years ago...etc." I personally do not know how far this newspaper information has advanced. At any rate, it does not seem to be much heard of uptil recently. So much about the efforts made in India on the manufacture of pencils.

In the course of my private investigations, I also tried to collect all information I could, on the subject from official publications. Naturally, I examined the, Memoirs of the Forest Research Institute, and I got two references from two important publications of imperial economists. To my great surprise, I found the information supplied in printed official pamphlets, both imperfect and in-accurate. I am quoting below the full references from the two publications, one by R. S. Troup Esq. F. C. S. Imperial Forest Economist, from his "Indian woods and their uses" (1909), and the other by R. S. Pearson, Esq. I. F. S. from his "Commercial guide to the Forest Economic products of India," (1912).

From "Indian woods and their uses" by R. S. Troup F. C. S. (1909) Imperial Forest Economist. XX; Pencils:—

(1) No Indian wood has hitherto been employed in Pencil manufacture. The woods of *Juniperus Macropoda* and *J. Recurva* were recently sent for trial to England but *were unfavourably reported on*. Even if they had proved satisfactory, *it is doubtful* if they could be obtained in sufficient quantity to yield a large supply annually.

(2) Samples of seven different woods were recently sent to two firms in India for trial, viz. *Cupressus Torulosa*, *Holarrhena Anti-dysenterica*, *Flex Dipyrena*, *Pinus Excelsa* (stem wood and branch wood) — *Podocarpus Nariifolia*, *Stephegyne Parvifolia*, and *Wrightia Tomentosa*.

(3) Of these only *Podocarpus Neriifolia* was pronounced by one firm to be suitable while the other firms approved of *Flex Dipyrena*, *Pinus Excelsa*, (stemwood only) and *Wrightia Tomentosa*. It is not known, however, to what extent these woods could be considered suitable for the manufacture of high grade pencils.

From "Commercial guide to the forest Economic products of India" by R. S. Pearson, Esq., Imperial Economist. (1912):—

*Cupressus Torulosa* (don). The Himalayan Cypress.

**Distribution.**—A large ever-green tree found in the outer Himalayas from Chamba to Nepal: not available in great quantities, being local in its distribution.

**Quality of the wood.**—The heartwood is light red brown in colour with darker streaks denoting the annual rings. It is moderately hard, close grained, works easily to a clean smooth surface. Gamble says it is very durable and in this respect equal to Deodar, weight 35 lbs. per cub. ft.

**Uses.**—Timber is suitable for sleepers, but is not procurable in sufficient quantities for that purpose. It is used in building, chiefly in the construction of temples: also for shoulder-poles and furniture. After repeated trials, it has been pronounced *very suitable for pencils by a native firm in Calcutta.*

**Out-turn and price.**—The possible out-turn is not very large, but sufficient probably to meet such demands as may be made on it for the manufacture of pencils. Mr. Milwar, Divisional Forest Officer, Jaunsar, states that he had 53 trees for sale in 1910 and that on demand arising that number could be trebled. The price in Calcutta would be somewhat over Rs. 45/—per ton. The Deputy Commissioner of Garhwal makes the following estimate of this timber in the Garhwal forests:—500 large trees are available each weighing ten tons, so that 5,000 tons of wood is available from that district. I doubled the size of the trees but the conservator, Mr. Clutterbock, confirms the statement as to size. A pencil factory using 250 tons of wood per annum could therefore be run from this supply alone.

**Enquiries and references.**—Enquiries should be made of the conservator of forests, Eastern and Western circles, Nainital, United provinces and of the Conservator of Forests, Lahore, Punjab.

In one of his private letters to me, Mr. Pearson informs me that '*Juniperus Macropolia*', is one of the best woods found

so far for pencil making. The following is a part of the letter he kindly wrote to me on the subject. I have already pointed out that in my opinion this wood is one of the best in India and I fully agree with Mr. Pearson on the point.

“ From,

R. S. Pearson, Esq. I. F. S., F. L. S.,  
Forest Economist,  
Forest Research Institute & College.

To,

N. N. Godbole, Esq., M. A. B. Sc.,  
Professor of Science,  
Dyal Singh College, Lahore.

Sir,

I have the honour to acknowledge your letter of 31st December 1915, in which you enquire for pencil woods. The best Indian timber we have found so far for pencil making is *Juniperus Macropoda*. It is found in Baluchistan and in the forests round Quetta, to which place it is imported.” In these three extracts, I want to draw special attention to the following points. Referring to paragraph (1) in Mr. Troup's portion of the extract, [ Mr. Troup's book is published in 1909, if I am right ] in the first instance, he says ‘ No Indian wood has hitherto been employed in pencil manufacture. ’ I have already pointed out that the Broach factory was started in December 1905 and I am sorry, Mr. Troup should not have known about this when he published his book. Secondly Mr. Troup says that an English firm pronounced that *Juniperus Macropoda* was not fit for pencils and he also says “ it is doubtful if they could be obtained in sufficient quantity ” etc. I wish, in a book like this, more authentic information were made available. Regarding *J. Macropoda* itself, Mr. Pearson is of opinion ( See extract from letter above ) that it is one of the best woods available in India ! Further in paragraph [ 2 ] & [ 3 ] Mr. Troup says he “ got *Cupressus Torulosa* ” examined by two Indian firms, and it should be noticed that ‘ *Cupressus Torulosa* ’ is not one of those species favourably reported upon; whereas on the same subject, Mr. Pearson in his fine book published in 1912 says, in the paragraph on “ uses ” ( see extract quoted above )

"After repeated trials, it has been pronounced very suitable for pencils by a native firm in Calcutta." If the firms referred to by Mr. Troup and Mr. Pearson happen to be the same, what then? Coming now to the extract of Mr. Pearson himself, I was disappointed to find that the figures mentioned by the writer regarding the quantity of the timber [ *Cupressus Torulosa* ] available did not turn out to be accurate. Mr. Pearson says [ see extract above ], after consulting the conservators and other officers concerned, "a pencil factory using 250 tons of wood per annum, could therefore be run from this supply alone," As desired by Mr. Pearson, I first inquired from the conservator of Forest, Lahore, who referred me to the conservator of forests, western circle, Naini Tal. On referring to that officer, he directed me to the Divisional Forest Officer Chakrata division, Chakrata [North of Dehra Dun]; On my writing to him, he replies in the following words,..... "I have the honour to state that there is very little of this species [ *Cupressus Torulosa* ] in these forests." I have placed all this information before Mr. Pearson and he has asked me to inquire from certain timber merchants at Jagadhari and Hardwar. But what I fear is, if there is very little timber of this sort in the jungles themselves, how could the timber-merchants be expected to have any large stock with them. Any how, I am making inquiries, and I shall soon find out what quantity of this timber is available with any timber merchants. Ultimately, in spite of these official publications, it is a pity that one has to approach timber merchants privately and it is rather strange that the forest Research Institute should be without any *verified information* on a small subject like this. In the annual report of the Forest Research Institute, for the year ending 1915, a reference was made to pencil-industry and the experiments made in that connection: I am afraid, the following extract from the annual report throws but little light on the subject.

From the Presidential address of the Forest Research Institute. [ Dehra Dun. ] For the year 1915.

Minor Investigations:—These were carried out in connection with the physical, mechanical and seasoning properties of various timbers, while endeavours have been made to find markets for certain species. Investigations were also made as far as time

permitted into a large number of products such as tanning, \* \* \* timbers suitable for paving blocks, pencils, \* \* \* for which there is a large demand, lance shafts, etc.

This is all that I have been able to find out from official publications, regarding pencil-industry. Every impartial reader would soon discover the insufficiency and the inaccuracy of the important statements made. Every effort should be made to make such publications as reliable, as accurate and as complete as possible, so that a private worker should not be given any extra trouble in starting industrial work.

NOTE:—After sending the whole article to the press, I have been in receipt of two pretty long letters from D. F. O. North Gorhwal Dn., one dated 27-4-16 and the other dated 6-5-16. The purport of the first letter is that immediately about 6000 cu. ft of *Cupressus Torulosa* can be made available for sale at Rs. one per cu. ft. at Hardwar Railway Station. In the second letter, I am informed that the total quantity of the same timber available in the whole of the forest is not less than 40,000 cu. ft. A factory producing a hundred gross pencils every day would use up all this timber in about 5 years. I am still in correspondence with this officer regarding the same subject.



# Lord Hardinge.

( By *Politicus* )

—:0:—

A viceroy comes and a viceroy goes at the beginning and the close of every official quinquennium. And but for the flutter and excitement in official circles, the country at large is indifferent to the fact, of his coming and departure.

This state of somnolence disappears only on very rare occasions. At such times a wave of enthusiasm overspreads the land and the country discovers in the representative of the Sovereign a real benefactor and saviour of the Empire. And that because he comes as the reconciler of public opinion and a true exponent of the best traditions of British statesmanship in India. It is such men that constitute the justification of British rule in India. They serve to link England & India by the silken ties of friendship, love and mutual help and good will.

In the long history of British rule in India, such a proud privilege is accorded only to a very few. Among the few that have thus shed their lustre and added to the prestige and fair name of England in India rank men like Elphinstone, Munro, Canning, Ripon, Minto, Morley and, last but not the least, Lord Hardinge himself. The six years of Lord Hardinge's administration of Indian affairs form a brilliant record of noble ideals, fearlessly proclaimed and steadfastly adhered to.

The policy adumbrated by Mount Stuart Elphinstone and Munro more than 70 years ago was sealed and confirmed by Lord Canning in the days of the Indian Mutiny, and found noble champions in Lords Ripon and Hardinge and in only a lesser degree in Lord Minto and Lord Morley, the progenitors of the Reform Scheme of 1909.

In the oft-quoted episode of Elphinstone, that statesman told Colonel Briggs that he read and wrote on Indian history just to educate the people of India into their own rights and duties, though *that* might pave the way for the Englishman's

departure from here. Sir Thomas Munro declared that the natives of the land would become in course of time fit enough to hold the highest offices in the State and that the devolution of political power was only a question of time. The charter Act of 1833 and the speech of Lord Macaulay on the educational policy of England in India announced self-government as the distinct goal of British rule in India. The Proclamation of 1858 made that policy still clearer, because it laid down in the clearest terms that there was to be no distinction as the rulers and the ruled among the subjects of the Queen-Empress. The only criterion of office was fitness. Caste, creed, colour or nationality was to be no bar as such in the access to power and influence in the land. A quarter of a century passed and Lord Ripon was sent out to succeed Lord Lytton as the Viceroy of India. His regime constitutes a glorious epoch of reform in the history of Modern India. Lord Ripon was the first viceroy to attempt the elevation of the subject-races of India to the status and dignity of the ruling race. The Education Commission, the Ilbert Bill, the Resolution on Local self-government were so many steps to broaden down the course of freedom from precedent to precedent. The Vernacular Press was made free for the first time to give then frank and fearless opinion on the measures of the Government. Public opinion came to be respected better than it was ever done before. Leaders of public opinion were recognized as influential and sympathetic critics of the government. Unlike Lord Lytton, Lord Ripon found the popular discussion of political measures instructive and illuminating. And because he consulted that opinion freely and judged it wisely that he has left behind him an imperishable name as the true regenerator of India.

What we know as New India began from the days of Lord Ripon. Only a year after his departure the Congress movement was organized to focuss enlightened opinion on public questions and define a comprehensive programme for agitation and work. In less than a decade from the beginning of the congress movement in India came the reformed councils of 1892. That step was hastened by the sturdy championship of the Indian cause in the British House of Commons by

Charles Bradlaugh. Elected members for the 1st time got the right to offer detailed criticism on proposed legislative measures. This exercised a great moral check and influence on the policy of the government. Controversy ceased to be "highly irritating," to use the phrase of Lord Lytton. The age of despotism gave way to the age of discussion.

Yet reactionary impulses still had a tendency to reassert their sway between 1895-1909. The political horizon in India was darkened by suspicion, Fear and sullenness between the bureaucracy and the people of the land. Plague, famine and sedition played no small part in creating this estrangement of thought and feeling, the tension and the consequent strain. The regime of Lord Curzon accentuated this alienation still further. The policy of efficiency threatened almost to kill the power of expansion and elasticity in the official machine. Everywhere there was the sense of overburdening anxiety and discontent. People began to doubt if at all there was any chance of growth for them under the heavy steam-roller of bureaucratic pressure and control. Sacred charters came to be proclaimed as impossible. Nations and continents were denounced as by heredity disposed to falsehood, finessing and hypocrisy. At last Lord Curzon's term of office came to a sudden end, and with it passed away his policy of efficiency and 'thorough.'

The years of Lord Minto were years of the restoration of good faith between the people and the Government. He came to India holding out to the people the promise of rest, peace, hope, conciliation and reform. If he was compelled in spite of himself to adopt a repressive policy, it was but to check the aftermath of the storm really let loose by the policy of his predecessor.

The Minto-Morley reforms of 1909 were the beginning of a new phase in the political life of the country. It lay with the successor of Lord Minto to see that their working out in practice really conduced to the further enfranchisement of the people and their admission into joint political responsibility with the bureaucracy in the land. That has been the great asset of Lord Hardinge's administration of Indian affairs.

By his deeds no less than by his words Lord Hardinge has cleared the way for the vindication of India's claim to be treated as an integral part of the British Empire. The partnership between England and India can no longer be that of a master and servant, of a guardian and ward but it must be placed on a footing of perfect equality as between two friends, who share a common burden and therefore deserve equal rights. The enunciation of this principle is the greatest service of Lord Hardinge to India. And we know that, coming as it does from him, it cannot be "a promise given to the ear, only to be broken to the heart."

This changed angle of vision is not merely the result of war, but was planned for and worked out from the beginning of Lord Hardinge's official career in India. Justice, reconciliation of diverse races to work into an harmony of thought and action and the gradual devolution of political power and all these pervaded by the spirit of active and growing sympathy with the aspirations of the people—these constitute the governing principles of his policy in India. In his despatch to the Secretary of State for India in connection with the Coronation reforms, Lord Hardinge distinctly states that along with the moral and material welfare of the people, the devolution of political power is the one resolute aim of British rule in India. In inviting King George to preside in person at the Delhi Darbar, Lord Hardinge wanted to vindicate to the Empire the place of India as equal to that of any other dominion under Britain's sway.—It was also at the Darbar that he showed the courage and wisdom of a true statesman by annulling the partition of Bengal, which his predecessor in office and Lord Morley himself had declared to be 'a settled fact.' Thereby he killed the bogey of prestige built on the pride of power only to win for England the higher prestige based on conciliation and respect for the sentiment of the whole nation. On the confidence inspired by this act of justice, he could advise his monarch to go and mix freely among the people depending for the safety of his person on the willing homage and spontaneous loyalty of an essentially grateful people. He could do so all the more confidently, because he had read

the heart of the nation and knew that it was sound and rang true. The annulment of the partition was an act of grace for which the people of united Bengal cannot be sufficiently thankful to Lord Hardinge. It augured well for the further success of his rule. Following upon the Coronation reforms came the King's historic message of hope wherein he proclaimed as the firm resolve of his government to spread the seed of education far and wide. This was the reversal of the policy of Lord Curzon, in whose regime discontent and unrest came to be considered synonymous with education. The King's message of hope to the Calcutta University inaugurated a new policy, according to which an independent University-centre with its net work of colleges and schools was to be created for each important province of the Indian Empire. Thus Dacca, Behar, Burma and the Central Provinces were each to have its separate University, contributing by the spread of enlightenment to the social and political advancement of the country as a whole.

Higher education came once again into its own. Side by side with it liberal grants of money were also assigned to the spread of elementary education all over the country, though Lord Hardinge even, surprising as it may seem, could not see his way to make that education free and compulsory. Such is the "class and office—bias" of the bureaucracy in the land!

All these detailed measures afford the most distinct proof of the changed angle of vision according to which the educated Indians came to be considered the true spokesmen of the people. Evidence of this fact is also furnished by the respectful hearing which the Congress deputation received from the Viceroy. It was because the Viceroy was endowed with the supreme gift of historic imagination, that he could sympathize with political demands of the people and saw in them nothing to traverse the best interests of the two peoples between whom his office as the Viceroy of the King had sent him to be a wise mediator and an impartial judge. Lord Hardinge proved both by his firm grasp of principles and his tactful handling of individual

men and problems, that he was the one man of all others fitted by his wisdom, firmness and forbearance to heal apparent differences and put an end to the clash and conflict of purpose and ideal between a foreign bureaucracy and the children of the soil.

Whereas he admonished—howsoever gently it may be,—the official to give up his supercilious airs and turn into ‘guide, philosopher and friend’ to aspiring India, he told the people to place their implicit trust in the good faith of England and her mission in the world as the regenerator of fallen nationalities. England had worked for the political regeneration of many a fallen nation and she will not fail India in her supreme hour of need. That was Lord Hardinge’s faith in the integrity and moral purpose of his own people and he strove hard to instil that faith into the drooping heart of India. His attitude towards the South—African question, his speech on India’s place in the Imperial Conference, his assurances on the great question of Colonial reciprocity, his prohibition of emigrant labour to Natal, and his promise of the total abolition of indentured labour in the other parts of the British Empire, were so many sincere attempts to vindicate that faith.

In Lord Hardinge, the Viceroy became the true spokesman of the people of India. As against other parts of the British Empire he became their defender and the champion of their rights; with England he pleaded the cause of India, as few had done before him; and between the officials and the leaders of the people, he became a consistent reconciler who tried to the best of his ability to soften the rigour of red—tapism by infusing into it a spirit of living human sympathy and wise restraint. His attitude in the case of the Cawnpore riots and the Sikh immigrants to Calcutta on board, the Komagata Maru and the spirit of divine forgiveness that animated his conduct after the shameful incident of the bomb thrown on him at Delhi, mark him out as a man endowed with the highest gift of statesmanship, a gift which consists in refusing to indict the whole nation for the crimes of the few, and which has the courage

to sanction a seemingly infirm policy only to inspire greater confidence in the people about the sincere desire of the Government to deal justly by them. That such a man should have been unable to see his way to repeal the Press Act,—a piece of legislation fraught with sources of infinite mischief and harm even to the most straightforward and loyal—only emphasizes all the more clearly the imperative need in any system of administration, however beneficent, of the effective control of public opinion over the official mind, for want of which the official mind not only becomes incapable of understanding that opinion aright, but can very safely ignore it whenever it serves its purpose to do so. Despotism however enlightened and benevolent is very often apt to mistake its own aims and purposes. The surest and the only corrective to it is effective popular representation, which not only helps the government to see aright, but makes it act aright also.

Lord Hardinge's another title to be gratefully remembered by the people of India is that he succeeded in restoring to Delhi its ancient rank as the capital of India. That act gave to the British rule an historic continuity with the Hindu and Mohomedan rulers of the past. In choosing Delhi to be the seat of the Imperial Government Lord Hardinge not only made that Government a neutral body having no preferences for one province over another, but has restored the Hindus and the Mohomedans to an equal status and has given, as it were, a promise of the welding of the many races in India into a compact political whole, raised on the ground-work of equal opportunities, equal responsibilities and equal rights to citizenship in the Empire.

The Hindu-Mohomedan question had assumed a very acute and critical stage only ten years ago. But Lord Hardinge's wise statesmanship has helped considerably, along with the efforts of leaders like the late Mr. Gokhale and H. H. the Aga Khan, to clear up the atmosphere of unhealthy rivalry, suspicion, and mutual fear, till we find to-day the two sister communities on terms of perfect good understand-

ing and friendship with each other. Compare the Moslem League of 1907-8 with the Moslem League of 1916, its aim, its constitution, its governance and its leadership. What a wide gulf yawns between the animating impulses of Justice Ameer Ali and the late Nawab of Dacca on the one hand in the stormy years of 1907-10, and the aims, principles and hopes of H. H. Aga Khan, Mazar-ul-Haq and Mohomed Ali Jinnah, the moving spirits of the Moslem League sessions in 1915? While the former sought for special rights and insisted on the social and historic differences between the two races, the latter have come forward to co-operate with the Congress in a spirit of friendship, love, and union, on a common ground of agreement as to the ultimate political aim of both. This change of attitude marks a healthy spirit of growth to which Lord Hardinge contributed in no small degree. In his reply to the address of the Bombay Moslem League 6 years ago, he sounded the keynote of his policy in the following words:- "Remember that a spirit of self-restraint will add greatly to your influence and that special privileges to one class are synonymous with corresponding disabilities to others." To his credit be it said, he adhered to this policy throughout his official career in India. This knocked the spirit of patronage on the head and helped to restore the balance of relations between the two nationalities in India. And yet the special electoral right of the minority still remains to cast its ominous shadow ahead and possibly prevent the assimilation of the Indian constitution to a pattern that would turn it into an effective vehicle for the enforcement and carrying out of beneficent popular measures!

This spirit of justice and sympathy towards the aspirations of the two races is also evident in his active help for making the movement of the Hindu University at Benares the success that it has become. The Hindu University has become a fact and the Moslem University will easily rise into being, if our Moslem brethren see their way to accept it in the form it was offered them by the government of Lord Hardinge.

Time is not yet ripe for taking a full and complete measure



of the many acts of Lord Hardinge's rule. His period of office has been to India an epoch of beneficent reforms in many directions, though social legislation of the type of the Bill introduced by Mr. Basu and the Education Bill of Mr. Gokhale had to wait even in this most progressive era of reform. It has taken us a big step forward from the days of Lord Curzon and Lord Minto. No doubt the Minto-Morley reforms gave Lord Hardinge his great opportunity of turning his principles into realities. During his six years of office he identified himself completely with the elements of growth in the country. He has set one great wrong right; he has sown the seed of Hindu-Mohomedan unity; he has broadened the basis of education; he has tried to raise the different provinces to an equality of political rank and status; the Behar, the Panjab, Burma and the Central Provinces will, because of his policy, come up in course of time to an equality of status with Bengal, Bombay and Madras, so that the way be paved for the federation of India under theegis of the British crown. He has recognized the great antiquity and the historic grandeur of the Hindu and the Mohomedan races by turning Delhi into the capital of the Empire; he has helped to preserve all that is best in the national culture of the East by setting his seal of approval on schemes like the Benares or the Aligarh University. But he has allowed them only on the assurance that they will be brought into line with all that makes for the best in the modern life of India and the world. Everywhere by his beneficent, humane and sympathetic policy, he has made the best type of an Englishman better understood than before. And by his liberal measures he has afforded the completest justification of British rule in India.

Were it not for the war, Lord Hardinge could have directed the national resources at his disposal to still more comprehensive schemes of reform. But war gave him an opportunity which otherwise would not have fallen in his way. He could, because of the war, give to the world the most convincing proof of what he firmly believed from the very beginning of his career, that faith in the Indian people is never

misplaced. Trust the people; treat them well; strive for their material and moral well-being and for the ends of justice and liberty; and above all do not flout the sentiment that thrills them. A ruler who does this has never suffered anywhere. Least of all will his work go unrequited in India. India's staunch loyalty to England during this grave imperial crisis is the sweet fruit of the confidence reposed in her by Lord Hardinge. It was reposed and as ardently returned during the trying times of misunderstanding, mistrust and despair. The anchor of Lord Hardinge's policy held fast by these firm roots in the hearts of the people. His name stands to-day writ large in the pages of Indian history as among the very few who did not allow their minds to be warped by race-prejudice; who held the scales even; who strove to the last to understand the people aright; who felt with them, wept with them and believed with them; and above all who made the way clear "for associating the people of India more closely with the management of their own affairs." That was what Lord Hardinge started to do and that is what he has largely succeeded in doing.

One of his brilliant predecessors in office has drawn a very exalted ideal of the Englishman's work in India in the following glowing terms, "to fight for the right; to abhor the imperfect, the unjust or the mean; to swerve neither to the right hand nor to the left; to care nothing for flattery or applause, odium or abuse; never to let your enthusiasm be soured or courage grow dim, but to remember that the Almighty has placed your hand on the greatest of his ploughs, in whose furrow the nations of the future are germinating and taking shape; to drive the blade a little forward in your time and to feel that somewhere among these men you have left a little justice or happiness or prosperity, a sense of manliness or moral dignity, a spring of patriotism, a dawn of intellectual enlightenment or a stirring of duty where it did not before exist,—that is the Englishman's justification in India."

Lord Curzon drew this ideal and Lord Hardinge lived up to it. So has India judged and India has judged rightly.

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## The 18th Bombay Provincial Conference

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The 18th Bombay Provincial Conference, which met at Belgaum from the 29th of April to the 1st of May 1916, was something worth remembering for all the life-time of those that attended it. It is usual to describe the success of gatherings like these as 'unprecedented'. But we all know what that means. To properly describe the gathering at Belgaum we cannot but resort to the language of prophecy; and there is not much chance of our prophecy coming untrue, if we say that never in the future history of the Bombay Provincial Conference will there be any session to surpass or even match the session at Belgaum. Of course there were a number of adequate causes to contribute to this result. The Provincial Conference was visiting Belgaum again after twenty years. The Karnatic had made much progress in public-spiritedness in the meanwhile; and the enthusiasm of the hosts inviting the Conference was in itself an element of attraction. The President-elect, Mr. G. S. Khaparde, had a name to conjure with; and many delegates were attracted with the hope of seeing eye to eye the romantic figure and hear the cultured oratory of the famous political leader of Berar. But even more attractive than all these put together was the news that Mr. B. G. Tilak, the hero of a hundred political fights, had promised to attend the Conference; and the people of the Karnatic were simply delighted with the opportunity to give him a warm reception on his return to public life after an incarceration for six years. For himself, however Mr. Tilak was not going to Belgaum empty-handed. He was going with a mandate from Maharashtra to put before the great Conference the case for the Congress Compromise. He was going not as a stormy petrel but as the dove of peace. For he was, among many other leaders of the Nationalists in

the country, honestly convinced that the best interests of the country would now be best served by the ranks of the Congress being closed and the right hand of fellowship being held out to those Conventionists who had done their best at the Bombay session of the Congress in December 1915, to remove at least some of the defects of principle from the Congress constitution. Mr. Tilak's view of things was the view of nearly the whole of Maharashtra and the prospect of at least one great quarrel in the country being ended was responsible for a number of delegates being present, who might not be too familiar with Mr. Tilak to be attracted to Belgaum by his mere presence. And we must not forget, lastly, those who were honestly opposed to the Compromise. They did not quite like the prospect referred to above. But they were proud of the Belgaum Conference, because it was likely to bear excellent testimony to not only the sustaining power of the Nationalists but also to the prosperity of their career outside the Congress pandal. Thus for one reason or another every one that could go from the Maharashtra and the Karnatic went to Belgaum in that memorable week; so that the number of delegates alone went up to nearly 1800; and what was literally unprecedented in the history of the Conference took place viz. that no tickets could be sold to mere spectators though they were prepared to pay 100 p. c. more than the advertised rates for their seats.

The Conference went on merrily, and throughout its four long sittings there was not a single vacant seat in the big shamiana. Never before were the proceedings so closely watched and participated in. We need not notice here the presidential address or the speeches of individual speakers on the various resolutions. But we must give here the most important resolution of the Conference—a resolution which marks an epoch in the history of the Nationalist activity as much as the Surat struggle. The resolution runs thus: "That this Conference adopts the report of Messrs. Baptista, Belvi, and Tilak and as in the interest of our motherland under the present circumstances it is desirable to unite, resolves to accept the constitution of the Congress as amended at its last session, though the amendment is highly unsatisfactory and appoints a Committee composed of the following, gentlemen to do further work from within: Messrs. Khaparde, Baptista, Belvi, Tilak, and Kelkar;" and the great gathering could go back to their homes with an honest satisfaction that they had helped to end one great quarrel in the country.

# THE SABHA FROM DAY TO DAY.

## REPLY TO MEMORIAL

—:0:—

No. 3218,

JUDICIAL DEPARTMENT

BOMBAY CASTLE,

15TH MAY 1916.

From,

A. F. Kindersley, Esq.,

Under-Secretary to the Government of Bombay.

To,

N. C. Kelkar, Esquire, B. A. LL. B.,

Chairman, Sarvajanik Sabha,

POONA.

Sir,

With reference to the petition dated the 15th January 1916 from the Poona Sarvajanik Sabha, I am directed to invite the Sabha's attention to the proceedings of the Council of the Governor of Bombay published at pages 158—181 of the the Bombay Government Gazette of the 20th April 1916, Part V, from which it will be seen that the Resolution, which was moved by the Honourable Mr. Belvi in the last Bombay Legislative Council to the effect that Government Notification No. 7087, dated the 19th October 1915, should be revoked in so far as it excludes any offences or attempts to commit or abetment of any offences cognizable by a Sessions Court from the jurisdiction of jurors in the Belgaum district, was lost after discussion. I am to inform you that Government regret that the Sabha's request for the publication of the statistics and other papers relied upon by Government in issuing the foregoing notification cannot be granted.

I have the honour to be,

Sir,

Your most obedient Servant,

A. F. KINDERSLEY.

Under-Secretary to Government.

(2) Under the auspices of the Sabha Mrs. Besant delivered an informing lecture on " Why India wants Home-Rule " in the Krida-Bhuvan in the morning of 22nd of May. Mr. Tilak was in the chair. The audience was thoroughly responsive, taking every point and cheering the lecturer every time.

Mrs. Besant said:—" As Mr. Tilak just observed, the question of the reconstruction of the Empire is being considered by constituent nations. The English Press is discussing changes after the War. Sir Robert Borden of Canada, spoke very strongly, referring to the readiness of the Colonies to help in the War. He said, they were fighting in this War, in the making of which they had no voice. Next time they would never do it again. Here is a Britisher declining paying the heavy tax, where his opinion is not taken and approval not sought. This position is pre-eminently reasonable. Rightly did they give this notice to Great Britain. Such would, here, have been considered as embarrassing Government. Contentious matter was not to be brought in for discussion, except only by Government, like the Municipalities Bill in the United Provinces. No word is spoken in England in disapproval of Mr. Borden's speeches. This attitude is not surprising in the land where the doctrine of taxation without representation being robbery is taught. This doctrine has no geographical limitations. If it is robbery in England, it is also robbery in India. We should not expect students to learn this in colleges, and unlearn it in after-life. Public opinion was always consulted in political matters in old days. This action of the Colonies has made the discussion of the reconstruction necessary here. Colonies want a Convention of five nations to prepare the constitution for the Empire. India now cannot remain unmoved. She recognised England's War for Right. The King also said in his visit to Indian soldiers that they were fighting not like others for their own liberties, but for the liberty of Belgium. The first reason of Home Rule is that both England and India will profit by India remaining within the Empire. The Congress of 1886 prayed for volunteers, anticipating trouble in Europe. Now in 1916, it is still not granted. Germany would have been swept back by sheer weight of our numbers. Our offices to volunteer are met with distrust, and India resents it. Sir Sankaran Nair complained that praying was the only thing left for us. India's loyalty proved true. German hopes of Indian rising

failed. India asks not independence but freedom within the Empire. England would have secured, if she had trusted India, millions from the martial races of India. The *Madras Mail* insulted the loyalty of Indians, and these things at the present time are bad. There is another reason. Japan is rising, and as becomes a warlike nation, if Holland joins the Central Powers, she would take Java and other Dutch Islands, and would come nearer to India. Would they have them given up later? That is not Japan's way. National alliances do not last. See the Crimean War, England and France fighting Russia for Turkey. Suppose England and her Allies are exhausted by the War, and Japan thinks of invading India. What will happen? She has opened Indian markets. Her hawkers are crowding our cities. Where the trade goes, the flag often follows. In the moment of War-exhaustion, Japan may trouble England for Asiatic supremacy. England is weak but for India. Her place depends on India's good will. The other reason is Internal Content. What are the laws regarding internal content? Take the Press Act, depending on a fitful executive, the Seditious Meeting Act, giving the police large powers and the Defence of India Act. Do you think arrests and internments create good feelings? 218 papers were stopped; 200 men acquitted by courts, interned by the executive. England is not, in this, acting worthily of her past. Regarding the educated population, only 2 per cent are literates after 80 years of English education. In 40 years, Japan has 96 per cent of school-going population educated. Baroda spends 6½ pence per head, while British India, one penny per head. They say these statements are seditious. Seditious? Is statement of fact seditious? If Government supplies figures it is responsible, and I have a right to use them in argument.

India's poverty is a real danger. Sir William Hunter states, 40 millions did not know a full meal. The average age of death in India is 23½; England 40, New Zealand 60. That is the outcome of chronic under-feeding. Besides, 500 crores of rupees debt weighs on poor raiyats. England also had once a starving population, but with the growth of the people's power, the case was remedied. The development of industries is another reason for Home-Rule. Then, there is the sentimental question of Freedom. Now five nations, Canada, Australia, New Zealand, South Africa and United Kingdom constitute the British Empire. Where is India? The opposite of a free nation is a slave nation.

Is India to be so? Are 50 millions of the Colonies to govern 315 millions of Indians? Are these latter to be left out? India is loyal to the King-Emperor, but not loyal to the Colonies. Loyalty to the Crown is one thing; loyalty to Colonies is another. India must be recognised. She has a right along with the Colonies. There is no sedition in this save in the mind of the tyrant. Every good citizen must point out dangers before they come. I plead before England, whose heart loves liberty, that she cannot put a yoke on a nation, when she helps other nations to break them. Reach the English masses and tell them that India is worthy of Freedom, then will you gain Home Rule."

She concluded amidst loud applause.

Mr. Tilak said, "you have heard about the necessity of the agitation. We must carry it on, and not depend only on the Congress. We have started already a League. Some of you are told that you are not fit for Home Rule, and you are hypnotised by it. But, if an Indian is offered a membership of the Executive Council, I do not know of any body refusing for being unfit. Hundred years ago, there was Swaraj of an aggressive type in Poona. We do not want that. Now we must be associated with Western Nations, and are willing to accept the headship of England, but not of the Colonies. If you lose this opportunity, it will be long ere you get another adjustment. We must be equal with the Colonies. If you think you are unfit, you will ever remain so. We do not want to follow anarchical methods. Do not be afraid of Home Rule. That is not sedition. We only want to place the scheme before the Parliament, and ask it to pass it. We want our civil servants, but do not want political masters. We would also want C.I.D. and the police, but not in such large numbers. I met so many on my way to this place, and wondered whether the Governor was coming for the lecture, or whether a riot was going to take place, and secret information had reached the police about it. Our contentions have not been agreed to by the Bureaucracy, and that is our sole justification for demanding Home Rule. Carry confidence with you, and be determined, in spite of defeats to win Home Rule. It is then that the lecturer would not be said to have spoken vain."

Mr. Kelkar, the Chairman of the Sabha, thanked the learned lecturer for all the trouble she undertook in coming to Poona and treating the citizens of Poona to a highly interesting and



eloquent address, and said that the lecturer and the chairman of the meeting were at present the biggest radium atoms in India.

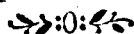
(3) In the morning of the 30th of May the Sabha gave a pan-supari party to about sixty leading gentlemen from the various parts of Maharashtra. At the appointed time the guests were received by the Secretaries and were individually introduced to the members of the Sabha. Mr. N. C. Kelkar, the Chairman of the Sabha, then delivered a short speech, in course of which, after thanking the guests for having responded to the Sabha's invitation, he remarked that though the ceremony of making direct and personal acquaintance was not unprecedented in the annals of the Sabha, it was certainly taking place after the lapse of many years. Formerly, it was the practice to receive publicly only the Rajas & the Maharajas. But under changed circumstances the Sabha was glad to offer reception to public-spirited gentlemen from the middle-class. In his opinion it was a sure indication of the advance which the public had made in the sense of appreciation for the work done by the representatives of that class. Though the Sabha did not usurp the right of conferring titles on public workers—and he should not be taken to suggest that the Sabha was desirous of having that right it was the proud privilege and one of the important functions of the Sabha to do honour to worthy leaders from Maharashtra. The Sabha was meant to play the role of a householder, and it was one of the sacred duties of householders enjoined by our Shastras to offer the hospitality they were capable of. During the summer-vacation a large number of distinguished gentlemen was attracted to Poona for various reasons, and the Sabha thought it to be desirable to arrange a pan-supari party and thus to form new acquaintances and to revive old ones. All the gentlemen present were no doubt proud of Poona, though they might not be Poonaites by birth; and Poona could not express the sense of gratitude to them for all the love they cherished for it, except by offering a hearty welcome to them.

Mr. S. M. Paranjpe endorsed what Mr. Kelkar had said, and observed that most of the gentlemen from the mofussil had received their education in Poona, and were acquainted with each other in their student-life. It was the profession

that came in their way of keeping the acquaintance green. The constitution of the Sabha was so broad-based as to allow for differences of opinion, and to leave sufficient room for all to rally under its banner. To compare small things with great, it could be said that the pleasure experienced by the Maharashtrians on their coming to Poona was similar to that experienced by Englishmen returned from the Colonies.

Mr. Sane of Barsi, on behalf of the guests assembled, thanked the Sabha for the kind words spoken in regard to them, referred in feeling terms to the reappearance of the Quarterly Journal, and remarked that he was sure that it would not fail to keep up its high traditions. Mr. Altekar of Karad suggested that a gathering of the members of the Sabha should be held every year in May in order to offer facilities for a free exchange of thoughts. Raosaheb Sahasrabudhe seconded Mr. Altekar's suggestion, and further proposed that the industrial questions also should be discussed along with the political ones. The proceedings terminated with the distribution of pan-supari and flowers.

# Opinion.



We are very pleased indeed to note the reappearance of the Quarterly Journal of the Poona Sarvajanic Sabha, under the editorship of Mr. N. C. Kelkar. The last issue of the old series was published in April 1897. There were many who regretted the disappearance of a periodical associated with honoured names and stirring memories in the early days of India's political awakening, and its resurrection at the present day will be widely welcomed.

In the closing days of Lord Elgin's *regime* of repression, the Sabha was overwhelmed by the flood of official wrath. The Journal of the Sabha ceased to exist, and the Sabha itself was placed under an official ban. It is beside our purpose to examine the grounds of this official proscription of as representative and influential an organisation as existed in the country at the time. If the Sabha fell under an official eclipse, public life was not shrivelled up, but rather grew in power and influence. The emergence of the Sabha and its Journal marks the culmination of the wisdom of the Poona leaders in persisting in the political education of the people. May their shadow never grow less! We render humble, hearty tribute to the excellence of the articles.

—*Young India*.

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N. C. KELKAR.

Editor, Quarterly Journal

Poona Sarvajanic Sabha.

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October 1960

# The Quarterly Journal

Joona Samojanin, Sabha

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**Abstract**

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any areas for improvement.

# Poona Sarvajanic Sabha

(Established in the year 1890 for representing to Government the wants and wishes of the people of India.)

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# Mr. Dadabhai Naoroji

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( Address by Mr. N. C. Kelkar, on 4th Sept. 1916 at Bombay,  
under the auspices of the National Union )

MR. PRESIDENT, LADIES AND GENTLEMEN,

I am very glad to meet and greet you here this evening and join you in a common thanks-giving to the Almighty for having preserved our Grand Old Man of India to see his 92nd birth-day. This is indeed one of our sacred days from the national point of view; and it will be found, I believe, marked in red in the calendar of every thoughtful public man in India, whatever his nationality. Though born a Parsee Mr. Dadabhai Naoroji is an Indian first and all else afterwards. And that is why Hindus, Mahomedans and Christians vie with one another in suitably commemorating the 4th of September in some fashion or another.

Born in 1825, Mr. Dadabhai to-day reaches his 92nd year. In point of longevity, therefore, he creates a record which no public man in India, to my knowledge, ever broke before, or is, in all human probability, likely to break in future. Those whom the Gods love, it is said, die young. But the Gods must certainly be very malicious or perverse-minded people, if we could suppose that they would not love a pre-eminently lovable man like Dadabhai. One would willingly become an atheist if he be told, on the semblance of any thing like authority that virtues like those possessed by Mr. Dadabhai could not constitute a valid claim to become the beloved of the Gods. Mr. Dadabhai's wonderful old-age proves not only the purity of his life; but it also proves that he possesses a mind of the right constitution that has preserved his body and needs no elixir extraneous to itself. ' The Grand Old Man ' may be a borrowed phrase; but we should be proud that we in

tropical India possess a genuine Swadeshi article, corresponding to that phrase, the like of which could not be shown by any of the cold-preserved countries in Europe. Mr. Gladstone who was a phenomenally longlived English statesman died in his 89th year. The Emperor Francis Joseph of Austria is the oldest monarch that ever occupied a throne in Europe. He is now in his 86th year. Gentlemen, Mr. Dadabhai is not only grand by his old age but also old in grandeur. It is not that his worth appeals to us because of its special setting of a remarkable old age; but he had already commanded and earned the respect, the esteem, nay the gratitude, of his fellow-countrymen throughout India, at a time when some of the oldest among our other public men, who are now alive, were either not born, or being born were yet in their swaddling clothes, both literally as well as figuratively.

And this leads me for a moment to give you some facts in Dadabhai's life. In the twenties of the last century there were in this Presidency no regular schools with graduated courses; and Dadabhai was one of the very first batch of students who got the benefit of the indigenous schools started in Bombay under the auspices of the Native Education Society. Education was then fortunately free. And that was indeed a factor of great importance in Dadabhai's destiny. For, says he in his chapter of autobiography: "Had there been the fees of the present day my mother would not have been able to pay them. This incident has made me an ardent advocate of free education; and the principle that every child should have the opportunity of receiving all the education it is capable of assimilating, whether it be born poor, or with a silver spoon in its mouth." I can not say whether Dadabhai really got all the education that he could assimilate, but at any rate he assimilated all the education that he could get; so that kept up his reputation of an exhibition scholar, acquired in his school days, upto the end of what may be regarded as his college career. In 1845 i. e. in his twentieth year, Sir Erskine Perry, who was then the Chief Judge of the Bombay High Court and the President of the Board of Education, proposed



to send Dadabhai to England to study for the Bar. But Dadabhai narrowly escaped from the fate of becoming a Barrister and also of becoming Government Servant. Referring to the latter event Dadabhai says in his autobiography: "It was now time for me to think seriously of a profession. I came very near to entering Government service. The Secretary of the Board of Education at Bombay took an interest in me and obtained an appointment in the Secretariat for me. This I regarded as a great stroke of luck. But fortunately some circumstances prevented me from accepting it. In reality it was the best thing that could have happened. Otherwise I should have been bound to the narrow outlook of a subordinate Government official servant." I ask you, Gentlemen, to note that Dadabhai regarded his escape from Government service as a good fortune—"The best thing in fact that could have happened." I further ask you to note that Dadabhai spent years and years of his life in advocating that Indians should be admitted to the Civil Services. And yet putting the two things together could you really say that Dadabhai was inconsistent with himself? My point is that it is regarded in some quarters as a doctrine of extremism to speak unfavourably of Government service; but the example of a man of such sober and loyal views as Dadabhai ought to be a refutation of that objection. Public service is obviously better than Government service, for the simple reason that the latter puts shackles on your activities and effectually gags your mouth. The cause of the country may indeed in some cases require that some men should make that sacrifice; while on the other hand the temperament or the means of others—poor fellows—may fit them for nothing else, but after all that can be said in favour of the necessity of the public services being manned by our own people, it remains an undisputed fact that the majority of our distinguished public men would have been simply lost to us if they had entered Government service. Imagine, gentleman, Riba Surendranath Bannerji disposing of revenue appeals as a Commissioner or trying dacoity cases as a Session Judge, rather than editing

the *Bengales* or leading a Swadeshi procession to the Ganges, or haranguing an audience in the College Square. Or imagine Mr. G. K. Gokhale checking plans and estimates for Local Board Dharmashalas or drainage and water works rather than having a tussel with Lord Curzon in the Supreme Legislative Council. Or better still imagine Babu Arbindo Ghose as a District Magistrate taking security for good behaviour from seditious people like Tilak under Chapter VIII of the Criminal Procedure Code rather than edit the *Bande Mataram* ! And fantastic as all these pictures may now appear, they might have been, who knows, but hard realities if Mr. Gokhale, for example, had not reconsidered his plan of joining the Engineering College to compete for the guaranteed post, or Babu Arbindo had not been disqualified from entering the Civil Service for want of horsemanship; or Babu Surendanath had not to resign the service after actually entering it. Well, even Mr. Dadabhai did after all pay his tribute to Government service, for we find that he held for some time the post of Professor of Mathematics and Natural Philosophy in the Elphinstone College. But he did it more for the sake of doing honour to the post than for his own advancement. It was a post intended from 1827 for an Indian, and the English friends of the cause of Education of the Indian people felt grateful for securing a qualified Indian to hold that post after 28 years, and thus redeeming the benevolent pledge.

I need not recount here the activities which Mr. Dadabhai either started himself or helped to develop before proceeding to England. They pertained to every phase of social life in a large sense. But it is to be noted that eventually political activity claimed him as its own. And though evidently Mr. Dadabhai had a genius for bringing about social and educational reforms, he practically gave the go-bye to these reforms; and concentrating all his attention on political activity, kept it up consistently to the last. I think it may fairly be claimed that Dadabhai's example in this respect proves that, conditioned at any rate as our country is at present, the bulk of their exertions by our first class men must be devoted

to political reform. It could hardly be said that Dadabhai was a conservative in any sense of the term. He not only advocated but in the beginning of his career actually did yeoman's service to the cause of Female Education. Dadabhai felt compassion for widows and preached widow Remarriage. It is impossible to conceive that he could be indifferent to the lot of the depressed classes. And yet we see him throughout his long life concerning himself mainly with political affairs. Does not this large-hearted man teach us the proper perspective and the proper proportions of the co-ordinated activities of national life ?

Well, Mr. Dadabhai commenced his political life as many other eminent public men in India and in England have done by starting a newspaper to give free expression to his views. He founded the *Rust Gifter* in 1851 i. e. in his 26th year, and edited it for two years without taking any remuneration. But he must have evidently found that the real source of India's political weal and woe then lay in England. And when in his 30th year he accepted the offer of Cama and C6. to go to England as a partner for doing mercantile business in that country, his chief inducement was not the prospect of making money, but to lay the foundation of a political life for himself and others. If the admission of Indians into the Indian public services cannot be the termination of Indian political reforms, it was, however, the beginning of it evidently. And if Dadabhai created a home in that far off country, it was far less for himself than for the young Indians, who might be sent to England to compete for the L. C. S. and the I. M. S. examinations. It is really open to question whether Dadabhai rendered greater services to India by developing, so far as he could, trade with England, or even by establishing a high commercial character among the mercantile classes in that country than by satisfactorily discharging the self-imposed duties of a guardian towards the young Indian boys who were without friendly protection, and who were to prepare themselves for difficult examinations under great disadvantages. While in England we find Dadabhai figuring less as a

merchant than as an unofficial Consul or an Ambassador for India vigilantly watching her interests, and making representations to the State Secretary for India to push forward the claims of Indians, or securing the redress of political wrongs in his capacity of the President of the London Indian Society, or the Secretary of the East Indian Association. This kind of public spirited work, though done in far off England, could not fail to be appreciated in India; and in 1869 his friends and admirers among the citizens of Bombay presented him with an address, a portrait and a purse, the greater portion of which he spent in works of public usefulness.

In 1874 Dadabhai was offered and he accepted the post of the Dewan of Baroda. He undertook that great and arduous task from purely patriotic motives, viz. to help a Native State to extricate itself from the complications caused by an inept ruler and aggravated by the machinations of an intriguing Political Resident. But he had soon to chuck up the business. There are of course Dewans and Dewans; and Dadabhai was a type of that class who care more for the duties of an office and their own self-respect than the high emoluments which that office carries with it. What a contrast does Dadabhai offer against another Dewan of a more recent date, who, I am told, having been presented with a necklace by his Chief actually got it valued in the Bombay market, and demanded the difference between its current market price and the nominal price assigned to it in the treasury books of the State. In the words of Sir Bartle Frere Dadabhai had accepted the Baroda Dewanship "In the right spirit and from none but the purest motives."

Dadabhai also did valuable work as a citizen of Bombay during the few years he was in India. Whether as a Fellow of the University, as a member of the Municipal Corporation or as a member of the Bombay Legislative Council, Dadabhai evinced the same earnestness of purpose and the same close and detailed study of public questions. Also it is well known that he was thrice elected President of the Congress and that on the last occasion he gave a rousing address, advocating that Swarajya was due and must be given to India

and that nothing less than Swarajya would satisfy the aspirations of Indians.

Perhaps the event of the greatest importance in Dadabhai's life, from the point of view of his work in England, was his election to the British Parliament in 1892 by the electors of Central Finsbury. He had failed in his first attempt in 1886; but his patience and perseverance overcame the mountain of the prejudice of the British elector against the black men of India. The very next year after his election, the Parliament passed a Resolution, on the motion of Mr. Herbert Paul, in favour of the holding of simultaneous Civil Service Examinations in India and England. In 1895 the Parliament was dissolved, and Dadabhai was unseated, never to be elected again to that august body.

To complete this part of my address I would only add that there has not been a single Commission of any importance concerning the affairs of India before which Dadabhai has not been in evidence. Himself a member of a few of these, he elaborately prepared the case for India and put it before many others. His book—*Poverty and the un-British rule in India*—is a comprehensive work; and it may be said to represent in a way the net result of his political research during the last half a century and more.

Well, gentlemen, let us now leave the details of his life and try to take a comprehensive review, if possible, of Dadabhai's life as a whole. As the late Mr. Ranade rightly remarked, Dadabhai is typical man among men whom it is given to mankind to see perhaps once in a century. And, what is more, he is a man who has actually occupied nearly a whole century by his own life. He was born only 4 years after the death of Napoleon Bonaparte in Europe, and seven years after the fall of the Peshwai in the Deccan. He was therefore as much a contemporary of the makers of history just after the close of the 18th century, as of the makers of history in the dawn of the 20th century. Moreover he is not such a dead joining-link between centuries as hills and mountains, but he actually connects two centurial epochs by a bridge of spirit and consciousness. He has not been a

mere silent or passive witness of his times, but an active agent, who was strenuously digging, by an iron will niches in the rock of his surroundings and circumstances for his nation to climb up and regenerate. His experience of a century as an earnest political worker must be extremely valuable for its mass of rich contents as well as for the generalisations it teaches, regarding the development and progress of the policy of British rule in India, parallel with which has run his own endeavour to affect and change it for the better. And thus you see side by side two very instructive—though perhaps pathetically instructive—evolutions.

Gentlemen, what the evolution has been of the British rule in India you all know. During the last hundred years, the British rulers in India have constructed a wonderful administrative machine, which so far as efficiency goes, may well be the pride of its makers. The secret of successful machine-making is that a machine should require for its working the minimum of human supervision and ministration. Judged by this test the machinery of British rule in India is so successful that perhaps a hundred or two hundred English Civilians, distributed on the tops of the different hill stations and sanitariums in India within easy reach of the telephone and telegraph, and for years and years govern India without any trouble. You need not in this connection take into account the fact that the actual strength of the British Civilians in India at any time is about 900 or so. The number might well have been reduced even to half, but for the fact that the work of administration in India has been growing quite apart from what may strictly be called *governing* India. Moreover the hand of the reformer, in making a reduction in the strength of the British Civilians, must have been arrested by the consideration, that, as Sir Valentine Chirol has admirably put in his well-known book—"to reduce hastily the European leaven in any department would be to jeopardise its moral as well as its administrative efficiency." Says the author—"Mr. Gokhale has himself admitted, as one of the reasons for founding his Society of the Servants of India, the necessity of building up

a higher type of character and capacity than is generally available in the country. For the same reason we must move slowly and cautiously in substituting Indians for Europeans in the small number of posts which the latter still occupy." You will thus see that there is admittedly a superfluity of English Civilians in India so far as the mere business of *governing* is concerned, though it may very well be required for supplementing the efforts of the Servants of India Society in raising the character of the nation! The process of centralisation has gone on for a hundred years; and there is apparently no end to it yet. Why should not the Englishman at home and abroad feel complacent over the phenomenon as a monument to the administrative genius of his race? And the word administration, mark you, has never been understood in a small sense by the Englishmen themselves. For their administration has to it not only an inner lining of commercial exploitation and development, but also the ambitious decorative border of the revolution of the entire civilisation of the East. While my work lies in administration, said Lord Curzon, on one occasion to a European Mining firm, your business is to exploit. And as for the business of revolutionising the Eastern civilization, it will be made clear by the following passage in Sir Alfred Lyall's introduction to Sir Valentine Chirol's book. Says Sir Alfred— "The Greek and the Roman Empires in Asia have disappeared long ago, leaving very little beyond scattered ruins. And in modern times, it is the British dominion in India, that has revived and is pursuing, the enterprise of ruling and civilising a great Asiatic population, of developing the political intelligence; and transforming the ideas of an antique, and in some respects 'a primitive society.'"

So much for the evolution of British rule in India. And now let us turn to the parallel evolution of the attitude of Mr. Dadabhai Naoroji's mind towards that rule. When Mr. Dadabhai entered public life towards the middle of the 19th century he commenced with the highest admiration for the system of British rule in India, but by the time he ended his career of active political work he could find no ex-

pression milder than "Un-British" to characterise that rule. It must be interesting to see how such a complete change could come over the opinion of a man who was remarkably optimistic, charitable and even generous in his judgment.

In Dadabhai we find a curious mixture of hope and despair. And we may perhaps explain the paradox by saying that, while the distant future gave him great hope, the immediate prospect filled him with despair. Or we might also say that while his hope still comes from the British spirit in England, he has been driven to despair by the British in India. He still feels that there is British rule in Britain itself, but he is absolutely convinced that the British rule in India is entirely un-British. Speaking as President of the National Congress at Calcutta in 1886, he said "We should persevere, having confidence in the conscience of England, and resting assured that the English nation will grudge no sacrifice, to prove the sincerity of their desire to do whatever is just and right." Speaking again as President of the Congress at Lahore in 1893 he said: "The British people are willing to grant what is shown to be reasonable;" and he may well say that because in June in the same year the house of Commons had passed a resolution in favour of the Simultaneous Civil Service Examinations. But all that changed by the time he had again to preside over the Congress at Calcutta in 1906. He now felt challenged, as it were, to give an answer to the question. "What has your hopefulness brought you after all?" And his reply was a pathetic confession that his hopefulness was still a hope. I will in fact give his very words. "In 1853 when I made my first little speech at the inauguration of the Bombay Association, in perfect innocence of heart, influenced by my English education into great admiration for the character, instincts and struggles for liberty of the British people, I expressed my faith and confidence in the British rulers. If an Association, like this be always in readiness to ascertain by strict enquiries and to memorialise Government on behalf of the people, our kind Government will not refuse to listen to such memorials. Such was my faith,.....And now owing to the non-fulfilment



of solemn pledges, what a change has taken place in the mind of the educated. Since my early efforts I must say that I have felt so many disappointments as would be sufficient to break any heart, and lead one to despair and even, I am afraid, to rebel, my disappointments have not been of the ordinary kind, but far worse and keener. I fought and won on several occasions, but the *executive* did not let us have the fruit of those victories."

Now even after that admission of despair, Dadabhai, quite true to his irrepressible optimism, again tried to make an effort to rally round his hopefulness. But the hopefulness this time came not from his faith in the readiness of the Bureaucracy to do justice and concede well reasoned demands, but from another source altogether. For says Dadabhai, "I have not despaired under the influence of the good English word Persevere." His reliance was thus now evidently upon the Indian nation to work out its salvation, by the moral strength of its great cause. And there is reason to believe that Dadabhai has ever since held the same view and will probably pass away with that view unchanged.

Starting with a faith in constitutional agitation in England, Dadabhai ended practically with a faith in constitutional agitation in India. His gospel of agitation remained intact; only its venue was materially altered. Then again we must notice one more change that came over Dadabhai, in his evolution as a statesman and a politician. He started on his agitation with the modest demand for the removal of the British boycott upon the natives of India so far as the Civil Services were concerned; he ended with the ambitious demand for Swarajya, Home Rule or Self-Government and nothing less than Self-Government. It is interesting to see that Dadabhai actually opened his Presidential address in 1906 by the significant sentence, quoted from Sir H. Campbell Bannerman's speech, that "Good Government could never be a substitute for self-Government." According to the strict logic of the doctrine of moderation, the rejection of a small demand should lead to a demand smaller than the original one. But here you have Dadabhai reversing the process and actually

making the rejection of a small demand the basis of a demand very much larger than the original one. He says in effect to the Government "you have refused my demand for the admission of natives of India to the Civil Service by the holding of simultaneous examinations, though you knew, as well as I did, that the number getting in through that door could not be very large. All right, my reply now to that rebuff is that you shall grant to us not only the simultaneous examinations, but Self-Government itself." Now you must not suppose, however, that Dadabhai's new and larger demand is the result merely of his perverse-mindedness. But the larger demand was only a logical consequence of the rejection of the smaller demand. For, unless the root cause of a malady were removed, the troublesome symptoms would never disappear completely. I have read in one of Napoleon's biographies that when in a well-known battle his chief-of-staff came and reported that a particular division of his troops could not advance in the desired direction on account of the killing fire of a battery of Austrian artillery, he quietly replied "All right then capture the battery itself." So also when Dadabhai found that the Civil Service put obstacles in the way of political reform he naturally had to direct an attack upon that Service itself.

Though gentle by nature, Dadabhai has never allowed that gentleness to interfere with the expression of his honest convictions. I have neither the inclination nor the leisure to make a full collection of the opinions expressed by this lifelong student of Indian politics. But I will content myself with giving a few quotations which will prove that Dadabhai never minced matters, but always used words which came straight from his heart. He was never deterred by the fear that Government might not like his phraseology. Thus while his loyalty to the Crown remained unswerving, he was of opinion that however good the British Government may be it can never weaken the nation's demand for Self-Government. He always demanded that the system of British administration must be entirely changed. Making the views of Sir John Shore his own he said in 1887 that "The bene-

fits of British administration are more than counterbalanced by evils inseparable from the system of a remote foreign dominion." (p. 126.) He was never satisfied that the solemn pledges given to India from time to time had been properly redeemed; and appealing to the sense of British Justice he once said to an English audience: "Tell us at once 'we will keep you under our heels, we will not allow you to rise or prosper at any time.' Then we shall know our fate. But with your English manliness, speak out honestly and not hypocritically what you intend to do..... But do not expose yourself to the charges of keeping the promise to the ear and breaking it to the hope No eternal or permanent results can follow from dodging and palaver-ing." (P. 211). Dadabhai never scrupled to characterise the British rule as foreign and said: "A foreign rule can never be but a curse to any nation on the face of the earth, except so far as it approaches a native rule, be the foreigners angels themselves." He gave full credit, as any critic must do, for ability and integrity with which most of the Civilians personally carried on their work. But he insisted that "This system must be changed." "The administration must become Native under the supreme control of the British nation" (p. 212). I have already told you that Dadabhai's quarrel mainly was with the executive Government. And he indicted the executive Government before the Welby commission (in 1897) in these words "—The way of the Indian authorities is first to ignore any Act or Resolution of Parliament or report of any Committee or Commission in favour of Indian interests. If that is not enough then to delay replies. If that does not answer, then openly resist; and by their persistence carry their own point, unless a strong Secretary of State prevents it." (p. 430) But then, again, he was aware that there was not much hope even from the Secretary of State. For he hastens to say in the very next sentence, "But unfortunately, to expect a strong and just Secretary of State on behalf of Indian interests, is a rare good fortune of India, because he changes so often and is mostly in the hands of the Anglo-Indian members and other Anglo-Indian officials

in the India Office." Mr. Dadabhai had been all along clamouring, as we are now doing, that Government must, once for all, make a declaration of its intentions as to the future. In his statement before the Welby Commission he said "Now that it is emphatically declared that all professions of equality of British citizenship were only so much hypocrisy, that India must be bled of its wealth, work and wisdom that it must exist only for the maintenance of British rule by its blood, its money and slavery—England and India are face to face; and England ought to declare, what in the name of civilization, justice and honour and all that is righteous, England means to do for the future. The principles of the statesmen of 1833 were, 'Be just and fear not'; the principles of the present statesmen appear to be 'Fear and be unjust.' Let India know which of the two is to be her fate" (p. 466). As regards the theory of the economic drain of India, well, it is a doctrine which is too well known to you as peculiarly, associated with the name of Dadabhai Naoroji, to need any mention at my hands. It is not my purpose in this address to overlay it with too many quotations from Dadabhai's writings and speeches. For one thing, that might weary you, my patient listeners. Then, again, I am not standing before you to-day to criticise the Government, but only to tell you something about Dadabhai himself; and therefore I put before you only samples of Dadabhai's views. The language used by him in expressing his views is often so unpleasant that a lesser man than him may well hesitate to utter it in those days of reckless repression. And the samples I have given you are given only with the substantive purpose of acquainting you with the mind of the man, whom we have assembled here to honour. I am not unaware that even Dadabhai was not spared for his unpleasant language, and that he was charged with aggressive extremism by persons who, however scanty or superficial their study of facts, knew only one business very proficiently, viz. euphemise away the truth of things. But in this matter I can give you two references which will be acclaimed as a complete justification or defence

of Dadabhai, if indeed a man like him stands in need of a defence at all. Gentlemen, if any two men among us were universally admitted to be studiously circumspect and cautious, in their written or spoken word, about Government, they were the late Mr. Justice Ranade and the late Hon. Mr. G. K. Gokhale. And both of them had openly declared that Dadabhai could not be blamed for the unpleasant language that he might have used. Thus while speaking about Dadabhai Mr. Ranade observed:—

“It might be said that in this work of reconciliation, Mr. Dadabhai's extreme position had not been as helpful and as serviceable to the cause of the country as one might expect. But I have studied his writings and his speeches carefully and attentively, and would fearlessly and unhesitatingly observe that there was not a single sentence or expression, not even the most casual, which could be pointed out in support of the allegation that Mr. Dadabhai had created a gulf which did not previously exist. This is a calumny which would never lessen the affection and esteem in which the people held him. When he said that the phenomenal poverty of India must cause anxiety both to the dominant and protected classes, he said nothing but the truth. “It was to the highest interests of both Great Britain and India to acknowledge that truth. It was of no use to ignore facts when those facts were proved; and in Mr. Dadabhai's case, I would assure you that there was not a single sentence or figure put down in any of his books which did not represent mature thought and life-long study.

Also says Mr. Gokhale in his speech on a day like this in 1905, “When such a gentleman is driven to the use of bitter language, there must be something in the situation to him so bitter. . . And the responsibility for his bitterness must therefore lie not on him but on those who make the situation what it is. Take the writings of Dadabhai of his earliest years, take even his writings of middle age; and I say without the least fear of contradiction that no one will be able to lay his finger on a single word, which in any way can be described as bitter. If latterly he has been using language

which to some people may appear too strong, it is because he finds that he has been all these years like one crying in the wilderness, also because he finds, as we all find, that for some years past the ideals of British rule in this country are being steadily lowered. Whether Mr. Dadabhai used mild words or bitter words, our place is round his standard—by his side. Whoever repudiates Dadabhai he is none of us. Whoever tries to lay rude and irreverent hands on him strike him down.”

Gentlemen, in my humble opinion Mr. Gokhale has given a quite correct analysis of Dadabhai's bitter language. For half a century Dadabhai's soul as a patriot was fed on his faith in the solemn pledges of the British Nation to do justice to India. Redemption of those pledges was becoming more and more remote and this made him inconsolable. To put it in the witty words of a political orator, Dadabhai made the unfortunate discovery that these solemn pledges were like some American roads “which opened stately enough with beautiful trees planted on either side to tempt the traveller, but soon became narrower and narrower, and ended in a squirrel track and ran up a tree.” So did the pledges tempt Mr. Dadabhai at the mouth of the broad avenue. But when he pursued the quest, he found them become narrow and narrower in fulfilment, ending as it seemed to him in a squirrel-track, the India Office, to the tree which was in this case the autocratic State Secretary for India. Dadabhai could neither climb nor even shake the tree; and naturally he found himself mortified for his pains and in a ridiculous position.

Well gentlemen, I have nearly finished. I have so far tried to give you an analysis and an estimate of Dadabhai's principles. And I will say once again that these principles are embodied in his speech as President of the Congress in 1906. That speech is not, as some of his opponents pretend to believe, the final explosion of a damaged blunderbuss, but an utterance of a political seer, ringing with the true ring of prophetic Truth. His words and utterances are an eternal monument to Dadabhai's patriotism. Dadabhai can now speak

no more; nor need he speak any more. He has already done enough to earn the nation's gratitude. And on this his 92nd birth-day;—let us all, young and old, join in paying him our tribute.

I can imagine the minds of hundreds of people in this country turned just at this moment towards Versova to have a mental vision of Dadabhai Naoroji. There sits the Nestor of Indian patriots looking across the sea, quite prepared to jump at any moment into eternity, though reluctant to leave the land for which he has laboured through life, but which has not yet achieved the destiny that he thinks is her due. In Dadabhai Naoroji I often fancy the Grand Old Man of the Mahabharat, the venerable Bhishma. For even like Bhishma the warrior, Mr. Dadabhai the statesman is, after a lifelong battle—royal, lying stretched on a bed of arrows, with nothing more comfortable than an arrow for his pillow. For are not the infirmities of old age in themselves a torment? Like Bhishma too, he is encircled with the respectful admiration of friend and foe alike, who forget their political enmity for the moment, instinctively lay down their weapons of controversy, and join hands in reverential worship of the heroic soul who is preparing for his departure. Like Bhishma also, the sage of Versova occasionally addresses words of wisdom and good-will to the Government as well as the people. And like Bhishma, in fine, is Dadabhai now practising yoga, as it were, and waiting, for the gates of heaven to open in the northerly course of India's Sun. Before old age, said Seneca, it was my care to live well; in old age, it was to die well. Mr. Dadabhai Naoroji has, as we all know, lived always well. His was a pure and well regulated life; and we may be sure that when death may come in the end, which however may, by God's grace, be long, very long in coming, it will come to him only as it should viz., as a finishing touch suited to the picture of life that has been noble in its work and achievement.

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# Indian Home Rule

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[ Below are given extracts from an address given by Mr. N. C. Kelkar, Editor Kesari and Mahratta and Secretary Home Rule League, Poona, on the subject of Indian Home Rule at a public meeting held at Poona on the 24th of September last, under the auspices of the H. R. L. ]

It was Edmund Burke who said "Unsettled questions have no pity for the repose of Nations." And these wise words give, in my opinion, a satisfactory reply to the objection that the present is not a suitable time for bringing forward such a question as Home Rule for discussion. Government may well claim repose after their labours of administration for a century. But it is precisely there that the activity of the Indian nation begins. It is no paradox to say that it is the success itself of the energetic administration of the British rulers of India for a century that makes the movement of Home Rule possible, and the Rulers ought not surely to turn their faces from the glorious aftermath. The phrase Home Rule movement may be a new one as applied to the national movement in India. But the essential idea has been there all along, though it may have been variously expressed. For what else can Mr. Dadabhai Navroji have meant when he pleaded apparently for the admission of the Indian people in the Civil Service or the late Mr. G. K. Gokhale when he enunciated the ideal of India to be Self-Government similar to that obtaining in the self-governing Colonies? In Ireland itself the term Home Rule was not taken up till after a course of nearly seventy years of agitation of the nationalist movement. After seventy years of the Dublin Castle Government, Ireland was still fluctuating between two opposite policies viz. Union and Separation. The Union had been tried at all cost to Ireland and had failed; Separation, though not tried actually, was yet sought after, also at all cost to Ireland and that attempt also had failed. And it was the forensic genius of Isaac Butt that invented or rather discovered the policy of Home Rule, which while it made for unity, 'cut asunder a chain of slavery and allowed independence without provoking separation.' As Union was a great wrong, the early leaders of the Irish Nationalist



movement could naturally think of no other watch-word than Repeal of the Union as the most direct reactionary opposite of Union. But Isaac Butt, while he wanted to mould the future could not change the past. So he invented the phrase Home Rule which happily 'neither reversed the past nor compromised the future.' It was meant just to touch the golden mean between the autocratic impasse on the one hand and the separatist republican tendency on the other. The term Union and Unity had become enveloped in that fatal misunderstanding by which British rule became identified with Bureaucracy; and the Democracy in Ireland had been identified in the English mind with separation. And Isaac Butt's triumph lay in hitting upon a phrase which reconciled the two opposing policies. In India, too, the term Home Rule serves a useful purpose. For while it excludes the policy of separation, which was unjustifiably attributed to one class of Nationalists, it elevates to the proper pedestal the policy of India being governed for Indians and by Indians, which was no doubt meant but rather under-expressed 'by those early Indian Nationalists, who were unjust to themselves and their cause in that they asked for the redress of a grievance here or there, or spoke as if they put forward the admission of Indians to the Civil Service as apparently the highest demand of the nation.

That being the case it is a matter for wonder that the officials should pretend to be startled at the word Indian Home Rule, as if some unheard of political heresy were being introduced in India. Government are apparently prepared to tolerate the cry of Self-Government, but they must, it appears, put down the cry of Home Rule, as if that really meant something radically different from Self-Government within the Empire. Why then, it may be asked on the other hand, do the Nationalists themselves take-up and use the word Home Rule? The answer is that while in the first place it is a word which briefly and beautifully expresses the subject matter of the claim for Self-Government within the Empire, it also on the other hand is now perfectly familiar to the English ear, and saves the Englishman from all the imaginary terrors which the Swadeshi word Swarajya is likely to conjure up in his mind.

Well, apart from the name of the political ideal, the real problem whether in Ireland or in India is nearly the same. In both cases the people want a National Legislative assembly with an executive subordinate and responsible to that assembly. In both cases the British Crown retains the same

supremely elevated place as the head of the constitution. The proximity of Ireland to England may or may not render the presence of a Viceroy unnecessary in Ireland. But following the example of Canada and Australia, rather than that of Ireland, India will certainly want a Viceroy as a responsible representative of the Crown on the spot, especially as, unlike Ireland, the Parliament would be more like a federated than a national Parliament. Unlike Ireland also, the presence of Indian members in the British Parliament is not a vexed question in the case of India. But the actual details of a Home Rule scheme need not be discussed at this stage, because the details can be filled in after the principle is admitted. The details of the three or four Irish Home Rule Bills that were introduced in the British Parliament within 25 years were materially different from one another; though in the two cases Mr. Gladstone himself was the author, and of the two later the author was a disciple of Mr. Gladstone, I mean Mr. Asquith.

British authorities in India now speak about Indian Home Rule much in the same way as the Dublin Castle authorities spoke a few years ago about Irish Home Rule; or the Duke of Wellington spoke about the Canadian Home Rule in the thirties of the last century, viz. that responsible Government was incompatible with the sovereignty of Great Britain. It is also supposed that the existence of a variety of races or communities in a country make it unfit for responsible Self-Government. But while that fallacy has been proved in the case of Canada, and is on the point of being proved in the case of Ireland, it will be similarly proved in the case of India when the time comes for it.

The dominions of Canada, passed into the hands of Britain in 1760. For some time after the country remained under military rule. In 1763 a proclamation was issued by the British Government by which civil government was introduced into Canada. The history of Canada for the next nearly 50 years was marked by failures, of the authorities to administer law and justice, and failure on the part of the French Canadian and English subjects to appreciate the blessings of British rule. There were, moreover, apparently the same difficulties in Canada in the way of unity between the different classes of subjects, as were supposed to be in existence in Ireland on account of enmity between the Catholics and Protestants, or are now supposed to exist in India on account of the religious differences between Hindus and Mahomedans etc. That the Colonists themselves in Canada took a gloomy view of

union being established between the upper and the lower Canadians will be obvious from the following passage in the petition of the upper Canadians presented to the House of Commons in 1822. It runs thus:—

“Your petitioners are of opinion that the different origin of the population of the two Provinces, the difference of their languages, habits, manners customs and religions, together with their varied interests, will necessarily produce efforts for ascendancy, create jealousies, strifes, animosities and contentions which may break out in consequences of an alarming nature, and all without answering any one desirable object with which we can foresee or that may balance the least of the evils that appear to us so obvious.”

In his famous report on the Canadian situation Lord Durham also has borne testimony to the same feature of the situation viz., general antipathy between the French Canadians and the British. He says: “The hatred of races is not publicly avowed on either side; and yet all the British are on one side, and all the Canadians are on the other. What may be the immediate subject of dispute seems to be of no consequence; so surely as there is a dispute on any subject, the great bulk of the Canadians and the great bulk of the British appear ranged against each other. The mutual dislike of the two classes extends beyond politics into social life, where all intercourse is confined to persons of the same origin.”

And yet within a few years of the gift of a constitution of Self-Government, the racial animosity disappeared; and a *United Canada* has been able to settle racial, educational and religious questions some of which still perplex the British-isles. Canada is to-day a tower of strength to the Empire—a solid block of nearly two million French-speaking subjects of His Majesty living under a code of laws which are largely French. It should not be supposed that the settlement of Canada was without its troubles, or that the Canadians, either French or British, did not display at one time or another even rebellious tendencies. For no people in the world, however loyal in the main, were forever free from temporary outbursts of temper which are mistaken for sedition. There is a limit beyond which human patience and wrong-bearing can not go; and in the history of Canada we find nationalists driven to raise the standard of revolt, or seeking separation from England and union with rebel America. But a timely touch of generous political reform always had a pacifying effect, because there was in the heart of these nationalists no irrevocable ill-will to British rule.

In this connection I would give you a quotation from one of the letters written to Lord John Russell by Joseph Howe, a Canadian patriot, and a leader of Nova Scotia. It appears that Lord John Russell had objected to the executive responsibility of the Council on the ground that rebels like Papineau and Mackenzie would have been ministers in the respective Provinces they disturbed. Now in the first place there is apparently no harm if a judicious political reform converted a rebel into a loyal minister of the Crown, because it is only so much gain to the Crown itself. And is not the proposition proved by the example of General Botha who, after fighting *with* the British for the sake of national independence is now fighting *for* the British and conquering territories for the Empire from the Germans. Well, speaking for the Canadian rebels Joseph Howe says that the rebels would not have been rebels if the Canadians were invested with the responsibility of Self-Government. He tells Lord John Russell that if Ireland had justice instead of having it to seek, there would not have been such a political phenomenon as the great agitator Daniel O'Connell to challenge the admiration of the world, and to smite the oppressors with dismay. And pressing the matter nearer home he says:—"You well know, my Lord that rebels have become exceedingly scarce at home since the system of letting the majority govern has become firmly established, and yet they were as plenty as black-berries in the good old days when the sovereigns contended that they only were responsible. Turn back and you will find that they began to disappear altogether in England, about 1688 and that every political change which makes the executive more completely responsible to the Legislature, and the Legislature to the country at large, renders the prospects of a new growth of rebels small by degrees and beautifully less. And yet who can assure us that, if the sovereigns had continued as of old, alone responsible, Chatham and Fox, instead of being able ministers, might not have been sturdy rebels?" Mr. Howe goes further and says to Lord John Russell "Who can say that even your Lordship, possessed of the strong attachment to liberty which distinguishes your family might not, despairing to all good government under such a system, instead of using your influence to extend by peaceful improvements the happiness of the people, be at this moment in the field at their head, and struggling sword in hand, to abate the power of the Crown? So long as the principle of irresponsibility was maintained

in Scotland, and the Viceroy and a few Bishops and Courtiers engrossed the administration, there were such men as Hume and Lindsay, and such things as assemblies in Glasgow, general tables in Edinburgh and armed men in every part of that noble country, weakening the government and resisting the power of the Crown."

The question of Home Rule has been so often argued in other times and in other places that it is perhaps unnecessary for us in India to argue it over again. The verdict of not only human nature but also actual history is in our favour. The appeal to human nature leads to obvious platitudes which I would like to avoid on the present occasion. But the testimony of history has an irresistibly practical aspect; and I would content myself with stating the case for Home Rule in the words of a constitutional Jurist. I mean Professor Dicey, who though a non-Home-Ruler, had at least the gift of fairly stating his opponents' case. In his book called "England's Case against Irish Home Rule," Prof. Dicey says:—

Home Rule under one shape or another has been tried in a large number of foreign countries and has been, (of course according to the Home-Ruler) found everywhere to solve the problem of combining into one State communities, which were not ready to coalesce, into one united nation. Each State throughout the American Union, each Canton in Switzerland has something like sovereign independence. Yet the United States are strong and prosperous, and the Swiss Confederacy which was at one time torn by religious animosities and divided by differences of race is now a country so completely at harmony with itself that without a regular army it maintains its independence in the face of the armed powers of Europe. Canada or Victoria have more complete liberty of action than any one dreams of claiming for Ireland. Yet Canada and Victoria are loyal and under the guidance of men who, it may be, were yesterday rebels in Ireland support the supremacy of British Parliament and contribute to the splendour of the English Crown. The German Empire contains not only separate States but separate Kingdoms such as Bavaria, ruled by Kings and Princes who certainly value very highly the independence of their Countries and the dignity of their thrones. The despotism of Turkey has not forbidden the local independence of Crete; and Self-Government has produced acquiescence in Turkish rule. The autocracy of the Czar is found compatible with Home Rule in Finland and Finland is the most contented

portion of Russia. Norway and Sweden are united in feeling because they are not by law a united Kingdom; and act in harmony just because each country has a different constitution and each is governed by its own Parliament. Denmark has with benefit to herself, given local independence to Iceland and Iceland is content. Austria and Hungary after centuries of misunderstanding and twenty years of bitter conflict, have finally composed the feud of ages by a compromise which gives to the two parts of the empire the practical blessings of Parliamentary independence and concedes to Hungary at least the sentimental blessing of acknowledged nationality. The argument from foreign experience is thus an induction based upon a foundation of instances as large as can support any conclusion of social science. In one land after another, the existence of Home Rule in one part of the State, has been found consistent with the unity of the whole."

England might have, as Prof. Seely has said, acquired the empire in a fit of absent-mindedness or even somnambulance. But England must have been very much awake indeed when during the present war it readily grasped every bit of assistance from every corner of that empire which is spread over the four continents of the globe. England's effort should now be therefore to preserve and cherish that empire, and the only way by which she can do so is to grant each constituent part of that empire Home Rule or National Independence. It is recorded that Lord Rosebury while discussing the problem of Imperial Federation with a friend once said: 'I sometimes think that nothing but a great war will ever federate this empire.' I wonder if Lord Rosebury was in a prophetic trance when he uttered these words; and I also wonder if the present war be the great war that is to bring about the fulfilment of that prophecy. But if that be so, England cannot, I maintain, leave India in the lurch and eject her, as a foreign body, in the process of imperial crystallisation. England dare not treat India as a foreign body—in relation to a federated empire after this war. The *Montreal Star*, a Canadian paper, recently observed "The men who die with us in defence of our common flag should not be kept waiting for a moment in the anti-chambers of our Councils." No empire can stand except on the bed-rock principle of moral identity of each of its constituents.

# The Berar Ijara Tenancy-Bill

(By *M. S. Aney, B. A. B. L.*)

**T**he districts of Berar were ceded to the British Government by the Nizam in the year 1853. But no comprehensive scheme of administrative or economic reform of the province was undertaken or conceived till 1860 when by a fresh treaty with the Nizam, the British Government was relieved of the responsibility of rendering annual accounts to His Highness the Nizam. The administration of Berar during these early years of British management was in no way better than that of the big merchants to whom the districts were farmed. It was already "a squeezed orange" when the British Government had to take charge of Berar, and the first days of British rule had only served to render the position of the cultivating classes worse than before. But after 1860, a slow change for the better began to be perceptible and the responsible officers gradually applied themselves to the task of ameliorating the condition of these districts which, on account of prolonged civil wars and mal-administration, had almost become desolate. In spite of the fertility of the soil, agricultural population migrated to the neighbouring districts of the Central Provinces and vast tracts of land were lying waste.

Sir G. V. Yule who was the Resident at Hyderabad in the year 1865 drew the attention of the Berar officers to these vast tracts of waste land and invited from them suggestions for their reclamation. Captain Cadell, who was then the Commissioner of Berar, after consulting his subordinate officers made certain proposals to the Resident. After a good deal of correspondence between the Resident and the Secretary to the Government of India, Foreign-department, the following scheme for reclaiming the waste land in Yeotmal District was settled.

Villages were to be leased for a period of 30 years. The lessees were to pay a definite sum to the Government during this

period and given full liberty to make any arrangements for the purpose of bringing their villages under cultivation with a right to appoint their own village-officers for the sake of doing the official duties of Patel and Patwari. After the expiry of the lease the lessee was given the option of either becoming the proprietor of the entire village liable to pay half the Government assessment with the right to dispose of his property as he pleased subject to general and provincial laws ; or in the alternative, accepting the office of Patel on remuneration amounting to 25% of the realised land-revenue. In the latter case the village would become Khalsa and not be the property of the lessee. Government of India framed the Waste-land Rules of 1865 and forms of leases laying down the conditions in pursuance of the rules were also prescribed. Government of India hoped that this system would facilitate the work of turning " the barren wastes of Berar " into revenue-paying colonies and bring into existence " a body of substantial landed proprietors ". Partly due to the introduction of the Bombay ryot-wari system and partly to the results of the Inam Commission the old landed aristocracy was turned into a class of political pension-holders and lost all its former importance. The agricultural classes of Berar were thus without any guide to lead them on in the work of agricultural reform. The above tenure, commonly known as Ijara tenure, was precisely conceived and planned to remove this desideratum.

The term of these leases expired in 1895 and most of the lessees elected to become the proprietors of the villages. The Government of India issued Sanads conferring the proprietary rights on all of them. The Sanad of 1896 is at present the title-deed of the Ijardar's right. By virtue of the Waste-land Rules of 1865 and the Sanad of 1896, the village with its forest and even minerals is the property of the Ijardar and all the residents in the village are his ryots. Every inch of ground in the village belongs to him and no person can become a resident of the village without his permission. Government, or more correctly the Revenue authorities, cannot approach the people of these villages except through the Ijardar. These villages are small colonies of cultivators in the midst of dense forests or mountainous tracts. The Ijardar as the patriarch looks up to the peace and pro-



prosperity and the whole village is like one family solely under his care.

It is difficult for strangers to imagine the difficulties which the original lessees had to encounter before they succeeded in populating the deserted wastes and bringing the comforts and blessings of civilization to these places which were once the haunts of wild beasts or the favourite resorts of criminal tribes. Out of 11,000 tenants who cultivated the land in the Ijara villages in 1911, 4000 were found to be coming from these once criminal tribes. Thirty years' hard work was required to bring about this marvellous change only to make these tracts fit for human habitation. The Ijardar had to import labour, induce these criminal tribes to give up their predatory habits for peaceful professions, guard the residents against the attacks of wild beasts and gangs of dacoits, advance capital to the people for the purchase of seed, bullocks and agricultural implements, provide them with the materials for building huts and supply them with all the necessities and even the luxuries of rural life. Two generations of these pioneer cultivators had laboured hard on the hope that their names would be carried down to posterity as the founders of these little colonies, and on the official assurance that their heirs would reap full benefits of their labours and investment as absolute proprietors.

The labourers originally employed came from the most unstable element in the Indian society. Slightest pressure was sufficient to scare them away from the village. Ijardars generally did not come from the class of capitalists but of cultivators, and had to rely for capital upon a class of bankers, who had acquired notoriety throughout British India for their exorbitant rate of interest, that had in a number of cases utterly spelt the ruin of these men and brought them to a state of misery and wretchedness. Frequent climatic indemics, culminating in the big famines of 1897 and 1900, greatly added to their difficulties and the pecuniary position of the Ijardars was any thing but enviable. They only succeeded in rendering the barren waste habitable but not profitable by the year 1896.

After the famine of 1900-1901 the agricultural condition

has considerably improved and on account of the profits which the Ijardars are making out of their property, their position is now many times better than what it was in 1896. Competition for land is growing daily and the fields are fetching better rent. Ijardars have just begun to look on their property as a stable source of income out of which they hope to be able to pay off their liabilities chiefly incurred for bringing the village-land to its present state of improvement. Some of them have already established a reputation in this province for adopting scientific methods of agriculture, while there are others who are zealously trying for the establishment of co-operative banks and seed-unions in their villages. Speaking generally this class has exhibited a commendable zeal for improving the lot of those who are under their charge according to the means at their disposal.

Under the law, as it stands at present, the Ijardar has to pay to Government half the survey assessment and he is at liberty to enhance the rent of his tenant or even eject him through the Civil Court after service of due notice if there be no agreement to the contrary between him and the tenant. The relations between the Ijardar and his tenants are determined by contracts between them and the Government has to do nothing with them. The tenancy Bill, the draft of which is now under consideration of the local administration, is principally aimed at materially curtailing this power of the land-lords. The principle features of this Bill are that it classifies the tenants in these villages into four classes. The first group is called Ante-Ijara tenants, the second Permanent tenants, the third the Ordinary tenants and the fourth Sub-tenants. The position of the Ijardar with regard to the Ante-Ijara tenants is not affected by the bill. This class is already protected by the rules of 1865 and the Sanad. The Bill does not give them any new privilege except clearing an ambiguity with regard to the Ijardar's right of preemption which gave rise to conflicting decisions in the Civil Courts.

The remaining three classes are the creation of this Bill and the privileges which it is intended to confer on

them have given rise to a keen controversy between the Government and the Ijardars. The Bill defines a permanent tenant as a person who has been cultivating the land since 1895. His rent is to be fixed by the settlement officer, and during the currency of the settlement the landlord has no right to enhance the same except through the Revenue Courts on certain specified grounds. All written contracts between the Ijardar and tenant are treated as void. Under no circumstances can this class of tenants be ejected. The permanent tenant is allowed to sublet his field for one year without any restriction.

In the case of ordinary tenants there are certain provisions under which the tenants can get their rent altered or even remitted in spite of any written agreement between them and the land-lords. Tenants can claim compensation for improvement before being ejected, and a decree of ejectment obtained by the landlord cannot be executed unless the amount awarded for compensation by the Revenue Court is deposited by him.

Revenue Courts are given extensive powers with regard to the settlement of rent, award of compensation for improvement, and infliction of penalties on landlords for realisation of dues not sanctioned by any law.

The rent from all kinds of tenants is to be realised not by the landlords but by the Patel. On the Patel's failure the landlord can realise it directly on permission by the Deputy Commissioner. The tenants are given the right to deposit the rent in the Revenue Courts and the landlord must sue the tenants for the rents in case he failed to satisfy the Revenue authorities about his right to recover it.

This in brief is the out-line of the law which is under consideration of the local administration. It is intended to apply to all the Ijara villages under the rules of 1865 and the Chief Commissioner is given the power to extend its provisions by notification in the official Gazette to any of the other classes of Alienated Villages in Berar.

It will be clear from this that the law restricts or practically annihilates the land-lords' right of selecting the

tenant, fixing the rent, or even realising the same from him. The Revenue Officer is authorised to perform all these duties for him and the land-lord is thus going to be treated either as a perpetual minor or a dangerous man who cannot be safely entrusted with these responsible duties. The authority of the Ijardar over his tenants arising out of his proprietary title and guaranteed under the Waste-land-rules and the Sanad granted to him is practically superseded by the discretion of the Revenue authorities by the present draft-bill.

The Bill is a controversial measure in every sense of the term and the local authorities have not succeeded in proving its imminent urgency. The Government of India has already pledged itself to a policy of avoiding controversial questions during the continuance of the European War; and so far as the non-official element in our Legislative Councils, supreme or provincial, is concerned the terms of the truce are faithfully observed. But the rulers have already violated this pledge in many ways and we cannot congratulate the responsible officers of C. P. on throwing this new apple of discord for the consideration of the Supreme Government at a critical time like this. We hope that sir Benjamin Robertson, our present Chief Commissioner, will see the impropriety of urging such a measure on the attention of the Supreme Government and decline to proceed further with it.

The relations between the Ijardar and the Government of India are governed at present by the terms of the Grant of 1896. Both of them are parties to these contracts. But hereafter if the present Bill be passed into law the Government of India will be armed with a weapon to interfere with the rights of the Ijardars and under certain provisions of the law the Chief Commissioner will have the authority of introducing many innovations by framing rules even without the sanction of the supreme Government. Thus the Bill will effect a momentous change in the constitutional status of the Ijardars.

Secondly the relations between the land-lord and tenants will not rest on the basis of contracts or agreements between

the parties as before but on the foundation of Law and Statute, in the framing of which the other party to the original contracts has no hand. It presumably means that the Government of India is assuming the powers to recode from the contract between him and the Ijardar in the interests of a class which is a stranger to it.

We do not intend to discuss the legal aspects of this question at length. But we confess we have even failed to understand the principles that underlie the present Bill. Principles of land-legislation in British India had been subjected to very searching criticism by the late Justice Ranade in his articles on the Emancipation of Russian Serfs and Prussian Land-legislation and Bengal Tenancy Act contributed to this Journal in 1883. "Experiments undertaken by the Government of India have not been suggested by any broad view of the future or any just consideration for vested rights." The great Indian economist and statesman of the last century, after describing the salient features of the Prussian land-legislation, contrasted them with the principles underlying the Bengal Tenancy bill; and we think that the remarks made in 1883 hold good in the case of landlaws enacted by the Government since then to the present date including the present tenancy-legislation. We make no apology for citing the following passage from Justice Ranade's essay. "While the one sought to disencumber land and encourage the growth of absolute property both in the land-lord class and the peasantry, the proposals embodied in the Tenancy-bill are intended to increase these mutual encumbrances and the existing complexity of rights and interest. While the Prussian Legislation was guided by the principle of allowing compensation for the abolition of all rights, services and charges, which were not of the nature of personal slavery, the Bengal-proposals reject all idea of compensation. While the Prussian statesmen have tried their best to minimise executive interference in the settlement of class-relations, the theory underlying the Bengal legislation is that the State Executive and Judicial machinery must prescribe and regulate every little incident of the relations between the owners and the tenants of land." And about the

effect of such laws on improving the condition of the cultivating classes, the late Justice Ranade predicted with unerring judgment as follows: "The only result will be that the existing confusion will be still more confounded, class would be set against class, the sacredness of former pledges violated, the land-lords ruined without compensation and reduced to the class of Rent-receiving Pensioners and the Ryots taught to look more and more to the State as their sole land-lord without acquiring the training necessary to raise them to a sense of their position." Tenancy-laws in the Central Provinces, N. W. P. and Punjab are more or less modelled on the Bengal Act with such minor changes as the local circumstances demanded but the main principles underlying these acts are the same throughout and they are the leading features of the present Berar Tenancy Law also.

The right to interfere with private rights of property in land is exercised in the west by the Sovereign powers with a view to relieve the actual cultivators from what is technically known as "evils of absentee-land-lordism." It was rack-renting carried on by the Landlords in Ireland that forced the Parliament to pass the Irish Land Bill of 1869. And the twelve years' rule was then enunciated for the first time. Before introducing similar legislation in Berar, it is necessary to show that the evil of rack-renting exists in these villages, and that the landlords have abused the confidence reposed in them by the Government of India in the year 1865. On the other hand there is indisputable evidence to show that the rents demanded by the Ijardars from their tenants are more moderate than the rates at which fields are sublet in the Khalsa land. Bengal Zamindars, most of whom were living in the metropolis or the headquarters of the districts, owning vast tracts of land in the mofussil, were in a sense the absentee-land-lords; and if the official version be correct, their demands were exorbitant, and distinctly in violation of the condition on which their estates were permanently settled. But this plea cannot be urged with any justification with regard to the land-lords of Berar and the Ijara villages of Yeotmal district. Detailed

enquiries were made by the settlement officers at the time of Revision Settlement in 1904 about the rates at which the land was sublet in Wun, Yeotmal and Kelapur Taluqs both in the Khalsa land and Ijara villages. And the result is stated in the table appended to the settlement-reports. The average rate of subletting per acre in the Khalsa villages of Yeotmal Taluq was found to be 7 times the Survey assessment, while the same in the Ijardar villages of this Taluq was below 3 times and little above  $2\frac{1}{2}$  times the survey assessment. In Kelapur Taluq the average rate in Khalsa land was 5 times the survey assessment, but the same in the Ijara land was equivalent to less than twice the Government assessment. In Wun Tahasil the Khalsa land was sublet at rates 4 times the survey assessment and the Ijara land was far less than twice the survey rates. Again in 1911 the total assessment of the fields leased out in the Ijara villages was 1,74,184 Rs. and the rent recovered by the Ijardars amounted to Rs. 3,84,350. Ijardars' demand was equivalent to 2.2 times the Government assessment. We are sure that on proper enquiries it would not be found to have even now exceeded 3 times the Government assessment on an average. In the case of Khalsa land the rent is jumping up by leaps and bounds; in the Ijara-land it has progressed very slowly from 2 to 3 times the Government assessment during the period between 1904-1915, a period characterised by the officers as one of continued prosperity for this district. We do not deny that individual cases might be found where the rent demanded by the landlord was excessive. But there is no proof to hold that it is a general evil affecting the condition of the tenants in these villages. Besides, the Ijardars are in no sense absentee-landlords. They live on their estates and are cultivators of a great portion of their land. The work of improving the village is done by him personally and he is concerned more in the welfare of his rayats than any-body else, be he even the State-landlord.

In the case of Bengal tenants and the tenants in the Mal-gujars' estates of Central Provinces, Government perhaps owed it to the rayats to intervene on their behalf by legislation, as

the actual cultivators of the soil were degraded to the status of tenants at will simply by the inauguration of a mistaken land-policy in the early days of British rule, which recognised as proprietors of the estates persons whose interest in the land did not extend beyond collecting revenues. Bengal Zamindars and the C. P. Malguzars were only the agents of the former Governments to collect revenues with a right to receive some portion of it as their commission, and the land really belonged to the cultivators. It was very late when the mistake was detected; and the Government, as a paramount sovereign power, had no alternative but to boldly step in, frankly avow the mistake and courageously rectify it by legislation. They had to adopt the heroic remedy of cutting the Gordian knot with a sword. The Bengal law and C. P. laws were first enacted to restore the status of the tenants which they formerly possessed. But in the case of Ijara villages the law is being enacted to create a status which the tenants never possessed before.

This Bill implies the assertion of principles which threaten a more serious encroachment upon the private right of property in land than those on which the tenancy-laws for Bengal and Central Provinces were proclaimed to have been based. The previous laws were aimed at curtailing the land-lord's powers over those tenants "who were in possession absolutely independently of any contract with the Zamin-dar." But the present Bill affects the land-lord's rights over the tenants, who are presumably in possession of their lands solely on account of such contracts; these Ijara-tenants virtually cultivate what is practically the private land of the land-lords and they are located by the land-lords on their own waste. They belong to that class of tenants whom Baden Powell calls "real tenants" as distinguished from the so-called tenants of Bengal and Central Provinces; and according to this distinguished author "no special protection is needed" for this class of tenants. Yet by the present Bill Government will interfere with the land-lord's rights over this privileged class also. We think that the Bill goes beyond the limits within which the State can, with fairness



and justice, interfere with private rights of property in land.

The tenancy law, which is generally intended to crystallise the customs actually existing and to regulate the practices prevailing, is now used to create classes of tenants unknown to the Berar-land-system. The chief reason for all this anomaly is that the framers of the Bill have been used to the administration of a tenancy-law in Central Provinces which, according to them, has given salvation to the tenants in the C. P. and they think that it will have the same efficacy every-where and any-where on the face of the globe. Berar-Ijara Tenancy-Bill is admittedly copied from the C. P. Tenancy Act, but it would save a lot of trouble and worry to the people and the authorities concerned, if the local officers responsible for the Bill go over the debates in the Supreme Legislative council on the C. P. Tenancy Bill. The Governor-General in Council had given a distinct warning that the Bill was adapted to the peculiar circumstances of the Province and was not meant to be a precedent for a similar legislation in any other province. The local authorities should carefully take this warning into consideration before introducing the C. P. Tenancy-law into Berar under the thin disguise of a different title, and making up their mind to forward the draft-bill in cut and dry form for the approval of the Government of India.

Such a step is at any rate inconsistent with the pledge given at the time of the amalgamation; viz. the C. P. Revenue System and the Berar Revenue System will continue to remain separate as they are. But we are afraid the tenancy bill is very likely to revolutionize the entire Berar revenue system in the near future. After the Bill the Ijardar will certainly not remain the absolute proprietor that he was before. His status will be like that of a Taluqdar of Oudh or a Malguzar of Central Provinces. It virtually reduces him to the position of a middleman with no touch with his tenants, the law gives ample scope to the Revenue-authorities to stand between him and his Rayats.

We are confident that the effect of the Bill will be to bring into existence one dead level of small farmers all over the district without any leading or light of propertied men.

The Bill does not confer any substantial rights on the so-called permanent tenant, in as much as he is not given any powers of alienation. It restricts the powers and rights of the land-lord without compensation. The land-lords, being deprived of the right to claim adequate enhancement of rent, will not be inclined to invest their capital for improving the land which would be in possession of their tenants, and the tenants will be soon weighed with heavy charges with no charm or strength inspired by a sense of property to cheer them in their life and labours. The law gives us neither a proud and independent yeomanry which is always the backbone of the strength and prosperity of an agricultural country, nor the class of substantial landed-proprietors whose light and leading is necessary to secure the stability and progress of the country. The Ijara tenure as we have shown above was intended to create the latter class. But this Tenancy Bill will simply serve an iconoclastic object of breaking the idol without installing a substitute.

We do not deny that there was recently some rise in the civil and criminal disputes coming from the Ijara villages. But our enquiries have convinced us that the causes of these disputes are to be traced any-where else than the general abuse of authority by the land-lords. The law intends to strike at the authority of the Ijardars and not simply to the removal of clear and admitted abuses in the existing system. Why is the Ijardars' right to realise the rent from his tenants being given to the Patels? There were no complaints that the Ijardars were receiving the rent but not acknowledging the same. Why are the Revenue-authorities given the power to alter or vary the rent even in the case of ordinary tenants, in spite of the fact that the contracts are reduced to writing? Certainly the Ijardars' class has not had recourse to oppression in securing Kabulayats from their tenants. Why is it that the realisation or even a demand of dues not sanctioned by any law in force, by the Ijardar is penalised but non-payment of realised rent by the Patel or his negligence in realising it is not visited with any punishment? Every now and then the Ijardar is made to feel that he has a Revenue-officer

over-head. The Bill goes very much beyond the necessities, assuming that there were certain points in the existing law which required to be amplified and cleared. The much-talked-of rise in litigation, we are sure on a closer analysis of the statistics, will not be found to support the Government's claim for special legislation. But the Judicial administration reports do not give figures separately for the Yeotmal district and the Ijara villages and it is not safe to rely upon information privately collected. We call upon the authorities to substantiate their theory by actually publishing detailed figures of litigation for the last 15 years. The answers given on behalf of the Government to the questions of Hon'ble Damale and Joshi calling for certain statistical information regarding Ijara villages clearly indicate that the present Bill is based more on impressions of certain highly-placed Revenue officers, than on facts carefully collected and properly studied.

It goes without saying that the Bill instead of minimizing the chances of litigation and settling the relations permanently will only open new avenues for it and it is very possible that there will be an abundant harvest of civil and criminal disputes during the coming years for the Courts to reap and gather. In the absence of any authentic records every tenant will be tempted to plead that his tenancy goes back to 1895 and the landlord to deny the same. All hopes of private settlement of disputes in these villages will be gone, and the Revenue-officer will have ample work on his hand to play the role of Daniel. Those who have been practising in the Courts know how with the changing decisions of the local High courts on some of the questions relating to Ijara villages the tenant's stand used to change; and this Bill instead of putting a stop to the evil will only open certain new grounds. Tenants will not be free from this curse of litigation.

The enlightened opinion of the Yeotmal district is distinctly opposed to the present measure. No satisfactory reasons are yet given for it on behalf of the Government. The Bill has only served to create a profound sense of dis-

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satisfaction in a class which has been conspicuous for its loyalty, liberality in financing public movements and patriotic spirit to improve the economic condition of the district. And it is therefore earnestly hoped that Sir Benjamin, endowed as he is with a happy knack of bringing about compromises between conflicting interests without prejudicing the rights of either parties, will drop the present Bill, as it serves none of the useful purposes which the framers may have in view and will think of a more amicable and effective method to settle the disputes between the Ijardars and tenants. We intend to indicate later on the lines on which such a scheme of an amicable settlement can be framed without resorting to any drastic legislation like the present Bill.

# Kolaba Khoti Question

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(*Parshuram Abaji Bhat, B. A. LL. B.*)

"That the Khot had an interest of a very high order in the soil was a fact, to ignore which was to commit manifest injustice. On the other hand, he had no intention whatever of asking the Council to ignore the rights of actual cultivators."

Survey and Settlement Vol. I p. 183.

So declared the Hon. Mr. Ellis in the Bombay Legislative Council, when proposing Ss. 37 and 38 in the Bill which afterwards became Act I of 1865. He had in view, as was expressly said by him, the Khots, not only of the Ratnagiri District, but those of Kolaba also. And now after fifty years, Government are so treating the Kolaba Khots (excepting about 98 Settlement lease-holders) as plainly to imply that they recognize no permanent interest of the Khots in their Khoti villages. The Khots are asked to produce their Sanads and they are being forced to sign an 'Agreement' in a new form sanctioned by the G. R. 1244 Rev. Dept. dated the 7th February 1914, under the penalty of the Khoti villages being attached. Colour is given to the tenure as if it was an annual farm or contract only; and the provisions of the agreement are so arbitrary, unjust and sweeping as to make the Khot's holding tenable hereafter entirely at the will and pleasure of the Collector. The matter has come to a crisis. Most of the Khots refused to sign the 'agreement'. As threatened, their villages have been attached and taken under Government management. The Khots have been deprived of the profits due from their tenants for one whole year. To add to the misery and confusion thus caused, Government have chosen, at this very juncture, to commence the work of the 'Record of Rights'

and the effacing of subdivisions of a survey number. The result is a general consternation and chaos, so far as the rights of the Khots, at least, are concerned.

The evil effects of the Government attitude were anticipated for some time past by certain public bodies which passed Resolutions and sent memorials to Government, to make an equitable settlement of the Kolaba Khoti question. (e, g. the Memorial of the Deccan Sabha, Resolution X of the Fifteenth Convention Provincial Conference held at Poona in July 1915, and the Resolutions of the Kolaba District Conference held at Panvel and Pen ). But Government do not seem to have been at all influenced by these expressions of public opinion.

The Khoti question had been much thrashed before in the Ratnagiri District. It formed the subject of a good deal of litigation. Inquiries were made before a special Commission and a special Act was put on the Statute Book for the settlement and Revenue administration of Khoti villages. ( Act 1 of 1880 ).

The Kolaba Khoti question stands exactly on the same footing. One obvious way to settle it and to remove the chaos would be to extend the Khoti Act to Kolaba. That this would have not only been convenient but absolutely equitable and righteous on the part of the Government, is shown by the history of this dispute. The Government have not so far taken the public in their confidence as to their reasons, for according to the Khots of the Kolaba District, a treatment so materially different from and inferior to that allowed in Ratnagiri. It is proposed therefore to consider the subject in some detail and to bring to the notice of the Government the injustice of their present policy.

The Khoti is a tenure which is peculiar to and prevalent in the Kolaba and the Ratnagiri Districts. Of the three Revenue districts of the Konkan, the middle one, Kolaba, touches Thana on the North and Ratnagiri on the South. It is subdivided into 7 Talukas, out of which the four southern ones, viz. Pen, Roha, Mangaon and Mahad, contain Khoti villages, about 485 in number.

This Kolaba Khoti region, falling under the present four



Talukas above mentioned, was under the Peshwas divided into three Talukas of Raygad (now Mahad and part of Mangaon), Rajpuri (now Roha and rest of Mangaon) and Sankshi (now Pen). On the overthrow of that rule in 1818 these Talukas came under the British rule along with the territory of the Ratnagiri District. Until 1830 A. D. these Talukas formed part of the Ratnagiri Collectorate, then known as the South Konkan District. Then they were transferred to the Thana Collectorate, until a new District called Kolaba was formed in 1869.

It is material also to notice the part lying beyond the boundaries of the Kolaba Khoti region. It touches on its East the Sudhagad Taluka of the Bhore State; and on its West lies the State of Janjira. Both these tracts contain a large number of Khoti villages and are governed by the provisions of the Khoti Act, which the chiefs of these two States have adopted as they have similarly done with respect to a good many other British Acts.

On its Southern side, the Kolaba Khoti region may be said to have been extended to the Ratnagiri District. Here the Khoti system is the prevailing tenure and is found in the northern 7 out of the total 9 Talukas. The Khoti villages in this district, which are about 1214 in number, are all governed by the Khoti Act.

From the point of view of administration also, the Kolaba Khoti region has continued under the same Government and regime with the Ratnagiri District for nearly 200 years. Under the Peshwas and the British, the Khots in the two Districts had the same *vahival* and received the same treatment, good, bad or indifferent, at the hands of the authorities until the passing of the Khoti Act of 1880, which legalized a system, settled as a sort of compromise, of the long dispute previously raging between the Government and the Khots of Ratnagiri.

As the Khots' dispute first began since the operations of the Original Survey (about 1865 A. D.), its history naturally falls into two divisions; the one preceeding and the other following the Survey Settlement. To understand this dispute it is necessary to know the duties and rights of the Khot.

The Sanads that are still extant clearly show that the origin of the system was due to the desolate and wild state of the country. The villages had to be populated and the lands to be

brought under the plough; the task was beyond the competency of the Government agency. The services of the Khot were therefore enlisted. He undertook to pay entire land-revenue due from the village to the Government. In return he enjoyed certain perquisites and some free labour ( **वेत** ) from the villagers. He had also the first right to cultivate any unoccupied land in the village and to hold the same on condition of paying the Government assessment that would be imposed upon it at the next survey.

The object of making these grants of villages to the Khots was fully realised. The Survey papers of the different years, under the Peshwa's rule, disclose the fact that the villages came to be well populated, a large extent of waste land was converted into Kharif, the Government Jama was substantially increased, and on the whole, both the Government and the country were benefitted by the existence of the Khot. Instances are not wanting of the ryots of some villages having petitioned Government to give them a Khot for the improvement of their condition.

The Khot, who was generally a capitalist as well as a man of intelligence, influence and tact, succeeded in acquiring a good deal of land as owner. The early British officers found the cultivated lands of the Khoti villages owned either by the Khots or by other persons. The former were called Khoti or Khotnisbat lands and the latter were termed dhara lands and their owners dharekaris.

The Khoti villages have, through the operation of transfer, come to be held now, in most cases, by a number of individuals, as Khoti sharers. The responsibility of paying the Government assessment rested on the whole body of Khots, save and except where they had divided the village lands and the assessment thereon, with the approval of the Revenue authorities.

As regards the Khotnisbat land, the Khot exercised full proprietary rights previous to the Original Survey. He could cultivate any piece of such land either himself or through hired labour or let it out to any one he pleased. In the absence of any agreement about the rent to be paid to the Khot, the tenant was liable to pay the Khot the customary rent which was one-half ( **अर्ध** ) of the gross yield of the

rice-land and one-third, (तिरुस) in the case of Varkas land.

The holders of dhara land paid the Khot only the land revenue. In their case, therefore, the Khot made no sort of profit for his duty in satisfying the Government demand for the assessment due from the dharekaria, who were like the mirasdars of the Deccan.

This was the mode of the Khot's managing the village and recovering his dues from the tenants and dharekaria, which continued from 1818 to about 1862-65, that is, till the Original Survey Settlements of the several Khoti villages were enforced. There was only one innovation, apparently harmless and by no means peculiar to the Khots. From the very beginning of the British rule in 1818 the Khot was asked to pass an annual Kabulayat to the Collector, undertaking to pay the current year's land-revenue in stated instalments. The failure to pass such a Kabulayat was indicative of the unwillingness of the Khot to take up the responsibility of paying the village-revenue; and then Government took up the work of collecting the same through Japtee-dars. But the management of the village was restored to the Khot at any time on his undertaking to pay the revenue due and making up any loss during the Government management.

Additions came to be made to the clauses of these annual Kabulayats from time to time, all having reference, however, to the equitable and proper way in which the Khot was expected to act in managing the village.

The practice of requiring a Kabulayat from the landholder was, as already said, not peculiar to the Khot. The dharekaria of these villages passed similar Kabulayats to Government when the villages were khalsa and to the Khots when the villages were Khoti. (vide Ratnagiri Gazetteer p. 208)

The Kabulayats were passed by all the Khots, Sanadi or otherwise. The clauses of the Kabulayats and mode of management were almost similar in the two Districts of Kolaba and Ratnagiri. The nature of these annual Kabulayats has been considered by the High Court, and they are held to be only "formal agreements by which the Khot engages to make good the fixed sum at which the

revenue is assessed, coupled with two securities for the punctual payment of the revenue (I. L. R. 12 Bom. p. 548)". And again "The Court does not look upon the practice of the Khot having to pass a yearly Kabulayat as a disparagement of his proprietary claim." (3 Bom. H. C. Reports p. 132).

In the wake of the British rule came peace but not greater prosperity to the country. The policy of the Government was to widen the Empire by removing centres of local power as far as possible. The Khot was undoubtedly a middle man. The Government wanted directly to join hands with the cultivator. The Khoti tenure stood as one of the exceptions to the general ryotwari administration of the Presidency. The Khot was generally reported to be rapacious. Various suggestions came to be made for improving this state of things and Government thought they could give no adequate protection to the ryot until a Survey was made. (Candy's Khoti Tenure).

The Survey of Khoti villages commenced under Captain Francis. The 1st Taluka to come under his operations was Pen in the Kolaba District. The plan of Settlement was laid down in the important G. R. 1832 of 1860. Pen, Roha and part of Mangaon (Nizampoor Peta) were thus surveyed and settled. But this so called Settlement so unsettled the relations of the Khots and the tenants that it evoked a strong protest and resistance from the Khots and further operations were stopped until the Survey officers were clothed with legal powers. This was done by the Survey Act (No 1 of 1865). The Survey Settlement of the remaining part of Mangaon and Mahad and the Ratnagiri District was guaranteed after 1865.

One important thing to note in this connection is that in making these settlements of Khoti villages, the Government and their officers made no distinction of treatment between those in the Kolaba and Ratnagiri Districts. G. R. 1832 of 1860 which formed the basis of these Settlements and which was read out at the Bombay Legislative Council to allay the misapprehensions of the objectors like the late Rao Saheb Mandlik (vide Survey and Settlement Manual vol. I p. 163) actually opens with a very material pronouncement. It says-

"The Settlement for which sanction is now requested, is of more than ordinary importance, in as much as the villages to which it relates are all held on the Khoti tenure and any settlement which may be now sanctioned must, in a measure, regulate future proceedings, in regard both to the remaining Talukas of the Sub-Collectorate (Kolaba) and the greater part of the Collectorate of Ratnagiri". "It is unnecessary here to enter on a discussion as to the origin of the Khots and their former position. These points have been amply treated of in previous reports, and the accurate determination of historical questions involved in uncertainty would be of little use as a guide to the practical settlement of present difficulties." "8 The basis of the Settlement lately attempted in Ratnagiri was the recognition of a right of occupancy on the part of the rayat, and his title to deal with Government direct for the assessment of his land, the Khot being regarded as an agent only. To this Settlement, in as much as it involved a surrender of some privileges highly prized by them, it is scarcely possible to obtain the consent of the Khots." "9 The opposite opinion, on this much debated topic, would admit the Khot to the unlimited proprietorship of the village for the revenue of which he enjoys a position he never yet enjoyed, and would abandon to his mercy, as mere tenants-at-will, all rayats, whatever their claim to consideration from long and unquestioned occupancy." "11 The Settlement now proposed appears to His Excellency in Council to avoid both extremes." "12 According to this Settlement, Khoti villages will be given to the Khot at the Survey rates on a lease for 30 years, and the Khot will, in turn, give leases for the same period to the *permanent* occupants of Khoti land, a maximum assessment being fixed beyond which the Khot will not be permitted to tax the sub-tenant, as explained below." "13 As these leases will constitute the rayat's charter, it will be necessary to frame them with great care. Captain Francis has judiciously proposed to leave the precise terms to the time of Settlement, when the details can be fixed on the spot in presence of both Khot and rayat." "22 The Khot and rayat will be left to make their own arrangements, subject to the proviso, that the rental do not exceed half as much again as the Survey assessment." "23 Under these circumstances the plan described in Captain Francis' 6th para is approved. For every rupee of Survey assessment, one maund of rice may be levied. If more than this be taken, the payment must be in cash, and may not exceed eight annas for every rupee of Survey assessment."

This is rather a long extract from the G. R. but it shows the way in which protection was to be given to the permanent tenants of the Khoti land. In actual practice, however, "no distinction was drawn between customary and yearly tenants; all tenants found in possession of land at the time of the Survey were entered in the revenue books" (Kolaba Gazetteer p.166). They were all given permanent occupancy rights with liability to pay rent to the Khot fixed at one and a half times the Survey assessment, payable in cash or partly in cash and partly in grain, commuted at the rate of Re 1 per maund. The Khots naturally objected to this arbitrary interference with their rights. When the Survey Act (No 1 of 1865) was in the Bill stage, it met with strong opposition from the Khots. But in the face of opposition two new sections 37 and 38 were inserted and passed having special reference to the Khoti villages. Here again we have Kolaba and Ratnagiri Khots treated on a par by the Legislature.

Sections 37 and 38 run thus:—"37 Whenever in the Ratnagiri Collectorate and in the Raygad, Rajpuri and Sanksi Talukas of the Thana Collectorate, the Survey Settlement is introduced into villages or estates held by Khots, it shall be competent for the Superintendent of Survey or Settlement Officer, with the sanction of the Governor in Council, to grant the Khot a lease for the full period for which the settlement may be guaranteed, in place of the annual agreements under which such villages have hitherto been held; and further, the provisions of section 36 in respect to the right of permanent occupancy at the expiration of a Settlement lease shall hold good in regard to those villages or estates."

"38 It shall also be competent to such officer, with the sanction of the Governor in Council, to fix the demands of the Khot on the tenant at the time of the general Survey of a District, and the terms thus fixed shall hold good for the period for which the Settlement may be sanctioned. But this limitation of demand on the tenant shall not confer on him any right of transfer by sale, mortgage or otherwise where such did not exist before, and shall not affect the right of the Khot to the reversion of all lands resigned by his tenant during the currency of the general lease."

In explaining these two sections the Hon. Mr. Ellis said:—"The reason why it was necessary to specify the Talukas

to which the provisions of these sections were to be made applicable, was that there were other Khots besides those in the Southern Konkan. In the Salsetta Taluka there was a class of land-holders called Khots, who had nothing but the name in common with the Khots of the southern Konkan. The proposed section therefore had reference only to the Khots of the southern Konkan—a class of superior holders whose rights were of a very long standing. The Settlement of the revenue had been made with them, just as in ryotwar villages the Settlement is made with the cultivator. For many years past annual agreements had been entered into with the Khots for the land revenue due from their villages. But when the Survey Settlement was introduced into Khoti villages, it was only fair that the Khots should have the same advantages in regard to permanency of tenure as is guaranteed in other surveyed Districts. There was no reason why the guarantee should not be extended to them as to other occupants. The first section proposed by him would effectually secure this object." "The second of the clauses proposed would confirm that portion of the Khots' Settlement which prevented the Khot from exacting more than was fair from the inferior holder. At first sight such a provision might appear to interfere with the rights of the Khot, but the actual cultivators of the soil had also rights recognized by the custom of the country, which the Khot could not invade. These rights might justly form the subject of legislation."

So far Kolaba and Ratnagiri passed hand in hand. The next move on the part of the Government was to insert clauses into the lease that was to be given to the Khot, relating to the limit imposed by the Survey officers on the Khots' demand from the tenants, binding the Khot to conform to the same. The Survey and revenue officers, it seems, were not sure of the legal aspect of their action. They wanted to put it on the basis of contract. The majority of the Khots in the Kolaba and Ratnagiri Districts refused to sign and accept these leases. Some of those that had signed, complained that their hands were forced by the officers to do so. A large number of Khoti villages were attached and several suits were filed against the Government by the Khots of Ratnagiri.

To a petition to the Government dated the 1st August 1867 by the Khots of Kolaba the Government replied on 27th December 1867 that the subject of the Khot's petition had

been brought before the Civil Court and pending the decision further discussion was not called for from Government. At that time the Khot of Ambegaon in the Dapoli Taluka had filed a suit against Government in the Ratnagiri District Court (Suit No. 1 of 1867). It was decided there by the joint Judge, who held that under S. 38 of the Survey Act, the Survey officers were competent to fix the demand of the Khot and that the lease to be offered to the Khot under S. 37 must be one which could be a substitute for the annual Kabulayats; and further that the Khot had an option to pass a yearly Kabulayat or accept the lease for the term of the Settlement. In the course of the judgment the joint Judge remarked "However material may have been the difference between Sanadi and non-Sanadi Khots, the difference has disappeared under the administration of the British Government, and for half a century both Sanadi and non-Sanadi Khotships have been treated alike as hereditary and have enjoyed the same rights."

An appeal was preferred against this decision to the High Court by the plaintiff-Khot (First appeal No. 13/1869). In the meanwhile forms of Kabulayats and leases were promptly prepared by the Sub-Collector of Kolaba in accordance with the joint Judge's decision and notices were issued on 15-5-1869 under the signature of the Sub-Collector of Kolaba, calling upon the Khots to accept the lease or pass the annual Kabulayat in the settled form, upon doing which, the profits of their villages for the past years of attachment would be made over to the Khots and the attachment would be raised.

Some of the Khots in Kolaba (about 98 in number) accepted the lease for 27 years. But the rest had hopes of success in the High Court in the appeal No. 13 of 1869 and were not prepared to submit to the new arrangement for the long period of 27 years. With this object in view they got an additional clause inserted at the end of the annual lease to the following effect.

"At present there is a case pending in the High Court about the Khoti matter. The decision, that would be passed there, should be made applicable to our village. Until that event, we have agreed to act according to the clauses mentioned above."

With and on this condition a large body of Khots in Kolaba (over 200) passed and continued to pass annual Kabulayats and got back the management of their villages together with the profits lying with the Government during the three previous years of attachment.

The Ambegaon Appeal did not come up for decision



before the High Court Judges in its due course and even a long time after. The Government wisely managed to have it shelved off and appointed Mr. E. T. Candy (afterwards a High Court Judge) to investigate into and report on the whole question. His report now published as Government Selection No. 134 is a very important piece of literature on the Khoti matter. It opened the eyes of the Government as to the justice and the legality of their action. This was followed by the appointment of a Khoti Commission in 1874 consisting of Col. Francis, A. K. Nairne, Naro Babaji Gole and Narayan Ganesh Sathe "to report upon the mode of Settlement best adapted to the Khoti tenure and best calculated to meet the reasonable views and wishes of the parties concerned." The report of this Commission was never published. The two native members have, it seems, submitted separate reports to the Government. On a consideration of these reports and other material the Government issued their G. R. 2474 of 1876 which materially upset the previous mischief and restored peace in Ratnagiri where alone it was applied.

This G. R. is also important as containing certain memorable statements and admissions. It says:—"5 Both classes of Khots (Sanadi and non-Sanadi) are now 'Superior holders' under the Survey Act; they have the right of settling with Government for the land revenue on their estates, and have in consequence, as against Government the very good and full hereditary and transferable title analogous to that of a Survey occupant, which this involves. Government have never disputed this and have never wished to do so." "6 The only person who can be considered to have the right of occupancy under the Survey Act, in a Khoti estate, is the Khot himself; but his tenants may or may not, as the case may be, be 'occupancy tenants' in the sense in which that phrase is used throughout India, i. e. having the right of occupying their land under him as long as they pay a certain fixed or customary rent. It appears that even the Survey officers were under the impression that the persons whose names they recorded as "Occupancy or Permanent tenants" of Khoti lands, thereby became Survey occupants and to this the Khots naturally and rightly objected." "20 Except for cases in which the landlord and tenant mutually agree upon the rent to be recorded for the term of settlement, which may be either in cash or kind as provided in Rule III, a fixed proportionate produce-rent is to be recorded, for each village, not to exceed half the gross produce for rice and  $\frac{1}{3}$ rd for varkaa. If the village custom

is found to be that the produce-rent is less than this proportion, the proportions so found must be recorded."

"22 The next question is, under what rule shall it be decided what tenants of Khotnisbat lands are entitled to be recorded as Occupancy tenants. Government consider that this privilege should be *conferred* on all tenants who have themselves or their predecessors in inheritance permanently resided as cultivators in the village for 20 years prior to the passing of Act 1 of 1865.....Government are convinced that this is the fairest rule and that most in accordance with former custom that can be laid down." "23 New tenants of under 20 years residence as occupants of land, tenants of Dharekaris, or of land really Khot Khasgi or home-farm of Khots and cultivators of land which may hereafter lapse to the Khot, will be tenants according to such contracts as they may make with the Khot. The occupancy right in lands held by such tenants should be entered in the names of the Khots themselves."

The chief changes introduced by Government by this G. R. were that only old tenants of over 20 years standing in the village were recognised as occupancy tenants. The rest were restored to their former position of being yearly tenants and in their place the Khots, name was substituted in the Government record. Even as regards the Occupancy tenants, the Khot was allowed to recover rent at the customary rate of *ardhel* or *tirdhel* or other old proportion if any. Thus the Khot was saved from any reduction of profit as his yearly rent. This mode of Settlement was therefore accepted by the Khots of Ratnagiri as a sort of compromise and Government commenced the work of preparing the record of tenant's rights, the length of their standing, the customary proportion of the rent due to the Khot &c.

As no such inquiry was undertaken in Kolaba the Khots of that District in a petition dated 27-2-1878 called for it. In reply Government answered:—

"Petitioners should be informed that Government can not entertain their application until the question relating to the Khoti villages in Ratnagiri is finally settled" (G. R. 1244 of 8-3-1878).

To secure finality to the Settlement thus introduced in Ratnagiri, a Bill was introduced into the Bombay Legislative Council and passed as the Khoti Act No. 1 of 1880. The Bill contained no mention of the Kolaba Khoti villages. The Kolaba Khots laid their case before the Select Committee who made a change in the original draft remarking "Except the Khots of Kolaba, there are no persons possessing a tenure similar

to that of the Khots of Ratnagiri and the Committee have therefore restricted the application of the latter part of section 1 to the Kolaba District". This change was accepted by the Legislature and we have in S. 1 of the Khoti Act a provision by which "The Governor in Council may from time to time, by notification in the Bombay Government Gazette, extend all or any of its provisions to any such village in the Kolaba District."

This provision remains on the Statute Book even now, although the Khoti Act has been amended in other matters by subsequent legislation.

While the Khoti Act was being moulded, the Khots of Kolaba sent another petition to Government, inviting their notice, among other matters, to the insertion of the special clause in their annual *kabulayats*, which provided for the extension of *vahivat* of the Ambegaon village to the Kolaba villages and praying that the provisions of the new Khoti Bill may be made applicable to the District of Kolaba as well as Ratnagiri, without restrictions or reservations, the rights and privileges of the Khots in both districts being exactly on a par, and there being no difference between the two to justify any distinction being made.

The Commissioner S. D., Mr A. T. Crawford submitted his report on this petition to Government. He said:— "The Khots concerned in the Kolaba District have annually protested at the Settlement and reminded the collector that they expected to be dealt with hereafter as have been the Khots of the adjacent Ratnagiri District. 2 I am of opinion that directly the resurvey of the old surveyed Talukas of Ratnagiri is finished some of the survey establishments should be deputed to carry out the resurvey of the Khoti villages, in the Mahad and Mangaon Talukas of Kolaba. 4 The 'ruzuvat' by the Asst. Collector to determine the status of the various tenants and to settle all the disputes so long pending should be commenced after next monsoon.

"5 Not until all the most northern portion of the Konkan in which the Khoti tenure prevails has been completely settled, should the survey be pushed to the south of the Ratnagiri."

"8 From an administrative point of view, I have always held the strongest conviction that Kolaba should be in the Southern Division. 9 A great portion of that district, formed part of the original Ratnagiri *Zillah*. The tenures are the same. 10 A glance at the map will show that geographically speaking Kolaba actually belongs to the Southern Division."

On this report Government passed their Resolution No. 600 dated 4-2-1880 which was communicated to the Khots concerned:—

“ The petitioners should be informed that the provision of the Khoti Bill cannot be extended to the Khoti villages in the Kolaba District, until the measure receives the assent of the Governor General and becomes law. 2 The proposals contained in paras 2 to 5 of Mr. Crawford's report are judicious and should be acted on. The Survey and Settlement Commissioner and the Commissioner N. D. should be requested to issue the requisite orders....4 The work of settling the Kolaba Khoti question should be carried on by the Collector of Kolaba under the orders of the Commissioner N. D. ”

On receipt of the requisite assent of the Governor General to the Khoti Act, the Kolaba Khots again applied to the Bombay Government, who again found some reason for not extending the Act then. They said in G. R. 5124 dated 5-7-1881:—

“ As the guarantee under the Survey Settlement is in force and cannot be set aside and it is very improbable that the tenants will desire a new Settlement before that in force expires, His Excellency in Council considers that the opportunity is not suitable for the extension of the Khoti Settlement Act to Kolaba or for preparing a record or register of tenant's rights.

The Khots of Kolaba again waited till the expiry of the guaranteed period in 1892. They thought that the moral scruples mentioned by Government were real as Government had pledged their word to the tenants not to impose any additional burden on them during the Settlement period. The question thus remained in abeyance until 1892 when the Khots again renewed their request to Government. Government, this time refused to extend the Khoti Act but they gave no reasons for doing so. About this time proposals for the revision Survey of the Pen Taluka were under consideration and the Commissioner S. D. specifically raised the question “ Why the Khoti Act was not applied to the villages of the Pen Taluka in the Kolaba District and wanted the matter to be enquired into. But Government in their G. R. 1795 of 1893 ruled that no special inquiry is called for. ”

The Government had, in the course of this long correspondence, well nigh exhausted the patience of the Kolaba Khots. The Ambegaon appeal in the High Court was ultimately compromised in 1883 as vahivat had already been introduced in that village according to the Khoti Act. The Kolaba Khots found no other course open to them but to sue Government in the Civil Court for allowing them to revert to

their old vahivat. The Khot of Ambdoshi in the Mangaon Taluka filed a suit in the Thana District Court in 1893 (No. 39 of 1893).

This suit assumed the vast importance it deserved. Government employed their best available officers to conduct the defence. All the Government records were searched for strengthening the Government attitude. The evidence grew voluminous. The case was decided after full 12 years by the District Judge of Thana, the late Mr. R. S. Tipnis. His judgment, which exhaustively deals with the whole Khoti Subject, is in all respects worthy of the erudition and level-headedness of that eminent judge. The decision went strongly in favour of the Khot on the merits. Government appealed to the High Court. The appeal took 6 years to be ripe. In 1911 it was decided by Beaman and Hayward J. J. on a preliminary point. They threw out the plaintiff's case as being premature.

What their Lordships decided was based on some misconception of the plaintiff's case. They said that the plaintiff did not dispute the legality of the Settlement made at the Original Survey (which was not a fact); that the Original Settlement remained in force until a new or revised Settlement was introduced; that what happened in 1892 was merely the expiry of the guarantee and not that of the Settlement and that the claim of the plaintiff to revert to the mamul or old vahivat, because of the expiry of the Settlement in 1892 was unsound and premature. They however paid high compliments to the learned District Judge for the great thoroughness and ability with which he had dealt with the enormous mass of material and hoped that the judgement would always be useful for reference on kindred questions.

Now the revised Survey of the Kolaba Khoti villages had already been made in or before 1902 though not prior to the suit in 1893. In 1911 when the High Court dismissed the Ambdoshi suit, the contingency mentioned had happened and the case could have properly and in fairness to all parties concerned, been decided on the merits. But Government chose to pass the technical objection of the suit being premature and succeeded in getting the suit dismissed with costs on the plaintiff throughout. The costs of translations alone in the High Court awarded to Government from the Khot amounted to nearly Rs. 3000 though no translations were needed for arriving at such a decision. The result is that no Khot in Kolaba can lightly venture to file another suit against Government for his rights and have it decided on merits. He has to remember the long, wear-

some and exhausting struggle he will have to wage against heavy odds and the heavy penalty that will have to be incurred in case of failure not on merits but even on technical points.

This success has now been availed of to force upon the Khots of Kolaba the new form of the Agreements, mentioned in the beginning of this inquiry.

It may also be noted that the Khoti Act of 1880 has been subsequently amended in 1904 and 1912, the most important change being the introduction of a cash system of payment to the Khot by the occupancy or permanent tenants of the Khoti lands. But this commutation of grain rent into cash is effected not arbitrarily but on some sound principles and in consideration of the averages of past rents and market rates.

Having thus brought the history of the Kolaba Khoti dispute down to the present day, I pause to consider the most obvious question whether it is proper and equitable for Government not to extend the Khoti Act to Kolaba. The subject offers several points of view. The first consideration has reference to the keeping of faith by Government. The replies given to the Khots' petitions and the attitude manifested all along until 1893 and the express stipulation in the Khots annual kabulayats about the Ambegaon Khoti appeal, which stipulation continued to be re-iterated annually in the kabulayats until last year (even after the Ambegaon appeal was compromised) make out altogether a case of promise moral if not legal, on the part of Government to extend the Khoti Act to Kolaba. It would indeed be a bad day for the rulers and the ruled here, if the general public loses confidence in the word of Government and their high officers.

The next point is whether there are any sound reasons for making a distinction between the two Districts, equal rights should have equal treatment at the hands of Government. This is another principle of a civilized administration. What superior rights has Government come to discover in the Ratnagiri Khots to those in Kolaba? Some Khots in Ratnagiri possess watani Sanads as do some Khots in Kolaba also. Other Khots in the both districts have Sanads of confirmation from the Peshwas. The vahivat of the Khots in the two districts from 1818 to 1880 was the same. Government never made any distinction between Sanadi and non-Sanadi Khots. On the faith that the Khotiships of the Kolaba villages was recognised by Government as a landed estate, they came to be purchased, mortgaged and otherwise dealt with as a transferable and heritable valuable property. They were sold privately as well as through court for thousands of rupees.

All villages that happened to be in the Ratnagiri District got the benefit of the Khoti Act. Villages falling within Kolaba but afterwards transferred to Ratnagiri for administrative purposes become at once subject to the Khoti Act. Surely if the tenures are the same, as Mr. Crawford said, and if there is no intrinsic difference in the rights of the Khots or at least in the estimation of the Government in the two districts, there should be no distinction made in their treatment. Even the native chiefs of the adjoining territory have applied the Khoti Act to Khoti villages in their state, following the good example of the British Government as regards Ratnagiri. Why should the same British-Government be inconsistent with themselves, as regards Kolaba?

The third principle to be borne in mind and steadfastly adhered to by Government, is the preservation and protection of property. That is the boast of the British Government in India. Now, does not Government know that the Khots of Kolaba, like their brethren in Ratnagiri, regard and have always regarded the Khoti villages as their heritage and a very valuable property? Their ancestors have invested their labour and money in improving the state and condition of these villages. The Khots have borne the losses and risks of bad seasons and troubled times, and satisfied the full Government demand. If all this is apparent from the Sanads and the pahani Khardas of the Peshwa's time, would it be proper for the present enlightened Government to cut at the root of this property, in the way they seem to do now. If the new agreements come into force, there will be no security, as well as certainty, as to the profits which the Khots will be allowed to make in future and there will be a very rude shock dealt to the market value of these ancient estates.

The fourth point to be aimed at is the uniformity, simplicity and consistency of the administration. This is secured by the passing of Acts. It is a distinctive feature of the British rule in India. Now the Khoti system of Kolaba is admittedly a special tenure and an exception to the general ryotwari system. The Land Revenue Code deals with the general points of the Revenue administration. The only special law relating to the Kolaba Khoti villages are the two sections 37 and 38 of the Survey Act (1 of 1865). But it has long become evident to Government that 'the general provisions of the Survey and Settlement Act are unsuited to Khoti villages and that sections 37 and 38 of that Act fail to meet all the difficulties of the case' (Statement of objects and reasons of Bill No. 3 of 1879).

The result is arbitrariness, uncertainty and chaos. The executive rules in place of the Legislature. The place of written laws is taken by written contracts. The duties and obligations of the Khot are to be ascertained not from any statute but from his agreement with Government—an agreement which is only annual and not permanent, an agreement which deals with, but does not bind, the Khoti tenant, and above all an agreement, which as the circumstances show, is not a real and free 'agreement' at all. The executive and judicial officers find themselves at sea when difficult Khoti questions from Kolaba come before them. The state is altogether unworthy of a British Administration.

A short and proper way out of this confusion is the extension of the Khoti Act to Kolaba. The consideration of the other matters connected with the Khoti question, as well as the nature and scope of the new form of 'agreement' required from the Kolaba Khots demand a separate treatment to be undertaken hereafter.



# Pencil-Industry

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( N. N. Godbole, Esq. M. A. B. Sc.

*Professor of Science Dayal Singh College, Lahore )*

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" Concluded from the last issue "

I have pointed out above that certain species are fit for special plantations. Now I want to go a bit deeper into the question and examine some of the possibilities. This problem of special plantations is obviously the business of the Forest Department and it pre-supposes a knowledge of Forest industries which many forest officers, I have found were lacking in. I think, the Forest Department should not merely concern itself with the conservation and systematic destruction of forests but should also have on hand a working scheme for the re-generation of forests. I have come across some special plantations taken up by the Forest Department at Almorah and between Solan and Simla, but I do not know how far they are successful or with what intentions they were taken up. From the talk I have had with different officers, I have come to the conclusion that information of special plantations is meagre. One reason is that the Forest Department is not in touch with industrial experts. I was told by a friend of mine that in America and Germany, forestry is conducted on lines meant to suit a certain class of industries. If we take the Himalayan forest for instance, "Deodar" seems to be the one tree in very great demand. One forest officer said to me, "Deodar is looked for railway sleepers, there is no difficulty in selling it." There are so many other varieties which are not being used for anything but fuel. For utilising these varieties, new transportation facilities will have to be created but that must be done before any commercial use can be made of these varieties. Our paper industry is also labouring under similar

disadvantages. I have explained above that at present there is no first class timber in India suited for pencils in *quantity* though the possibilities of plantation seem, to a layman like me, very great. The Forest Department can spend a part of its increasing revenue in taking up new plantations to suit special industries in any suitable lands and in course of time these plantations will justify the money spent on them. The efficiency of Forest Department is not to be judged merely by its increasing revenue but by its constructive side of helping the birth of new industries as well. Just to give strength and support to my views about special plantations. I quote below a few extracts to prove the possibility of what I have stated. Whether to give them a practical turn or not depends upon the administrators of the Forest Department, and their experience. Mr. J. S. Gamble in his 'Manual of Indian timbers' discusses *Juniperus Macropoda*. at Page 692; and after giving a detailed description of the forests round Quetta, Mr. Gamble gives an extract from the Forest Report of Baluchistan for 1894-95, by A. M. Reuther.

"These dead trees are almost everywhere surrounded by young Junipers of sizes varying from a few inches to several feet in height growing vigorously without much shelter. The principal agent in dissemination of the seed in such situations appears to be a bird, named by the Pathans, 'Obisht-Khwarak' (Juniper-eater) which feeds largely on the seed of the Juniper when ripe. The condition of the Juniper forest leaves no room for doubt that with proper protection their re-production, though extremely slow, is quite safe and certain,--and the fears entertained in this respect in the early years of forest conservancy in Baluchistan were ground-less." It would be worth knowing what steps have been taken to improve the forests since the report was written in 1895. Regarding *Cupressus Torulosa*, (Devi Dyr) of which I have said so much above, Gamble makes the following remarks on page 696 of the same book. "The average growth is slow, about 15 rings per inch of radius. It has been planted a good deal and is easy to rear though a large proportion of the seeds fails to germinate. It grows well and fast even in the plains of India and may be seen in quantity at Dehra Dun, Saharanpur, Chikalda, in Berar and even Calcutta. It often reaches a large size, the well-known tree at Deota temple in the Tons

valley had recently a girth of 22 ft. and a height of 154 ft. and Stewart and Brandis mention others nearly as large or larger, one even 27 ft. in girth." To mention a third case, let us take a '*Cryptomeria Japonica*' of which I have made mention in connection with my trip to Darjeeling. This tree is indigenous in Japan; and Gamble says about it on page 700, of his book "The seeds of the *Cryptomeria* were first brought to India in 1844. The trees about the station of Darjeeling are probably the oldest, but at that elevation, 7000 ft. they do not grow so quickly or thrive so well as lower down at 4,000-6000 ft. The first attempt to grow them in plantation was that made about 1866 at Dhobi-jhora near Kurseong where in 1899 the trees had a girth of 43 inches. They are now largely grown and especially, through the energy of Sir J. King and Mr. J. A. Gammie at the Government Cinchona plantations of Sureil where they thrive admirably. The growth is very fast and seeds are produced in abundance. The wood makes excellent tea-boxes and is good as a substitute for deal," I have already pointed out that it makes very good cheap pencils. I have seen at Kurseong, Ghum and Darjeeling some very good tall trees only 20 years old. I think this wood is largely used by Japan for cheap pencils." The whole of the plantation problem amounts to this; (1) It would be costly in the beginning but ultimately it will be paying, (2) Forest officers will be able to under-take the question provided they have an idea of forest industries (3) The conditions of growth, such as the height above sea-level, the average rain-fall, the hygro-metric condition, the nature of the soil etc. must all be previously examined, and (4) It is worth-while finding out whether some of the trees in the existing forests or some-times whole forests should not be replaced by trees more useful than for fuel purposes. Any way unless the re-generation of forests is taken up in hand, the complete independence of Indian forest industries cannot be established. I am urging some of these points more or less in the light of suggestions and the practical working is obviously to be left to those who are more concerned with it.

I have already mentioned the various samples tested by me, together with some information regarding the quantity available. I now propose to mention the same collectively so that at a glance, a complete idea of the situation may be had.

(1) German samples of red cedar; good quality but prohibitive in price; (2) American samples of red (Florida) cedar, 4 varieties; good quality and prices seem to be good; British East African samples of red cedar, 3 varieties; quality good and prices seem to be reasonable; (4) Sandal wood, very good scent, (I have sent some of these to the Panama Canal exhibition as an Indian curiosity), wood not soft and costly; (5) Juniperus Macropoda from Baluchistan; quality good but not available in quantity and prices not commercial; (6) Cupressus Torulosa, from Chamba and Naine Tal; quality good but not available in quantity; (7) Cryptomeria Japonica from Darjeeling; good quality for cheap pencils but not available in quantity; (8) Abies Wabiana, from Darjeeling; good for cheapest pencils; (9) Poplar (Safeda) from Multan forests, useful for un-varnished cheap pencils and may be had in quantity; (10) Baraur Chabela from Chilas forests good in colour but rather hard for pencils; difficulties of transport great; (11) Red Cedar from Chilas forests excellent in texture, colour, and softness but difficulties of transport very great; (12) Tost (Picea Morinda) from Dalhousie forests unsuitable for pencils (13) Gunh-(Chestnut) cheap pencils, (14) Rai, Silver fir. (Abies Pindra) from chamba forests, unsuitable for pencils; (15) Obisht from Kurram valley, good for pencils but great difficulties of transport; (16) Chil, (17) Dyar, both (16 and 17) are from Punjab Himalayas only fit for cheap pencils and available in quantity. (18) Tun, (Cedrela Tuna) from Punjab Himalayas, rather hard for pencils though it possesses a good colour and is available in quantity; (19) 'Tut' (Mulberry) from the Punjab forests, hard to work a knife on, though available in quantity; (20) Bombax Malabaricum, available in many parts of India, fit only for the cheapest grade of pencils; (21) Odina Wodiya, from the plains, hard wood to be worked upon and unfit but

for the cheapest of pencils; and (22) Gewa wood from the Sunderbans near Calcutta fit only for cheap pencils. I have in view many other varieties which I have seen or tested in other parts of India but they are only fit for third class pencils. In foreign countries, more particularly Japan and Germany, there are special processes for softening and colouring cheap wood so that it may look like 'Red Cedar'. The Indian Market has got very poor tastes; there is very little of intelligence used or shown in purchasing pencils. The tastes seem to be so formed at present that a white coloured wood (if it be ivory even) will fetch only a quarter anna per pencil whereas with the same lead and the same wood coloured brown by some method will fetch double the price. This makes a difference of 100 % in the profits. In one of the letters I received from a famous firm of pencil machine-manufacturers from Nuremberg, I have the following. "I inform you also that white sorts of wood may be *Corroded* in order to make them look like *Cedarwood* or also in grey-black colour. Corroding is done here very often, for American Cedar-wood and is very dear also in our country." This letter was sent to me in June 1913. The firm had promised to let me know the German process of Corroding Timber later on when I purchased the machinery. Somehow or other that time never came, Botanists, or timber-experts, or Japan and Germany returned pencil-experts should throw light on this subject as it would offer some solution to our timber question. If necessary I am ready to carry on any experiments in this connection. I am myself trying some experiment at present, by the application of heat alone.

I now propose to discuss the lines on which pencil-making should and could be conducted in India successfully. I must confess, I do not claim to be a pencil-expert, for I have no experience of any foreign country and all my information is, so to speak, second-hand though it may be authentic. I have devoted some of my time and money to finding out why this industry has failed so far in India and it has taken me a little over

3 years to do it. I am still collecting any information I can on the subject and I have made up my mind to place before the public all the information I possess with the intention of inviting criticism on the subject. If I have criticized or commented upon any statement or any person, it has been with the one desire of finding out the real truth of every question relating to this industry. In my opinion, the work should be conducted on the following lines. Regarding the timber question, first class wood, I mean any wood like the Red Cedar wood, is not at present available in quantity in India. Obviously, this will have to be imported either from America or Africa. If our Indian Department of Industries and Commerce can be induced to intervene and bring about some agreement with the timber dealers in Africa and America not to fluctuate their prices at least for 25 years if not more, and if this information were circulated in India for the benefit of those who want to start or who have already started pencil factories. It will give a great impetus and stability to this line of enterprise. I know private efforts might succeed in bringing about similar understandings but I feel Government efforts will do it much better and much more easily. For instance; a certain foreign firm with whom I have carried on some correspondence regarding the fluctuation of prices, writes to me in the following words, "We will agree not to alter our prices for *two years*" commencing from a certain date. Any-body can see that an Indian factory newly started would require at least two years to feel some confidence in its existence and if by that time the prices of timber are raised, it would be a great blow to the industry. Imported timber does not leave a great margin of profit and that is why I have urged that the prices of timber should not be allowed to change at least for a quarter of a century. German manufacturers established their own Saw-mills in America; in other words, they took care to see that the timber value did not fluctuate. The organization and co-operation amongst manufacturers in India is still in its infancy; the means at their disposal are scanty and that is why I insist on the point of state interference and Govern-

ment support to give a permanent stability to this industry. Side by side with this, the Forest Department should take up earnestly the policy of regeneration of forests by a scheme of plantations on a rotatory system. This task is not easy; it may require a good deal of investigation and experimentation; it may mean a better knowledge of Indian industries but all this must be done if India is to take a solid and independent stand. The variety of soils, climate and rainfall is exceedingly great in India, and the outlook seems to be hopeful. I am told that Bavarian forests are cultivated on some such principle of supporting forest industries; and we might have many, in the Forest Department alone who have visited these forests. Waste lands and existing forests might be examined in the light of these plantations and if the experiments seem to be promising, they should be taken up on a large scale wherever possible. In this way, if not now, at least after half a century, we shall put a new life into our forest industries. Regarding cheap-pencils, I have pointed out that there is a great field for it. If the wood can be softened and corroded by some cheap process, the prospects seem to be very great. If we use the cheap wood as it is, not only is the market dissatisfied but the pencil machines also curtail their average life. As for graphite, I believe, for our immediate purposes it is good to import refined graphite if its price is not prohibitive, of course. This will facilitate the work in two ways, first and foremost the Indian made pencil will capture the market and win the customers and make a good name in the beginning; and secondly, it will reduce the responsibility of the expert who can devote the whole of his energies in improving the quality of his pencils. Germany has been in the field of pencil manufacture for at least 150 years and it would be quite unfair not to grant even twenty years for similar work in India. The pencil expert should devote all his time to work within the four walls of the factory. In the meantime, graphite refining might be taken up by some others who have got more leisure at their disposal than the pencil expert. I have already pointed out, that the other industries in which graphite is used are practically unknown in India and therefore, if refining is done, it will be solely for pencil industry and the expert if possible. The export of graphite has vanished in the past years, and very likely there may be no demand in future for Indian graphite, first because new graphite mines are being discovered in other parts of the world and then because artificial graphite is coming in as a rival to natural graphite. If the refined graphite is to be exported

at all, the refining must be thoroughly done or else foreigners will be un-willing to buy an impure stuff when they know they themselves can purify it much better. If however, a pencil expert can refine his own graphite which I think is not a very difficult process, Regarding clay I have already expressed my belief that there is not much difficulty about it. By a mechanical process of washing and suspending in water, the heavier impurities can be got rid of, the finely divided clay particles can be trusted to give good results. With some care and knowledge, the proper varieties of clay can be found out. Coming now to the question of machinery, I believe, that useful machinery of the German type can be manufactured in India and it would be much cheaper too. With soft wood, the machines will show very good results. With hard wood, the wear and tear becomes very great and hence the machines become short-lived. The Japanese type of machines cannot be used successfully because (1) the production is not very great and (2) it presupposes cheap and easily available raw material and skilled labour. So far none of these factors can be relied upon in India. In the German type of machines not only is the production very great but the cost of production is much lower. In these days of severe competition and open free trade every care should be taken to economise the manufacture of an article. I know there are many who do not believe that India can manufacture her own machinery. They think, and rightly too that an up-to-date machine is a complete embodiment of an experience of years of labour and practice. Yet, I do honestly differ from them. I know, it is not an easy thing to manufacture an up-to-date machine. It is still possible to manufacture an up-to-date machine. It is still possible to manufacture an up-to-date *workable* machine which will evolve itself into an up to-date one in all respects. A word or two more on the question of market. The Indian market is undoubtedly a market for cheap article and nothing but the growing poverty of the people is responsible for it. That there is a lack of enlightenment and right judgement is certain; yet if a good average quality of pencils is manufactured, the sparks of patriotism are powerful enough to dispel the sting of poverty and ignorance and shed a bright light on the future prosperity of pencil and other Indian industries.





## THE POONA SARVAJANIK SABHA QUARTERLY JOURNAL

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— N. C. KELKAR.

Editor, Quarterly Journal

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EDITOR . . . N. C. KELKAR B. A. LL. B.

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D. V. GOKHALE B. A. LL. B.

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### CONTENTS

	PAGES.
The Indian Press Act	
R. G. PRADHAN, B. A. LL. B. . . . .	217
The Jury System	
B . . . . .	222
Post-War Reforms . . . . .	244
Navigation Schools for India	
D. P. BHONKAR . . . . .	251
Village-Panchayat-Basis of Home Rule	
H. K. PATWARDHAN, B. A. LL. B. . . . .	257

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the wants and wishes of the peoples of India. )

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# The Indian Press Act

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AN OPEN LETTER TO HIS EXCELLENCY LORD CHELMSFORD.

(R. G. Pradhan, B. A. LL. B., Editor Bhárat-sewaka)

To,

HIS EXCELLENCY THE RIGHT HONOURABLE,  
BARON CHELMSFORD, P. C. G. C. S. I. &c. &c.  
VICEROY AND GOVERNOR-GENERAL OF INDIA.

MY LORD,

THE people of India have learnt with sincere feelings of satisfaction that Your Excellency has been pleased to grant the prayer of the Indian Press Association that Your Excellency should receive a deputation on behalf of the Association, and that, accordingly, it is settled that the members of the Deputation should wait upon your Excellency in January next. I frankly confess, my lord, that many people, including my humble self, entertained misgivings as to whether Your Excellency would consent to receive the Deputation, and, thereby, give the representatives of the Press Association an opportunity to express, in your Excellency's august and official presence, their views and sentiments on the Indian Press Act, and to urge considerations for its repeal at the earliest possible opportunity. The announcement, therefore, of Your Excellency's intention to meet the Deputation has gladdened the hearts of all those who are keenly interested in the Indian Press and are anxious that its freedom should be restored, and that it should become a genuine exponent of public opinion as well as a powerful and effective instrument of popular education and national progress. If Your Excellency had declined to receive the Deputation, Your Excellency would have committed a great blunder at the very threshold of your viceregal career, no less great, I venture to say, than that committed by one of your illustrious prede-

cessors—I mean Lord Curzon—who refused to meet a deputation of the Indian National Congress. Your Excellency's willingness to receive a deputation of the Indian Press Association shows that your lordship is true to your resolution, as expressed in one of your speeches in Bombay, to walk in the footsteps of Lord Hardinge, whose regime as Viceroy and Governor-General of India will ever remain memorable in the history of Modern India for its beneficent and progressive policy, and for the earnest and genuine sympathy he uniformly expressed with the legitimate aspirations of the Indian people, even with their aspiration for self-government. It may also be taken as an indication that Your Excellency will not fail to give the most dispassionate, careful and sympathetic consideration to the case for the prompt repeal of the Press Act that will, of course, be presented by the Indian Press Association.

2 My Lord, you have now been in India as Viceroy for about seven months; and, doubtless, your Excellency is aware of the wide-spread and profound dissatisfaction caused by the Press Act, and its highhanded administration. The numerous public meetings that have been held all over India to protest against the Act and to urge its repeal, the memorials that have been sent on the subject to the Government of India by influential public bodies such as the Bombay Presidency Association, the Madras Provincial Congress Committee and so on, the resolution demanding its repeal which has been adopted by the Indian National Congress year after year, and, above all, the views and sentiments which the Indian Press is expressing on the subject day after day, week after week and month after month—all these ought to convince every one whose judgment is not clouded by passion or prejudice, that the Indian Press Act of 1910 forms a very serious grievance of the Indian people, that the Indian Press is suffering most grievously from the galling and oppressive restrictions which the Act has imposed upon it, and that there is a general and intense feeling that so long as those harassing restrictions subsist, the Indian Press is in utter jeopardy, and cannot hope to attain its full development and per-

form its glorious function of enlightening public opinion, of interpreting to the Government the inmost desires, longings and aspirations of the people, and of elevating their political status. My Lord, this feeling that the Press Act is an oppressive piece of legislation, utterly un-British in character, draconian in its severity and calculated in its far-reaching effects to impede the national self-realisation of India, is shared by all classes of the Indian people—by Mahomedans, no less than by Hindus—and, by all schools of political thoughts by those who are called “moderates” no less than by those who are dubbed as “extremists”. Indeed, one of the most powerful indictments against the Press Act was made by a Mahomedan—the Hon’ble Mr. Huq who presided over the session of the All-India Moslem League held in Bombay, and who spoke in scathing language of the enormities of the Press Act. And among those who have condemned the Press Act in clear and strong terms are the trusted leaders of the Moderate Party such as Sir Subramanya Iyer, the Hon. Mr. Mudholkar, the Hon. Mr. Wacha, Sir Narayan Chandawarkar, Pandit Madan Mohan Malaviya and many others whose names, if given, would make a long list. In the Bombay Presidency, Mr. Natarajan, the distinguished editor of the *Indian Social Reformer* is well-known for his moderation and sobriety of views, and for his generally appreciative attitude towards the Government and their measures; but he, too, has deemed it his duty to speak and write against the Press Act. Indeed, he was one of those prominent publicists of Bombay who associated themselves with the Indian Press Association in its protest against the Press Act, and spoke in the public meeting held under the auspices of the Association in June last. In fact, my Lord it may truly be said, that if there is any question on which there is perfect unanimity of views and sentiments among the leaders of Indian public opinion, it is the question of the repeal of the Press Act. The repeal of the Act is thus demanded by the whole of India, by all her leading communities and political parties. It is a demand of the entire nation, and not of a single community, class or party. As

such, may I not say, my Lord, that it is a demand which is justly entitled to the favourable consideration of Your Excellency's Government ?

3 My Lord, having thus shown the nature, extent and intensity of the feeling roused by the Press Act and its administration, I now beg to submit for Your Excellency's careful and dispassionate consideration the case for the repeal of the Press Act. My Lord, the Freedom of the Press is justly regarded as a most valuable right in every civilized country. Its value is based on reason and not on mere sentiment. Civilized Governments allow freedom to the Press as a normal condition of its existence, because they know full well from experience (not always pleasant) that such freedom is useful to themselves no less than to the nation at large. They know that in the interests of good government itself, it is infinitely better to have a Press that is free, than one which always flatters the Government and fails to become a faithful mirror of the currents and under-currents of thought and sentiment that flow through a community. Governments that are anxious to win the affections of the people, and thereby to maintain their authority as long as may be possible in the inscrutable dispensation of Providence, are sincerely desirous of knowing the grievances, views, sentiments, wishes and aspirations of the people, as they really are in their true nature and complexion; and they know that this knowledge cannot be acquired except by means of a Free Press. They, no doubt, maintain a multitude of officers to supply them with information, but official sources of information, however useful in themselves, are tainted with one-sidedness, passion, the pre-conceived notions and idiosyncracies of each official. It is these considerations based on reason that have made the Press an essential of civilized national life, and raised the Freedom of the Press into a precious right, respected by every civilized Government and stoutly defended by every patriotic people, when any attempt is made to violate it. These rational considerations are endowed with tenfold force in India, where the Government is civilized but labours under the serious disadvantage of being alien. Being civilized, the



Indian Government' is really desirous of knowing the views and sentiments of the people; they know that, after all, their power is based not on force but on the spontaneous and willing allegiance of the people. They realize that, in the ultimate analysis, the permanence of British rule in India depends, not on the power of the sword, but upon the feelings of respect for that rule, with which they can inspire the people by their good methods of administration, and by their beneficent measures calculated to promote their happiness and national progress. They, therefore, naturally and rightly think that the more accurate, fuller and more profound their knowledge of the people, their wishes, wants and aspirations, the better able they will be to govern the country. But being alien, their efforts to know the mind of the people are attended with more than ordinary difficulty, and often end in failure. As J. S. Mill has rightly pointed out, in his great book on "Representative Government," they cannot feel with the people, and do not know whom to trust for reliable information. The peculiar conditions of British Rule in India, therefore, invest the Indian Press with more than ordinary importance, and render it all the more necessary to maintain its freedom in the interests of Government themselves. But, my Lord, it is not these general considerations, important and valuable as they are, to which I appeal for urging the repeal of the Press Act. For the present, I will content myself with showing what an obnoxious piece of legislation the Press Act is, and that the time is come for the fulfilment of the promise of repealing it, which the Government made at the time of its enactment.

4 My Lord, before dealing with these points, I crave Your Excellency's indulgence as I appeal to Your Excellency to take note of certain important facts concerning the Press in India. It was in 1835 that Sir Charles Metcalfe, the then acting Governor-General of India, granted Freedom to the Indian Press. In this noble work of liberation he was assisted by Lord Macaulay. The Indian Press Act was enacted in 1910. During this long period of seventy-five years, it was only twice that the Freedom of the Indian Press was suspended,

and that, too, for very brief intervals. In 1857, the Mutiny broke out with all its grim horrors, and the Government suspended the liberty of the Press by an enactment called Act XV of 1857. One the provisions of that Act was that *it was not to continue in operation for more than a year, and, I request your Excellency to note that though the public excitement caused by the mutiny had not subsided, it was not renewed at the end of that period.*

5 The next time that the Liberty of the Indian Press was suspended was in 1878. In that year, the Government of Lord Lytton passed what was called the Vernacular Press Act. It related, as its name shows, only to the Vernacular Press, the English Press, that is, papers conducted in English, whether by Indians or Europeans, being allowed to enjoy perfect freedom as before. This Act continued in operation for about three years and was repealed by Lord Ripon in 1881. The Press Act of 1910 is the third Act of the Government of India doing away with the Freedom of the Indian Press.

6 My Lord, these facts are highly significant. The Government of Sir Charles Metcalfe accepted the policy of a Free Press, after mature and deliberate consideration. The Charter of Freedom was granted to the Indian Press, not in a mood of weak sentimentalism, nor under the influence of generous national self-exaltation, but after full, careful and deliberate consideration of the right policy to be pursued with regard to the Indian Press. Both Sir Charles Metcalfe and Lord Macaulay were practical politicians; and they were the last persons to be swayed by any *a priori* reasoning, or abstract principles having no vital connection with the realities of Government. Moreover, when they decided to adopt the policy of freedom with regard to the Indian Press, the question whether the Indian Press should be free or not, had been discussed threadbare both in India and in England by those who took keen interest in the government of India and wished, by their suggestions and advice, to help in the difficult task of consolidating the British Empire and laying the foundations of its permanence broad, and deep. Sir Thomas Munro had written his historic minute on the subject, in

which he had presented with rare ability and perfect candour the case against a Free Press in India. All these views were before the Government of Sir Charles Metcalfe when they deliberately adopted the principle that the *Press in India was to be free and not to be subjected to any such restrictions as would in any way interfere with its freedom*. I may further point out, my Lord, in this connection that though the Court of Directors did not at first approve of the Press Policy of Sir Charles Metcalfe, they seem to have, in the long run, been convinced of the statesmanlike wisdom of that policy. For, though, they remonstrated with Sir Charles Metcalfe, and condemned it as opposed to their wishes, they made no effort to reverse it. Lord Auckland who succeeded him as Governor-General did not enact any Press Act depriving the Indian Press of the freedom which Sir Charles Metcalfe had given it, and the Press continued to enjoy freedom until, as I have shown above, it was suspended for a year at the time of the Mutiny.

7 My Lord, the policy that the Indian Press should enjoy freedom and not be subjected to any harassing restrictions incompatible with its legitimate freedom, which was thus deliberately adopted by Sir Charles Metcalfe, has been, I rejoice to note, the accepted policy of the Indian Government ever since, and the departure from that policy in 1857 and 1858 was defended not on the ground that the Government had committed a mistake in granting freedom to the Press and continuing it for a number of years, and therefore desired to withdraw it, and thenceforward to adopt the policy of restrictions, but on the ground, that the exceptional circumstances of the time rendered it necessary that the Press should be temporarily deprived of its freedom. And even the Press Act of 1910 was defended as a special measure devised to meet a special emergency, and Sir Charles Risley on behalf of the Government gave the Legislative Council a clear assurance to the effect that the Government had no intention of making it a permanent part of the Statute-Book, but would repeal it as soon as the emergency passed away, and the feelings of antagonism to

the continuance of British Rule with which the air was then thick, had given place to a better understanding between the rulers and the ruled. On all these occasions, the Government deemed it their duty (and rightly) to defend their action, and they did it not on the ground that the freedom of the Press was a wrong thing in India, and therefore, must be abolished, but on the ground that the exceptional circumstances of the time demanded the temporary suspension of the freedom.

8 My Lord, from what I have said above, it will be perfectly clear that if the Press Act of 1910 is not repealed but is embodied in the Statute book as a permanent measure, it will mean that the British Government have abandoned a policy which they adopted after full and mature deliberation in 1835 and followed ever since, except for two brief periods when a temporary departure from that policy was made in view of special circumstances. Now, my Lord, will it be right to abandon this timehonoured policy and withdraw from the people of India a valued right which they have enjoyed for so many years? The very fact that the right was conferred on them after deliberate consideration shows that they were deemed fit for the exercise of that right; and the fact that they were allowed to enjoy the right for such a long period proves that, in the opinion of the Government, it has, on the whole, been well exercised. Are we to suppose that after a century of British Rule in India, with the spread of Western education and culture, with the development of national life and spirit, with the continued growth of the Press itself for half a century, and with the enjoyment of the right itself for over seventy years, the Indian people have suddenly become unfit to enjoy the right any longer? My Lord, is not this supposition preposterous? And if true, is it in any way *creditable* to the British *Raj*? Have the people of India become so worse under British Rule that they can no longer be trusted to exercise the right properly? My Lord, I cannot help saying that the permanent abolition of the freedom of the Press in India would constitute a serious indictment of British Rule in this country. I, there.

fore, devoutly hope that the Government will entertain no thought of making the Press Act a part of the permanent laws of India.

9 My Lord, after these general observations, I shall now turn to the provisions of the Act. The principle of the Act is that no Printing Press is to be maintained and no newspaper to be published, unless a security is furnished, and that the security, and in the last stage, even the Press itself, may be forfeited in case the Press is used for printing, or the newspaper publishes, matter which is prohibited under the Act. Now, my Lord, the demand of the security is a great hardship and cannot but check the legitimate development of the Indian Press. Journalism, my Lord, is not, on the whole, a paying profession in this country, and many of those educated Indians who adopt it, do so out of patriotic motives with the object of promoting national progress, some times even, at considerable pecuniary sacrifice. The demand of the security is an additional difficulty in their way, and the effect of it cannot but be to turn away many promising and competent young Indians from journalism. And in the case of journalism no less than of other professions, if good and able men do not enter it, it will be taken up by those who do not possess the necessary qualifications for the exercise of a profession, which, though noble, is at the same time full of serious responsibilities. And the result will be that in course of time the Press will be a mere humdrum institution ceasing to fulfil the great functions of national education and elevation which rightly belong to it—an institution which cannot exercise influence either on the rulers or the ruled, and of which no civilized society or country or Government can have any reason to be proud. Such is the train of evil consequences that cannot but flow, in the long run, from the policy of making the establishment of printing Presses or newspapers conditional upon the deposit of security. If these consequences take a long time to manifest themselves, in all their fulness, it is because the patriotic sense of some people grows with difficulties; and they not only pay the security but take all the risks involved in

working with the Democles' sword of a stringent Press Act hanging over their heads.

10 But, my Lord the system of security which the Press Act has introduced is not its only objectionable feature. Its definition of ' prohibited matter ' is so comprehensive and stringent that it is difficult to write anything that may not come under the Act. Section 4 of the Act defines ' prohibited matter ' which may lead to the forfeiture of security, and the bearings of this section are so ably discussed by Sir Lawrence Jenkins, the late Chief Justice of the Calcutta High Court in his Judgment in the application made by Mr. Mahomed Ali to set aside the order of the Bengal Government forfeiting his pamphlet " Come over to Meceadonia and help us " that I can do no better than quote what he has said.

11. My Lord, the view which Sir Lawrence Jenkins has taken of the Press Act has been recently corroborated by the Chief Justice of the Madras High Court in the " New India " Case. With regard to the scope of Section 4, His Lordship observes " *The terms of the section are extremely wide and comprehensive. They vest the Local Government with a discretion so large and unfettered that the keeping of Printing presses and the publication of newspapers is becoming an extremely hazardous undertaking in this country. A newspaper may be staunch in its loyalty to the Government, its general policy may be above all reproach, the sincerity and bona fides of the intentions of the editor may not be liable to question, but if any letters or other writings are let in, may be through carelessness, which come within the scope of any of the clauses to Section 4, the Government may at once, without any trial or even a warning, forfeit the security and in this way ultimately put an end to the newspaper itself. The vesting of such unlimited power in the Executive Government is undoubtedly a serious encroachment on the freedom which the press in India enjoyed before the passing of the Act.*"

12 " The provisions of Section 4 ", said his Lordship, " are very comprehensive and its language is so wide as human ingenuity could make it. Indeed it appears to me to embrace

the whole range of varying degrees of assurance from certainty on the one side to the very limits of impossibility on the other. It is difficult to see to what length the operation of this section might not be plausibly extended by an ingenious mind. *They would certainly extend to writings that may even command approval. An attack on that degraded section of the public which lives on the misery and shame of others would come within this wide-spread net: the praise of a class might not be free from risks. Much that is regarded as standard literature might undoubtedly be caught.* (The italics are mine). Again, his Lordship remarked on the general nature and scope of the Act:—

“The Advocate-General has convinced me that the Government's view of this piece of legislation is correct and that the High Court's power of intervention is the narrowest; its power to pronounce on the legality of the forfeiture by reason of failure to observe the mandatory conditions of the Act is barred; the ability to pronounce on the wisdom of the Executive order is withheld; and its functions are limited to considering whether the applicant to it has discharged the almost hopeless task of establishing that his pamphlet does not contain words which fall within the all comprehensive provisions of the Act. I describe it as an almost hopeless task, because the terms of Section 4 are so wide that it is scarcely conceivable that any publication would attract the notice of the Government in this connection to which some provisions of that section might not “directly or indirectly whether by inference, suggestion, allusion, metaphor, implication or otherwise apply”. My Lord, there can be no stronger condemnation of the Press Act than what is contained in this memorable judgment of Sir Lawrence Jenkins, and your Excellency has only to read it in order to satisfy yourself whether the complaints against the Press Act are true or not, and whether it is a piece of legislation which deserves to be embodied in the Statute Book as a permanent measure. My Lord, Jenkins, C. J. justly characterises the provisions of Sec. 4 as a wide-spread net, and rightly observes that they are so comprehensive as to apply even to “standard literature”

or to "writings that may command approval". If an Act is calculated to penalize even 'standard literature', the noblest products of the noblest minds, can any sane man defend such an Act or maintain that it is a perfectly innocent measure that can have no other effect than that of checking seditious writings. An Act that prohibits "writings that may even command approval" is an Act which penalizes intellect, thought and imagination; and such an Act is entirely unworthy of any civilized Government which prides itself, as the British Government does, upon the intellectual freedom and developement of its subjects. It is an Act of which any enlightened and progressive Government ought to feel ashamed, and which, therefore, it should no lose no time in expunging from the Statute Book.

13 My Lord, I need not dwell further on the provisions of the Act, because its stringent and oppressive character has been fully exposed by Jenkins C. J. and the Chief Justice of the Madrass High Court in their memorable judgment. In the face of those judgments, it would be sheer perversity of mind to attempt any defence of the Act and to maintain that it is otherwise than an extremely stringent and repressive piece of legislation. The Indian Press is thus entirely at the mercy of the Executive and any newspaper that renders itself unpopular with officials or the Government, by its exposure of official misdeeds, its criticism of Government policy or measures, or by its advocacy of such movements as self-Government, may find its life suddenly cut short with one stroke of this sharp-edged sword of the Press Act. If the Indian Press has not yet met this fate, it is because the Government, in spite of its occasional fits of repression, cannot yet wholly shake off its liberal instincts and traditions. If the Act would be enforced in every case, I doubt whether any respectable newspaper, whether even any Anglo-Indian newspaper, that is alive to its duties and functions would escape its operation.

14 My Lord, it is impossible that the administration of an Act so stringent in itself can be otherwise than oppressive. And I for one, therefore, fully recognise that it is futile to



complain against individual acts of its oppressive administration. It is, however, quite legitimate to argue that the Act was really intended to prevent the advocacy of violence direct or indirect, and the promotion of feelings of antagonism to the continuance of British rule in India. Sir Herbert Risley who introduced the Press Bill, made this perfectly clear in his speech, and relied mainly on this ground in his earnest appeal to the members of the Legislative Council to support the Bill. But though this was the avowed object of the Act, what do we find in actual practice? Security has been demanded from owners of presses and publishers of newspapers whom it is impossible to suspect of advocating violence, or indeed, of any unconstitutional methods of agitation whatever, or harbouring any feeling of hostility to British rule in India. My Lord, I hold no brief for Mrs Annie Besant, the editor of *New India*; she is quite able to defend herself. But can it be seriously maintained even for a moment that this great and gifted lady who has done so much to bring England and India nearer to each other and to make the East and the West understand and appreciate each other, feels sympathy for anarchical outrages or any exercise of violence, or is actuated by feelings of hostility towards the continuance of British rule in India? And yet the Madras Government have come down upon her and not only demanded security from her but have recently forfeited the security she gave. What effect can this action of the Madras Government produce upon the general public? Will it be right to blame the people, if they conclude that Mrs Besant has been punished not because she is an anarchist or a sedition-monger, but because she has nobly espoused the cause of Indian Home Rule and has been advocating that cause with characteristic fervour and pertinacity? My Lord, there is a general feeling among the Indian people that the Government do not want any agitation for Home Rule and that they have made up their mind to employ the rigorous provisions of the Press Act against any journalist who will strongly and continuously carry on propaganda in its favour. I devoutly hope and trust, My Lord, that there is really no warrant for this feeling;

but if the public apprehensions are well-founded, is it a proper use of the Press Act ? Is it right and in consonance with the true intentions of the Press Act to employ it against those whose loyalty to the British throne is above suspicion, but whose only ' atrocious crime ' is that their judgment tells them that the only way of strengthening the foundations of the British Empire and preventing it from meeting the same fate as overtook the Roman Empire and other great Empires of the past, is to give Self-Government to all its various members, and that therefore it is their duty to agitate, by every constitutional means, for the achievement of Home Rule for India ? My Lord, I have not the least hesitation in saying that apart from legal technicalities this is a use of the Press Act which was never intended by the legislature when they passed it. My Lord, I venture to think that if Mr [ now Sir ] S. P. Sinha the then Law member of the Viceregal Council had for a moment dreamed that the Act would be abused in this way he would never have been willing to become its sponsor and that the late Mr. Gokhale and other non-official members would not have supported it if they had for a moment felt that they were placing into the hands of the Executive a terrible weapon for putting down the movement of Indian Self-Government so near and dear to their hearts.

15 My Lord, in the course of the debate on the Press Bill, when the late Mr. Gokhale's amendment that the Act should remain in force only for three years was under consideration, the Hon. Sir Herbert Risley remarked that " In England, the license of the Press is controlled, and we see it controlled every day by public opinion. Now here in this country there is very little public opinion and its place must be supplied by the law. " Again, he said " When we get a press temperate in tone and honest in intention then it will be possible to repeal that law. " And he remarked that instead of limiting the operation of the Act to a specific period it would be better to repeal it altogether when the feelings of antagonism to the continuance of British rule had disappeared. He thus gave a definite assurance

that the Press Act would be repealed when the press became "temperate in tone and honest in intention" and when the Indian political sky was cleared of any antagonism to British rule.

16 My Lord with due deference to Sir Herbert Risley, I venture to contradict his statement that there is no public opinion in India and that therefore the license of the Press cannot be controlled by it. The view that there is no public opinion in India is as erroneous as it is mischievous. We have only to look to the Indian National Congress and other public institutions and bodies to be satisfied that not only is there public opinion in India but that every year it is undergoing considerable improvement in tone and character and becoming a potent force in the country. If any newspaper, therefore, is given up to scurrilous or anti-British writings it is not likely to have any support from the general public. Indian public opinion is entirely in favour of the continuance of British rule; it is also deadly opposed to any acts of violence or to any unconstitutional methods of agitation. Any license of the Press, therefore, is not likely to receive encouragement from public opinion which has been showing such marked improvement from year to year that uninformed or rabid writings can have no effect upon it.

17 My Lord, there can also be no doubt whatever about the temperate tone and honest intentions of the Indian Press. The Government reports themselves bear eloquent testimony to the improvement that has taken place in the Indian Press in this respect. And your Excellency's predecessor, Lord Hardinge, paid the following tribute to the Indian Press in the speech he made in opening the Session of the Imperial Legislative Council held on the 12th January 1915:—

"I should like to take this opportunity of paying a tribute to the manner in which the Press, both Indian and Anglo-Indian, has been conducted in the face of considerable difficulties during the past few months. With a very few exceptions the Press of India has exercised wisdom, restraint and moderation, and I feel that we all owe to it an expression of gratitude." In the face of this unimpeachable testimony is it

possible to maintain that the Press is not temperate in tone and honest in intention ?

18 As regards feelings of antagonism to the continuance of British rule in India, what better proof can be given that those feelings do not exist than the splendid rally of India round the British Crown in the present war ? In the face of the magnificent outbursts of loyalty that the war has evoked throughout the length and breadth of India and the remarkable assistance in men and money given by India for the common defence of the Empire, it would be an utter insult to the Indian people and an outrage upon their noble sentiments and generous feelings to say that they are imbued with the spirit of antagonism to the continuance of British rule in India. If the attitude of India in the war affords no positive proof that what she wants is not severance from the British connection but a self-respecting and equal place within the British Empire, India might well despair of her soul being ever understood by her rulers.

19 My Lord, I have thus shown that every condition which Sir Herbert Risley speaking on behalf of the Government laid down as necessary for the repeal of the Press Act is now satisfied. The time is thus come for the fulfilment of the promise he gave and for the removal of the Press Act from the Statute-book. May I not earnestly hope that Your Excellency will give the deputation of the Press Association a definite assurance that the Government will take as early as possible all necessary steps for repealing the Press Act ?

20 My Lord, I have adverted above to those high moral grounds on which the freedom of the Press is treasured as a valuable right by every civilized and patriotic people and respected by every enlightened and progressive Government which desires that its power should be based not on force, not on repression, not on astute diplomacy or cunning statecraft but on popular respect, appreciation, attachment and devotion. The freedom of the Press may be abused by a few individuals, as all rights and institutions are abused all over the world; but it is a right the preservation of which is necessary in the interests of the Government no less than

those of the people. It is in fact an essential of civilization, a vital condition of national advancement and human progress. The safety of a Government is imperilled not by a Free Press, but by carrying on its affairs in defiance of popular sentiments, wishes and aspirations. Respect these, make such reforms as they demand in time and a free Press will be not only no danger to Government but a tower of strength to it. If India would be ruled in conformity with enlightened Indian public opinion and in the interests mainly of the Indian people themselves, depend upon it, my Lord, the Indian Press will be the strongest bulwark of the British throne.

21 My Lord, I have done. I conclude with the earnest hope that this dark spot on the Indian Statute book will be removed at the earliest opportunity and that the Government and every Anglo-Indian official will lay to heart the following sage words of a London journalist:—

“ We must always look upon such measures as temporary precautions. India can not be governed by a series of restrictions which contain no seed of progress, no possibility of fructification ”

How true and noble !

I beg to subscribe myself

Your Excellency's most obedient servant,

R. G. PRADHAN.

# The Jury System

ITS ORIGIN, EXISTENCE AND DECAY IN  
MAHARASHTRA.

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( By B. )

(1) The question of the extension of the Jury system forms a part of the Congress \* propaganda since its existence; and the Indian National Congress has often passed resolutions urging the necessity of its extension. This repeated demand for the extension of the Jury system made by the Congress has received scant recognition at the hands of Government. The chief reason that is assigned for its non-extension is that it is a foreign institution implanted on the soil of India and the land is not yet ripe for its whole-sale reception. Recently the Bombay Government instead of extending the system and meeting the Congress demand has on the contrary curtailed its operation so far as the Belgaum District is concerned. In a long Press Note issued on the subject Government have set forth their reasons for curtailing the operation of this system in the said District. This action of the Bombay Government called forth a strong protest on the part of the inhabitants of the Belgaum District; and ultimately the Hon'ble Mr. Belvi moved a resolution in the Bombay Legislative Council recommending the withdrawal of the resolution curtailing the operation of the Jury system.

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\* Resolutions about the extension of the Jury system were passed by the Indian National Congress in the years:—1886 (R. No. 8-9), 1888 (R. No. 4), 1890, 1891 (R. No. 7 a), 1892 [R. No. 6], 1894 [R. No. 11], 1895 [R. No. 5], 1896 [R. No. 7], 1897 [R. No. 4 e], 1898 [R. No. 20 III D], 1899 [R. No. 13 III a], 1900 [R. No. 10 III a], 1901 [R. No. 19, III b], 1902 [R. No. 19 h], 1904 [R. No. 20], and 1905 [R. No. 21].

Resolution No. 4 [e] passed by the Congress of 1897 ran as follows:—

“That having regard to the opinion of the Jury Commission as to the success of the system of trial by Jury etc.” It is to be noted that in spite of the recommendation of the Jury Commission Government have not granted this demand although it has been pressed by the Indian National Congress not less than sixteen times. Since 1905 this resolution has not been passed by the Congress; probably because it saw the futility of dunning it into deaf ears.

[2] In the course of the debate which took place in the Bombay Legislative council regarding this proposition the Hon'ble Mr. Chaubal defended the action of the Bombay Government on the following grounds:—

“Now in speaking about the right of trial by Jury, people talk as if Government had deprived the people of the Belgaum District of a right and privilege which they had enjoyed from time immemorial or under the administration of any former Government. You all know that the so-called right of trial by Jury is not a right which is of the essence of any indigenous system of administration of justice in the country before the advent of British Rule. It is purely a British Institution based on representative ideas and engrafted upon a foreign soil, and it must be noticed that under the law as it stands it is purely for Government to consider and decide, where it shall be conferred, on whom it shall be conferred, and in what class of offences it shall be exercised”.

(3) The above remarks made by the Hon'ble Member contain four propositions which may be summarised as follows:—

(1) In the curtailment of the operation of the Jury system by the Bombay Government the people of Belgaum have not been deprived of a right or privilege which they had enjoyed from time immemorial or under the administration of any former Government.

(2) The right of trial by Jury is not a right which

is of the essence of any indigenous system of administration of justice before the advent of British Rule.

(3) The trial by Jury system is a purely British institution based on representative ideas and engrafted upon a foreign soil.

(4) Under the law as it stands it is purely for Government to consider and decide where it (right of trial by Jury) shall be conferred, on whom it shall be conferred, and in what class of offences it shall be exercised !

(4) All the above four propositions which are involved in the remarks of the Hon'ble Member except the last one are quite the reverse of truth and in this article I propose in my own humble way to demonstrate this by the aid of old authentic documents [ recently published ] which throw light on the social, political and religious institutions of MAHARASHTRA before the advent of the British Rule. There would have been some ground for justification if the above remarks had originated from an English Member of the Council ignorant of its past institutions. But no such justification can exist in the case of the Hon'ble Mr. Chaubal unless it be that he was entrusted with the official duty of propounding the official view to the Members of the Legislative Council. The Hon'ble Mr. Chaubal's speech regarding the Jury resolution has been rightly characterised as a master-piece of lucid exposition and close reasoning. But unfortunately it starts with propositions which are not based on facts but are mere gratuitous assumptions.

( 5 ) For a thorough examination of the above four propositions and for ascertaining whether there is any iota of truth in them, it is necessary first to give the readers an idea of the Jury system as it exists in England and then in the light of authentic documents and other books and papers to see:—

( 1 ) Whether there was any institution existing in Maharashtra at any time prior to the advent of British Rule resembling the Jury and with functions akin to or more or less comprehensive than that of the Jury.



( 2 ) Whether the right of trial by an institution resembling the Jury is of the essence of any indigenous system of administration of justice in Maharashtra before the advent of the British Rule.

( 3 ) Whether the people of Belgaum have been deprived of a right or privilege which they had enjoyed from time immemorial under the administration of any former Government.

( 4 ) Whether the trial by Jury is a purely British institution based on representative ideas and engrafted upon Indian soil.

The fourth proposition involved in the Hon'ble Mr. Chaubal's remarks being amply true needs no examination. I now proceed to discuss the above propositions one by one and state my own conclusions with respect to them taking care while doing so to state the facts and evidence from which I draw the said conclusions.

( 6 ) What is a Jury and what are its functions ? This is the first question that we have to determine. The Jury and its functions are very succinctly stated in the Encyclopedia Britanica Vol. XIII page 783 as follows:—

“ The Jury are a body of laymen, selected by lot to ascertain under the guidance of a Judge, the truth on questions of facts arising either in Civil litigation or a Criminal process. They are twelve in number and their verdict as a general rule must be unanimous. Their province is strictly limited to questions of facts and within that province they are still further restricted to the exclusive considerations of matters that have been proved by evidence, in the course of the trial. They must submit to the directions of the Judge as to any rule or principal of law that may be applicable to the case. Further according to the general practice they are selected from the inhabitants of the locality, whether country or city, within which the cause of action has arisen or the crime has been committed so that they bring to the discharge of their duties, a certain amount of independent local knowledge, an element in the institution which is by no means to be ignored.”

The above, in short, is the idea of a Jury and its functions. The next question that presents itself is, was there any institution akin to that of a Jury, existing in Maharashtra, prior to the advent of the British rule ?

Since the establishment of the British rule in India, we are familiar with the fact that Civil and Criminal cases are decided by officers of Government, known as Judges and Magistrates. We also know that there are hardly any kind of Civil cases in which the presiding Judge is assisted by a Jury. Only in Criminal cases, of a certain class and that too in certain Districts, are tried and decided with the aid of a body of men, who are known as Jurors. But the most important question which requires close consideration and clear proof is as to the nature of the institutions, which dispensed justice prior to the advent of British rule, in Mahomedan and Maratha regimes and the answer to this question disposes of the first proposition propounded by me. On an examination of the several authentic documents, such as Mahajars, Gota Mahajars (गोट महजर), Deshak Mahajars (देशक महजर), Nivada Patras (निवादा पत्र), Nirnaya Patras (निर्णय पत्र), and Tajit Patras (तजित पत्र).

From Jaya Patras (जयपत्र) recently published one thoroughly prepossessed in favour of the idea that the Jury is a foreign institution will be convinced of the fact that justice Civil and Criminal was administered in Maharashtra by institutions resembling the Jury and known by the names of Gota Sabhas (गोट सभा) Desaka Sabhas (देशक सभा) Brahma Sabha (ब्रह्म सभा) Raja Sabhas (राज सभा) and Panchayats [ a more recent and familiar name ] during the times of the Mahomedan and Maratha Rule. These institutions were, as I will presently show, akin to the Jury and discharging functions far more comprehensive than those of the latter. Before describing in detail the constitution and functions of these bodies it may interest the readers to know that these institutions were the successors of similar institutions existing in India since the beginning of the Christian Era. Our Smriti works contain descriptions of the constitution and functions of these institutions and I take here the liberty of quoting the passages dealing with the same.

[3] In Manu Smriti Chapter 8 verses 9 and 10 are as follows:—

“He, the appointed Brahmin accompanied by three other jurors, shall enter the assembly room [ Court Room ] and there seated or standing they shall witness these transactions.”

“The assembly wherein are present three Veda knowing Brahmins and an official of the state [ Judge ] is called a Brahma Assembly.”

In these verses there is a clear mention of three Brahmins appointed to assist the Judge in discharging his duties.

In Yajñawalkya Smriti verse 31, Chapter II

“In legal procedure for men Pugas ( पृग ) [ unions or corporations of citizens or villagers appointed by the King ]; Shrenayas ( श्रेणी ) [ Corporate bodies ]; and friends and relatives ( Kulani ) are considered superior or competent in order of precedence.”

The famous commentator Vijnaneshwara explains the above verses as follows:—

Kulani means body corporate consisting of persons belonging to the same caste. The term Puga ( पृग ) is explained as meaning a body of men consisting of persons of different castes and following different professions and residing in the same place such as a village or a town. Shreni ( श्रेणी ) is defined as a body of men consisting of persons following different professions such as vendors of betel-leaves, oilmongers, shoe-makers etc.

Narada Smriti Chapter I verse 7 contains description of the above noted bodies along with others not-mentioned by the other Smriti writers.

“Gatherings ( वृत्त ), Corporations ( श्रेणी ), assemblies ( पृग ), one appointed by the king and the king himself are invested with the power to decide law-suits and each succeeding one is superior to the one preceding it in order.”

The following 4th verse in chapter III of the Narada Smriti is also worthy of note.

“Let the King appoint as members of a court of justice

honourable men, of tried integrity, who are able to bear like good bulls, the burden of the administration of justice."

The description of these bodies which is given in Brahaspati Smriti is still more precise and detailed; in chapter I verses 25 to 31 are as follows:—

"For persons roaming the forest, a court should be held in the forest, for warriors in the camp and for merchants in the caravan." 25.

"Cultivators, artisans (such as carpenters and others), artists, money-lenders, companies (of tradesmen), dancers, persons wearing the token of religious order (such as Pashupatas) and robbers should adjust their disputes according to the rules of their own profession." 26.

"The King should cause the disputes of ascetics and of persons versed in sorcery and witch-craft, to be settled by persons familiar with the three Vedas only, and not (decide them) himself, for fear of causing their resentment." 27.

"Relatives, companies (of artisans) assemblies (of co-habitants) and other persons only authorised by the King should try law-suits among men, excepting causes concerning violent crimes." 28

"(Meetings of) kindred, companies (of artisans), assemblies (of co-habitants) and chief Judges, are declared to be resorts for the passing of a sentence to whom he whose cause has been previously tried may appeal in succession." 29.

"When a cause has not been (duly) investigated by (meetings of) kindred, it should be decided after due deliberation by companies (of artisans). When it has not been (duly) examined by companies (of artisans) and when it has not been (sufficiently) made out by such assemblies (it should be tried) by appointed (judges)." 30.

"Judges are superior in authority to (meetings of) kindred and the rest, the chief judge is placed above them, and the King is superior to all, because he passes just sentences." 31.

(9) The above passages need no commentary. It is amply clear from them that bodies of men representing the different castes and professions from the village community

used to meet and decide the disputes that arose between any two members of the village. The powers of these bodies as regards the disposal of the cases entrusted to them do not seem to have been in any way limited like that of the Jury. These bodies had powers to decide questions of fact as well as of law. It is thus clear that the functions of these bodies were far more comprehensive than that of the Jury. The dates of the composition of the Smritis from which the above passages are quoted range from the beginning of the Christian Era down to the 6th century A. D. The most authoritative law-work in Maharashtra was and still is the *Mitakshara* is a commentary on *Yajñawalkya Smṛiti* composed by *Vijñāneshwara* some time between Shak 998-1048. In commenting upon verse 31 of the second chapter of *Yajñawalkya*, *Vijñāneshwara* removes all the ambiguity by stating in clear terms the constitution of the bodies mentioned in the said verse viz, *Puga* ( पृग ) and *Shreni* ( श्रेणी ) and *Kul* ( कुल ). These bodies must be in existence when *Vijñāneshwara* wrote his commentary. Similar references occur in *Apararka* a commentary composed on *Yajñawalkya Smṛiti* about Shake 1109. Thus it is quite clear from the verses quoted above that these institutions were in existence in India since the beginning of the Christian Era down to 12th century A. D.

(10) After the 12th century the existence of institutions similar to these is amply borne out by the existence of unimpeachable documentary evidence. I have already stated that justice was administered by bodies known as *Gota Sabhas*, *Deshaka Sabhas*, *Brahma Sabhas* and *Raja Sabhas*. I briefly state the constitution and functions of these bodies. An assembly of villagers formed for the purpose of deciding a dispute was known by the name of *Gota Sabha*. It consisted of the *Patil* known then by the name of *Mokadam* or *Naikwadi*, *Kulkarni* and *Joshi* [ both the functions were centered in one and the same individual ] and other *Balutedars* such as the barber, potter, goldsmith, carpenter, shoe-maker, the *Gurav*, *Mahar* and the *Mang*. Besides these who were the hereditary servants of the village community the "shets" and "mahajans" [ i. e. the traders and the village gentry ] had also

a right to sit and take part in the assembly. Any dispute arising between two members of the village community had to be referred to this body for decision. The decision of the Gota Sabha was regarded as of such paramount importance that even the Royal decision was of no avail and was not regarded as having binding force if the Gota did not give its decision in the matter. This will appear from the papers relating to the dispute about the Deshamukhi Vatan existing between the Jagadale and the Yadavs of Karhad. Chhatrapati Rajaram Maharaj decided the matter in favour of the Jagadales and the Gota assembly of Kival was called upon to give its decision. The Gota assembly came to the same conclusion and the Deshamukhi Vatan was ultimately awarded to the Jagadales.\* Now as regards the powers and functions of the Gota assembly, they were those of the judge himself. They were entrusted with the full power of deciding a case and of determining questions both of fact and law. When the Gota gave its decision it was reduced to writing and was called a Gota Mahajar. This paper contained the names, signatures, seals and marks of the Mokadam, Kulkarni, Balutedars, Shete and Mahajans who were present and took part in deciding the case. The number of persons constituting a Gota Sabha seems to be unlimited. For on a comparison of different Gota Mahajars it does not seem that fixed number constituted the Gota Sabha.

[11] Now the other body which was known by the name of (देशक) Deshak Sabha consisted of Deshmukhs and Deshpandes of the District or Paragna; the Patils or Mokadams and the Shete and Mahajans. This body was superior to Gota Sabha and whenever a party was dissatisfied with the decision of the Gota Sabha it had a right to get the matter investigated and tried by Deshak Sabha. The powers of Deshak Sabha were similar to those of the Gota Sabha and it had authority to examine parties, take evidence and decide questions of fact as well as of law. The decision of the Deshak Sabha was known as Deshak Mahajar. This document contained the names of the persons present and

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\* The Marathyanchya Itihasachi Sadhane Vol XV page 323.

was signed, sealed or marked by the persons who took part in deciding the case.

[12] Besides these bodies there were judicial officers appointed by Government to decide civil and criminal cases. These officers did not decide the cases alone but were assisted by jurors. The decision of this tribunal was called Raja Mudra (राज मुद्रा) because it bore the seal of the officer appointed by the King.

[13] Above all these tribunals there was the King whose decision was final. Even the King did not decide the case alone but convened an assembly consisting of Deshmukhs Deshpandes, the Patils, Kulkarnis and Ministers of State [Ashta Pradhans].

This in short is the brief out-line of the institutions which dispensed justice in Mahomedan and Maratha regines. The chief and important ingredients of the English Jury are to be found in the constitution of these bodies with the additional element that they had power not only to decide questions of fact but of law as well. All these statements which I have made will be borne out by a few choice and select specimens of the decisions of these bodies which form the last part of this article. It would not be out of place here to quote a few passages from old records which go to show that the officers appointed by the state to administer justice were assisted in the discharge of their duties by respectable persons versed in law.

( 14 ) On page 128 of volume VIII selections from the Satara Raja's and the Peshawa's diaries mention to the following effect is made of the mode in which the Munsiff was to discharge his duties.

The Taluka Officer should receive all Civil disputes relating to vatan etc. and hand them over to the Judge for adjudication. The Judge should record the statements of the parties and the evidence of witnesses and should decide with assistance of five independent persons and after explaining the matter to the Taluka Officer.....The Panchayat should consist of 4 jamindars who should be men of purse, character and conversant with law.

The above passage clearly shows that jurors were appointed to assist the Munsiff in the discharge of his duties during the regime of the Peshwas.

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## Post-War Reforms.

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[ Below we print the Memorandum submitted to H. E. Viceroy by nineteen elected members of the Imperial Legislative Council with regard to post-War reforms. In all there are twenty-seven non-official members, of whom two are Anglo-Indians, who were not consulted for obvious reasons, and three were away. Three Indians refused to sign: (1) Nawab Syed Nawab Ali Chowdhuri, (2) Mr. Abdur Rahim, and (3) Sirdar Bahadur Sirdar Sunder Singh Majithia. ]

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THERE is no doubt that the termination of the War will see a great advance in the ideals of Government all over the civilised world and especially in the British Empire, which entered into the struggle in defence of the liberties of weak and small nationalities and is pouring forth its richest blood and treasure in upholding the cause of justice and humanity in the international relations of the world. India has borne her part in this struggle and cannot remain unaffected by the new spirit of change for a better state of things. Expectations have been raised in this country and hopes held out that, after the War, the problems of Indian administration will be looked at from a new angle of vision. The people of India have good reasons to be grateful to England for the great progress in her material resources and the widening of her intellectual and political outlook under British Rule, and for the steady, if slow, advance in her National life commencing with the Charter Act of India of 1832. Up to 1909, the Government of India was conducted by a bureaucracy almost entirely non-Indian in its composition and not responsible to the people of India. The reforms of 1909 for the first time introduced an Indian element in the direction of affairs in the administration of India. This element was of a very limited character. The Indian people accepted it as an indication on the part of the Government of a desire to admit the



Indians into the inner counsels of the Indian Empire. So far as the Legislative Councils are concerned, the numbers of non-official members were merely enlarged with increased facilities for debate and interpellation. The Supreme Legislative Council retained an absolute official majority, and in the Provincial Legislative Councils, where a non-official majority was allowed, such majority included nominated members and the European representatives. In measures largely affecting the people, whether of legislation or taxation, by which Europeans were not directly affected, the European members would naturally support the Government, and the nominated members, being nominees of Government, would be inclined to take the same side. Past experience has shown that this has actually happened on various occasions. The non-official majorities, therefore, in the Provincial Councils have proved largely illusory and give no real power to the representatives of the people. The Legislative Councils, whether Supreme or Provincial, are at present nothing but advisory bodies without any power of effective control over the Government, Imperial or Provincial. The people or their representatives are practically as little associated with the real government of the country as they were before the reforms, except for the introduction of the Indian element in the Executive Councils, where again the nomination rests entirely with the Government, the people having no voice in the selection of the Indian members.

The object which the Government had in view in introducing the reforms of 1909 was, as expressed by the Prime Minister in his speech in the House of Commons on the second reading of the Indian Councils Bill (1st April, 1909), that "it was most desirable in the circumstances to give the people of India the feeling that these Legislative Councils are not mere automata, the wires of which are pulled by the official hierarchy". This object, it is submitted, has not been attained. Apart from this question of the constitution of the Legislative and Executive councils, the people labour under certain grave disabilities, which not only prevent the utilisation, but also lead to the wastage, of what is best in them, and are positively derogatory to their sense of National self-respect.

The Arms Act which excludes from its operation Europeans and Anglo-Indians and applies only to the pure natives of the country, the disqualification of Indians for forming or joining Volunteer Corps and their exclusion from the commissioned ranks of the army, are disabilities which are looked upon with an irritating sense of racial differentiation. It would be bad enough if these were mere disabilities. Restrictions and prohibitions regarding the possession and use of arms have tended to emasculate the civil population in India and expose them to serious danger. The position of Indians in India is practically this, that they have no real part or share in the direction of the Government of the country, and are placed under very great and galling disabilities from which the other members of the British Empire are exempt, and which have reduced them to a state of utter helplessness. The existence, moreover, of the system of indentured emigration gives to the British Colonies and the outside world the impression that Indians, as a whole, are no better than indentured coolies, who are looked upon as very little, if at all, above the slave. The present state of things makes the Indians feel that though theoretically they are equal subjects of the King, they hold a very inferior position in the British Empire. Other Asiatic races also hold the same, if not a worse, view about India and her status in the Empire. Humiliating as this position of inferiority is to the Indian mind, it is almost unbearable to the youth of India whose outlook is broadened by education and travel in foreign parts where they come in contact with other free races. In the face of these grievances and disabilities, what has sustained the people is the hope and faith inspired by promises and assurances of fair and equal treatment which have been held out from time to time by our Sovereigns and British statesmen of high standing. In the crisis we are now going through, the Indian people have sunk domestic differences between themselves and the Government, and have faithfully and loyally stood by the Empire. The Indian soldiers were eager to go to the battlefields of Europe, not as mercenary troops but as free citizens of the British Empire which required their

services, and her civilian population was animated by one desire, namely, to stand by England in the hour of the need. Peace and tranquility reigned throughout India when she was practically denuded of British and Indian troops. The Prime Minister of England, while voicing the sentiments of the English people in regard to India's part in this great War, spoke of Indians as "the joint and equal custodians of the common interest and future". India does not claim any reward for her loyalty, but she has a right to expect that the want of confidence on the part of Government, to which she not unnaturally ascribes her present state, should now be a thing of the past, and that she should no longer occupy a position of subordination but one of comradeship. This would assure the Indian people that England is ready and willing to help them to attain Self-Government under the aegis of the British Crown, and thus discharge the noble mission which she has undertaken and to which she has so often given voluntary expression through her rulers and statesmen. What is wanted is not merely good government or efficient administration, but government that is acceptable to the people because it is responsible to them. This is what, India understands, would constitute the changed angle of vision.

If, after the termination of the War, the position of India practically remains what it was before, and there is no material change in it, it will undoubtedly cause bitter disappointment and great discontent in the country, and the beneficent effects of participation in common danger, overcome by common effort, will soon disappear, leaving no record behind save the painful memory of unrealised expectations. We feel sure that the Government is also alive to the situation and is contemplating measures of reform in the administration of the country. We feel that we should avail ourselves of this opportunity to respectfully offer to Government our humble suggestions as to the lines on which these reforms should proceed. They must, in our opinion, go to the root of the matter. They must give to the people real and effective participation in the Government of the country, and also remove those irritating disabilities as regards the possession of arms and a military career, which

indicate want of confidence in the people and place them in a position of inferiority and helplessness. With this view, we would take the liberty to suggest the following measures for consideration and adoption:

1. In all the Executive Councils, Provincial and Imperial, half the number of members should be Indians; the European element in the Executive Councils should, as far as possible, be nominated from the ranks of men trained and educated in the public life of England, so that India may have the benefit of a wider outlook and larger experience of the outside world. It is not absolutely essential that the members of the Executive Councils, Indians or Europeans, should have experience of actual administration, for, as in the case of ministers in England, the assistance of the permanent officials of the departments is always available to them. As regards Indians, we venture to say that a sufficient number of qualified Indians, who can worthily fill the office of members of the Executive Council and hold portfolios, is always available. Our short experience in this direction has shown how Indians like Sir S. P. Sinha, Sir Syed Ali Imam, the late Mr. Krishnaswami Iyer, Sir Shams-ul Huda and Sir Sankaran Nair have maintained a high level of administrative ability in the discharge of their duties. More-over, it is well known that the native states, where Indians have opportunities, have produced renowned administrators like Sir Salar Jang, Sir T. Madhava Rao, Sir Sheshadri Aiyar, Dewan Bahadur Raghunath Rao, not to mention the present administrators in the various Native States of India. The statutory obligation, now existing, that three of the members of the Supreme Executive Council shall be selected from the public services in India, and similar provisions with regard to Provincial Councils, should be removed. The elected representatives of people should have a voice in the selection of the Indian members of the Executive Councils and for that purpose a principle of election should be adopted.

2. All the Legislative Councils in India should have a substantial majority of elected representatives. These representatives, we feel sure, will watch and safeguard the interests

of the masses and the agricultural population with whom they are in closer touch than any European officer, however sympathetic, can possibly be. The proceedings of the various Legislative Councils and the Indian National Congress and the Muslim League bear ample testimony to the solicitude of the educated Indians for the welfare of the masses and their acquaintance with their wants and wishes. The franchise should be broadened and extended directly to the people; Muhammadans or Hindus, wherever they are in a minority, being given proper and adequate representation, having regard to their numerical strength and position.

3. The total number of the members of the Supreme Council should be not less than 150, and of the Provincial Councils not less than 100 for the major Provinces, and not less than 60 to 75 for the minor Provinces.

4. The Budget should be passed in the shape of money bills, fiscal autonomy being conceded to India.

5. The Imperial Legislative Council should have power to legislate on, and discuss and pass resolutions relating to, all matters of Indian administration, and the Provincial Councils should have similar powers with regard to Provincial administrations, save and except that the direction of military affairs, of foreign relations, declarations of war, the making of peace, and the entering into treaties, other than commercial, should not be vested in the Government of India. As a safeguard, the Governor-General-in-Council or the Governor-in-Council, as the case may be, should have the right of veto, which, however, should be exercised subject to certain conditions and limitations.

6. The Council of the Secretary of State should be abolished. The Secretary of State should, as far as possible, hold in relation to the Government of India a position similar to that which the Secretary of State for the Colonies holds in relation to the Colonies. The Secretary of State should be assisted by two permanent Under-Secretaries, one of whom should be an Indian. The salaries of the Secretary and the Under-Secretaries should be placed on the British estimates.

7. In any scheme of Imperial Federation, India should

be given through her chosen representatives a place similar to that of the Self-Governing Dominions.

8. The Provincial Governments should be made autonomous, as stated in the Government of India's despatch dated 25th August, 1911.

9. The United Provinces, as well as the other major Provinces, should have a Governor brought from the United Kingdom and should have an Executive Council.

10. A full measure of Local Self-Government should be immediately granted.

11. The right to carry arms should be granted to Indians on the same conditions as to Europeans.

12. Indians should be allowed to enlist as volunteers and units of a territorial army established in India.

13. Commissions in the army should be given to Indian youths under conditions similar to those applicable to Europeans.

MANINDRA CHANDRA NANDY	IBRAHIM RAHIMTOOLA
OF KASIMBAZAR	B. NARASIMHESWARA SARMA
D. E. WACHA	MIR ASAD'ALI
BHUPENDRANATH BASU	KAMINI KUMAR CHANDA
BISHAN DUTT SHUKUL	KRISHNA SAHAY
MADAN MOHAN MALAVIYA	R. N. BHANJA DEO OF KANIKA
K. V. RANGASWAMIENGAR	M. B. DADABHOY
MAZHARUL HAQUE	SITA NATH ROY
V. S. SRINIVASAN	MOHAMED ALI MOHAMED
TEJ BAHADUR SAPRU	M. A. JINNAH

## NAVIGATION SCHOOLS FOR INDIA

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( *D. P. Bhosekar, Retired, Asstt. Engineer, Poona.* )

Mr. M. B. Sant, the able and energetic Assistant Secretary of the Indian Industrial Conference, Amraoti, was probably the first in the country in recent years to draw pointed attention of his countrymen to the importance of this subject in an excellent paper read by him before the 5th Session of the Conference held at Lahore, in December 1909. In the course of his paper, Mr. Sant made the following specific suggestions:—

( 1 ) For effecting the revival on modern lines of India Navigation, Technical Schools, and Colleges, be established at the principal ports like Bombay, Karachi, Calcutta and Madras on the lines of well-known institutions of England, where Navigation, Nautical Astronomy, Marine Engineering, Naval Architecture and other subjects are taught.

( 2 ) For the diffusion of Naval training among Khalasia, other seafaring classes and the general public, important works on the theory and practice of Navigation should be translated into the principal vernaculars of India by educated men in the country.

These suggestions have, I believe, led to the establishment at Bombay and Calcutta of a few Joint-stock Navigation Companies for the purpose of carrying passengers and cargo between a few important ports on the coast of India, but so far as my information goes, none of these companies has yet made any provision for the training of Indian students or the seafaring classes in the art of shipbuilding or ocean and river navigation.

Later on, the importance of this useful subject was brought to the notice of the Indian Public by Professor Radha Kumud Mookerjee, M. A., of Bengal, in his masterly publication: entitled " A History of Indian Shipping and Maritime Activity of the Indians from the earliest times. " In this work, Professor Mookerjee has proved conclusively that even in pre-historic times the trade and commerce of India extended to far off countries and continents. In fact, Indian products were eagerly sought by the then known nations, all the world over. India had also established colonies in distant lands like Pegu, Java, Sumatra and Borneo. Allusions to Indian shipping activity are to be found even in the Vedas, and Indian ships carried Indian goods as far as England upto the middle of the last century; but gradually shipbuilding industry received a permanent check and to-day it has almost become extinct.

The third contribution, on this subject was published by Raosaheb D. B. Parasnis, the famous student of the Maratha history. In his essay on the " Navy of the Marathas, " Mr. Parasnis has tried to give a minute description of the warships of the Marathas.

During my stay at Porbunder, I conceived the idea of writing a work in Marathi on this subject. I have accordingly written and published a book on " Naukanayan " ( the art and science of Navigation ). The object of the book is to place in the hands of the reading public of the Deccan, a treatise containing reliable information in connection with the theory and art of Shipbuilding, sea and river Navigation, including the use of the Mariner's Compass and other devices adopted by modern Navigators.

In England and other advanced countries of the west, the importance of this subject is duly appreciated, and the principles of Navigation are taught even in elementary schools. No nation can prosper commercially: unless it has her own bottoms to carry her goods to foreign shores, and so long as India has to depend on foreign ships and unsympathetic railways for the transport of her manufactured goods as well as raw materials, there can be very little hope of its indus-



trial advancement. It is a most fortunate circumstance that this year's session of the Industrial Conference is being held at the principal port which occupies the most prominent place in the Commercial activity of the whole country. I take, therefore, this opportunity to appeal to the Industrial magnates of this city to seriously take up the subject of recognising and re-establishing shipbuilding on modern lines as Bombay was once famous for its ships which plied as far as England. Teak vessels of Bombay were considered even superior to English 'wells of oak.' The art of navigation still survives among the Khalashis and a few other classes. But owing to want of proper schools, these poor people have got no facilities for learning the higher branches of their work. It is, therefore, essential that Navigation Schools and Colleges should be established to train up the higher classes in important branches of navigation and shipbuilding.

The importance of this subject is so great in England that even our present Gracious King-Emperor, George V, has undergone a Naval training along with common sailors and Navigators.

India is not an inland country like Tibet or Switzerland. She has a seacoast of more than 4,000 miles. She has excellent ports and harbours like Karachi, Bombay, Madras and Calcutta. Her sea-borne trade is extensive. A large number of Indians are required to go to foreign countries for commerce, service and education. Sea-voyages are also often resorted to by the Indians, Hindus and Mahomedans alike, for pilgrimages. The Hindus have to go to Dwarka, Rameshwar and Puri, while the Mahomedans have to go to Arabia for Haj. It is, therefore, evident that there is a great field for the expansion of Navigation.

Much of our trade is in the hands of foreign Steam Navigation Companies. Only a small portion is left in the hands of our Indian Khalashis. Our sailors, uneducated as they are, go in their country crafts, from the shores of Kathiawar to Arabia and up to the Cape of Good Hope and African ports in the West, and to Burma in the East. Generally they carry heavy cargoes such as Porbandar stones,

cement and other products and bring timber, tiles and other goods &c. on their return journey. Thus only a very small percentage of the whole trade is in the hands of Indians. In support of my statement, I quote the following passage from Prof. Radha Kumud Mookerji's excellent treatise on "Indian Shipping." In the last chapter of his book, he says.

"The sea-borne Trade of India is continually expanding, with the result of increasing our dependence on foreign shipping and for this we have, on a rough estimate to pay a price of about 25 crores of rupees a year. We have trade relations with every quarter of the globe, not only with the Asiatic mainland but also with Europe and Africa on one side and Australasia and America on the other. The total value of this trade is about 344 crores of rupees, that of imports being 161 crores and exports 182 crores and the entire trade lies at the mercy of foreign shippers, who are at liberty to impose on us whatever freights they wish to charge for the use of their ships. Even in the matter of our coastal or interportal trade, which is also expanding aggregating in value about 46 crores of Rupees, a policy of free trade is pursued, throwing it open to the shipping of all world, instead of reserving it, as almost all other countries do, for the national shipping, so that about 85 per cent of this trade is appropriated by foreign shipping leaving only one seventh to the native. Similarly our entire passenger traffic is in the hands of foreign shippers. Our Mahomedan pilgrims to Mecca and other places, our emigrants and immigrants numbering on an average more than 25,000 per year; our passengers that voyage within Indian limits numbering over 15 lacs every year—all these have to voyage in foreign ships; while even in the matter of the conveyance of Mails there is no Indian Steamship Company that can take up the work and appropriate the yearly Postal subsidy of 7-8 lacs of Rupees that now goes to a foreign company."

I fear it would be tiresome to quote more facts and figures. Complaints are made against these foreign shipping companies often without redress. The 3rd class passengers to Dwarka and to Mecca do not receive a fair treatment at the hands of foreign companies. Recently a return passage was

demanded from the pilgrims going to Mecca. Still as the Indians are obliged to use foreign steamers in the absence of Indian concerns, and though our foreign trade is increasing, the part played by the Indians in carrying it, is decreasing every year. Whatever be the other causes of this decay, want of Naval education is certainly one of them. Young Indians are attracted by the University education generally, and as the subject of Navigation is not included in the curriculum of Indian Universities, they feel no importance of it.

Fortunately the subject of commerce is now included in the curriculum of the Bombay University and the subject of Navigation or Marine Architecture will come to be included in it, if strong efforts be made by the educated Indians and merchants of this city. As commercial education is included in the faculty of Arts, so Navigation and Naval Architecture may be included in the Faculty of Engineering and Bombay is the most suitable place for establishing a Naval School by Government, as it possesses an excellent harbour. There are about fifty High Schools in this city at present but not a single Navigation School. Fortunately for us, one gentleman of Bombay, the Honourable Mr. Muhammad Yusuf Ismail, has made a beginning and has provided for the training of a few Indian boys and intends to start a small training ship to be affiliated to an orphanage and other schools, which he maintains at Nahava, near Bombay. But the boys are too young as yet. I wish the ship be affiliated to any of the High Schools in Bombay and instructions given partly in English and partly in the Vernacular. Any scheme well-begun is half done and the continuance of instruction in this subject will depend on the success of this training ship.

In England some Navigation schools are maintained by City Municipalities. So also our Bombay Municipal Corporation may be requested to maintain at least one Navigation School out of its funds. Many other arts and sciences are taught in Bombay but this subject yet remains neglected. Progress ought to be made simultaneously in all the useful branches of knowledge and not in literary subjects alone for

which there have been already so many schools and colleges. So Government aid must be obtained by influential persons and at least the coasting trade be secured and reserved for the Indian Navigation Companies. A time has now come, when India's Commercial interests must be protected like those of England in former days. We read in the History of the British Empire that in 165 a heavy blow was struck at the power of Holland by the passing of the Navigation Act in England. Before the passing of that act the trade with (English) colonies was more profitable to the Dutch than to the English, as it was carried to and fro in ships of the Dutch. It was resolved that all the trade between England and the colonies should be carried to England in English ships manned chiefly by English crews. By this means English ships gradually secured that command over the carrying trade of the world which they still retain.

Similarly at least the coasting trade of India should be reserved for the Indians, and the India Commercial interests be protected. There will be many difficulties. Some young and energetic members of the Servants of India Society may take up the subject and a new society may be formed to educate the backward sailor classes in the arts of seamanship and navigation, like the Depressed Class Mission Society of India. A Navigation company may also be formed under the direction and management of the educated Indians with the assistance of the rich merchants and influential leaders in Bombay and the Native States of Cutch and Kathiawar, under the patronage of the British Government, procuring the coasting traffic. I have thus shown the importance of the subject and conclude in the words of Prof. Mookerji:—

“ It therefore behoves the Government and all who are interested in the material progress of India to be fully alive to the importance and necessity of reviving and restoring on modern lines, a lost industry that rendered such a brilliant service in the past and with which are so vitally bound up the prospects of Indian economic advancement. ”

## VILLAGE-PANCHAYAT-BASIS OF HOME RULE.

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[ Paper read on the 15th October at Kirloskar Theatre Poona, by Mr. H. K. Patwardhan, B. A., LL. B., Pleader, Ahmednagar.]

**A**MIDST the clash and thunder of the great war that is devastating the whole of Europe, the one word that is engaging the attention of all thoughtful men is 'reconstruction: 'reconstruction in every department of life—in religion, in education, in trade, in the relation of capital and labour, in the organisation of scientific research, reconstruction in the methods and machinery of Government itself.

Naturally enough here in India, too, the same word 'reconstruction' engages the minds of all thoughtful people. In order to enable Government to adjust their focus of vision to the mutual advantage of the Government and the people, it is the duty of every true citizen to think and to speak on questions which appear to be of supreme importance and it is from this stand-point that I propose to invite your earnest attention to the subject that I have taken for my lecture this evening.

I want to urge that if Village Panchayats, formed along lines I venture to suggest, are made the basis of Home Rule then we shall have Home Rule not only for the educated classes but the masses also will be associated with it as fully as possible without distinction of caste or creed, race or religion and, I may add, sex also, for in the village Panchayats of old, to which I shall refer in a moment, we had women members and if we had them in the past we may have them in the future.

We are told that democratic institutions are foreign to the Indian soil; and that they must be therefore slowly assimilated to the proverbial conservative temperament of the Indian people. If we are therefore able to show that demo-

cratic ideas are not after all so foreign to our land, that the people of this country largely managed their own affairs, that our village government was in the hands of village assemblies composed as they were of different castes, and that these village assemblies elected the Panch, that there were elaborate rules regulating the elections and that the franchise of a Panch was also well settled, that in matters relating to the administration of justice both civil and criminal the village had a considerable hand,—if we are able to show that the village had its own police, looked after its own education, had a well regulated system of public works, and had power to raise their own taxes to a certain extent and what is more important to spend them as they liked, that in a word villages were autonomous and that this autonomy invariably remained unchanged while kings may have fought and kingdoms may have changed—if we show all this, then surely we may be pardoned the conclusion that there is an inherited instinct for self-government in the people of this ancient land and that the problem is not to plant it anew, but to foster an indigenous growth.

### THE ANCIENT VILLAGE

Turning to an ancient village we find that it was generally composed of different castes; although here and there one may meet with a village of one caste only. The Arthashastra makes provision for building a village for various castes and there are many instances of village assemblies being mentioned composed of members of all the castes, cultivators, professionals and merchants. The village affairs were very largely managed by the villagers themselves. It is recorded in 1812 in a report that there were several officers in the village such as the Patil and Kulkarni and what may be called the Balutedars in our terminology who were generally 12 in number and all these it will be noted are of different castes. All these officers were village servants. They were responsible to the village assembly which consisted of all the villagers as I said, cultivators, professionals and merchants—all residents who were of an adult age, or as some inscriptions explain of an

age between 30 & 70 years. The general village assembly could not certainly carry on the administration, nor exercise constant supervision over details and so had a small committee to work on its behalf and its name. The village Panchayat is thus the general committee and the small committee working on its behalf. Both of these are signified by that term. There need be no confusion about that. You will remember how we speak of our own Municipality, for instance. We have there a general board and under it various committees and we speak of all these by one name; but our ideas can not be called because of that, in any way, nebulous. J. Mathai the author of a very useful book on Village Government says that the Panchayat is often a nebulous thing which appears in the minds of the villagers to drift between the idea of a meeting of a whole community and the idea of a more or less select council. I venture to suggest that this remark is not correct. The select committee represented the village Panchayats and naturally was spoken of as the Panchayat itself without causing any confusion. Here I may remark that there is a great paucity of authoritative books on this subject. Most of the books on this subject are by western scholars, and so far as I am aware there are hardly any written by an Indian. I omit in saying so a very recent publication called "Transactions of the Madras Parliament No. 3—The Madras Panchayat Act" with the speech of the mover Mr. Rangachari.

Ancient village government has well nigh totally disappeared for the last hundred years or more; and if we are to judge from facts and evidence regarding this government found in the course of its disintegration and draw a gloomy picture of what may have been we are likely to go wrong. If we do not know anything of the ancient civilization and not knowing it we regard everything beyond what is called the Historic period as belonging to a period of darkness and ignorance, if we regard our modern civilization as the only civilization that has brought light into a darkened world, we are not likely to do any justice to the past. As an instance, I will bring to your notice the remark in the Bombay census report of 1911. The authors in their superior wisdom sug-

gest that the myth of village Panchayats must have arisen because of the common origin of a village from one or more families belonging to some one caste. Their vision does not travel beyond caste Panchayats or trade Panchayats. To return to our point all the affairs of the village community both external and internal were discharged by the village assembly. That is the testimony of Ellis who is known as a careful observer. He says that in this assembly every proprietor had a seat and a voice, each possessed a right to the management of the general business as to every other privilege in proportion to it. Now it is curious that although we have become familiar with the word village headman there is no evidence that he exercised any superior authority in the village. The servants of the village were never recognized anywhere as its masters nor were they given a place where they could play that role. The ancient inscriptions found do not refer to any one as the headman and in the Madras Presidency in several parts the headman did not exist down to the time of the East India Company. It is likely that the headman as such is very probably a later accretion on to the older system so that in the reconstruction of that ancient system in the future we need not have any headman as such. No one must have any power in the village except what may be given by and through the village assembly. One of the greatest anomalies of latter-day administration has been the placing of those who were the village servants in a position where they could play the role of masters in no way responsible to the village, and in no way amenable to village public opinion so that it became easy for them to degenerate into petty bureaucrats and public opinion which ceased to control them by geometric retrogression has ceased to control anybody at all. I have ventured to mention this because it is often attempted to give the headman more powers under the notion that he is the ancient head of the village community. This is against the very spirit of the ancient system. Under the system it appears that the village as a whole was constituted a unit interposing itself between the authority of the State on the one hand, and the indi-



vidual villagers who made up its population, on the other-in this manner ensuring a minimum of interference with individual liberty and providing the maximum of protection to individual freedom. That was in my opinion the essential characteristic of the ancient system and must never be lost sight of by those who desire its revival.

### THE SELECT COMMITTEE.

We shall now enquire how the select committee or the managing committee of the village was appointed. All controversy on this matter of vital importance has been set at rest by a south Indian inscription of 921 A. D. which shows that the committee for the year was to be elected. The inscription gives us details which are of very great interest and value. The whole village is divided into various wards. It is 30 in the case under notice; the name of each individual who fulfilled certain simple qualifications was entered on a ticket and all the tickets for each of the wards tied in a bundle, so many bundles for so many wards. The bundle for each ward was then put in an empty pot which was well shaken and a boy chosen at random was asked to take out one ticket which was then read out to the village assembly, in whose presence all this took place, by an officer who was chosen for this purpose beforehand. In this manner a committee of 30 men was chosen and from this various sub-committees were appointed. Amongst these it is interesting to note was a garden committee, another a tank committee and a third a committee of justice. There were more as the case demanded. In the present case there were five committees. The rules governing the franchise are also given in this inscription and one of the rules mentions that a man who has served for one year on this managing committee was not eligible for three years more, so that if a man was elected for one year, in the election of the next two or three years his name would be omitted from the bundle of the tickets for his ward. I mention this to show how carefully the rules try to take away the inducement of the possession of power from the minds of the people and how

careful the people were to avoid the creation of any vested rights. All these rules, as the inscription states, were made with the consent and approval of the village assembly itself. It is interesting to note that the committee had to give an account of their work at the end of the year to the general assembly. This inscription again is not happily a solitary instance of such election. It is the most important because it gives us all the details. There are frequent references to 'the village elders elected for the year.' For instance we have in another inscription 'the Sabha of Uktal directing the great men elected for the year.' We have yet another inscription referring to the elected committee responsible for the Government of the village, so that the fact that the managing committees or village Panchayats as they have been called were elected appears to be beyond dispute. Here we must note that sex was no bar for the franchise and stray instances of women members also have come to notice. In one case we have a woman member on the committee of justice. The system of election about which details have been given is as you will readily admit well suited to avoid election jealousies and squabbles, and the whole spirit of the rules is to create a feeling of solidarity in the village, the work on the committee for a year being looked upon as service and effort made to enable all eligible people to have an opportunity of rendering it.

#### ITS FUNCTIONS.

From the election of our Panchayat we shall now cast a hasty glance at some of its functions. We must here note that the village assembly had rights to raise taxes and to spend them to a considerable extent and that it was the Panchayat that exercised common rights for the benefit of the village rights on village waste, grazing, and so on. The consideration of some of the important departments of our village government will show us how most of the village affairs were looked after by our elected Panchayats practically unhampered.

We shall take public works and here we find that the

villagers showed considerable skill and forethought. In his book on 'village government' Mathai remarks 'that the arrangement made by the village community for the erection and maintenance of public works such as wells, tanks, channels, roads and buildings constitute a notable feature of village local government.' The author further mentions that 'a usual element in these arrangements is the institution of village communal labour by which each member of the community is required to contribute his share of labour and expense for the common work.' It is the opinion of Sir T. Munroe that the share of work was by custom convertible into payment of cash or grain. Sir T. Munroe was one of the men on the spot and certainly knew of what he talked. There is no village where you will not meet its spacious Chavdi, its village well or Barav, its own village temple or temples. If there is a water-course running by you, you have now and then channels constructed and lands irrigated. There are several instances of village tanks. There is very often a Dharmashala on the outskirts. All this was done and maintained by the villagers themselves. I wish to put it to you whether from this one fact alone,—this existence of Public works throughout the length and breadth of the country, is it too much to infer that a well-ordered and organized village government must have existed?

With regard to education we must note that it was also provided for. The village had its school and in this it should be noted all the four castes could be admitted and the instruction was wholly of a secular nature. The school-teacher was paid an allowance from the annual produce and often-times some land was allocated to him. There were no fees. Education was wholly free though certainly optional. With regard to some modern efforts on the head of education attempted in the Central Provinces, Mathai makes an important observation. Commenting on the success of the scheme to have small committees of local men for education, he says: 'The cause of its success here is a proof that in India local institutions of the kind do not altogether fail where sufficient amount of genuine responsibility is laid upon

them ; but they flag and droop where the forms of local autonomy are emptied of real responsibility and power. So that we may note that the desire for literacy which existed in the villages in olden times exists to this day [ though in some places it may be dormant ] and we may be sure that it will shine forth once more the moment the form of village autonomy is filled with real responsibility and power.

With regard to sanitation too we shall not be disappointed. In the Shilpashastra we have elaborate rules mentioned as to how the village should be built. There are elaborate rules governing the conduct of physicians also. It is of interest to find a rule which imposes a duty on every physician to report a case of any dangerous disease and makes its disregard a punishable crime. It is the modern chaos that has overtaken corporate life in our villages that is responsible very largely for the frightful insanitary conditions that undoubtedly prevail at present to a considerable extent and the only way to remedy these effectively and in the economical manner is to secure the co-operation of the people themselves which in its turn is well nigh impossible unless you turn to village Panchayats.

I would now bring to your notice with regard to Poor Relief that the village had control over some fund which was specially earmarked for certain objects. In our part of the country there was an item of expenditure in every village called ( Chilhar ) and so sacred was this item held that in all alienation of whole villages by grant, Chilhar is found to be invariably excepted. There are various things on which the money thus reserved was supposed to be spent and Poor Relief formed one of these items. Similar funds existed under one name or another in different parts of the country. This is a small matter but I note it particularly as in the revival we claim my submission is that the Panchayats should be put in possession of a fund upto 10 p. c. at least of the village revenues and I want to suggest that there is nothing novel in such a demand which on the contrary is fully supported by precedent.

The village as most of us are aware always supported the necessary artisans such as the blacksmith, the carpenter, the goldsmith and such others. There are instances of the village owning looms also in some cases, supporting the weavers who worked them. The result of this was that the artisans were always kept above wants and so were left to pursue their own vocations in comparative ease and contentment to the infinite benefit of the arts and crafts of the country.

### VILLAGE POLICE

We shall now turn to the village police. This was wholly in the hands of the village. The village paid for its own watchmen and they were responsible to the village. The watchman looked after the boundary marks and in cases of dispute was an important witness. The watchman had to keep a watch on all arrivals in the village as on all passers bye. If cattle were missing, he had to track them; if property was lost he had to find out the thief. The village had naturally every confidence in their watchmen, and every villager naturally thought it to be his duty to help them in their work. The watchmen also knew their own responsibilities and never were in a position to abuse their power. The result of this arrangement was obvious and it is hardly surprising that a Chinese traveller, who travelled through the country about the beginning of the fifth century and stayed here for some six years, described the country as extremely peaceful and the inhabitants as remarkably truthful.

There is a point of very great interest in this connection viz. that the whole of this important work of 'watch and ward' was in the hands of those who are called the outcaste people, those who stood beyond the pale of the four castes. Although I would admit that, in my humble opinion, grave injustice has been done to these unfortunate people who are looked upon as untouchables—injustice which must be atoned for by efforts to elevate them from the degradation to which they have been allowed to drift—although I would admit this, it is important to note that it is to the credit of the ancient

village government that this important work was given in their hands, for it must have gone some considerable way to minimize the hardship of their otherwise intolerable position. The greatest injustice that can be done to a human being or a group of human beings is in my humble opinion to place him or the group as a whole in a position where a man will have no self-respect or where if he has any he would fast lose it. From this supreme injustice many of these people were happily saved to a large extent. For the Police work was naturally an important work and must have surely given them many an opportunity to hold their heads up with some pride as also to become self-conscious partners in the village autonomy itself.

The importance and value of the ancient system of village police will be best brought home to our minds from the following extract from the Bombay administration report for 1882-83 which states that "the actual importance of the village police cannot be for a moment overlooked; without the aid of the village police not a single offence could have been traced." The village police that then were in existence, it must be remembered, were but the shadows of what they must have been when the Panchayat was a reality. Sir Andrew Fraser's Police Commission 1902-03 also declares the necessity of maintaining the village watch. After showing how that was necessary from the government point of view it proceeds "It is necessary also even from the people's point of view. If the expensive establishment required (of course in the alternative) could be maintained it would be vexatious and intolerable to the people. Constant espionage on village life, constant visits of the officials of the lowest grades, constitute an intolerable burden to the people." May I add from the people's point of view the maintenance of the village police alone, without providing for the whole of the ancient system of which it formed a part, would be hardly considered satisfactory. Nor will it make for increased efficiency and usefulness.

#### JUSTICE

I would now draw your attention to the administration

of justice. It will be remembered that we had a special sub-committee—the committee of justice. It was this committee, this Bench, to use a modern term, but a Bench which was elected by that careful system of casting lots, so that no one serving on it owed his position to any personal favour that settled the village disputes and punished to some extent the village crimes. Grave crimes seem to have been out of their jurisdiction. Such a committee necessarily carried with it the confidence of those whom it tried or whose disputes it settled. It was bound to have a due regard for public opinion and could never afford to flout it; and who can deny that in most cases coming before it, it was difficult if not almost impossible to have the facts appearing in the case coloured to any appreciable extent, as would readily happen, if the village had no stake in the proceedings, and these proceedings were held in addition before a Magistrate or Judge who sat at some distant place from the village and who cared more for the number of his disposals than how he decided? It is to remedy this wrong that we find it laid down in the "Shukra Niti" that foresters are to be tried with the help of foresters, merchants by merchants, soldiers by soldiers and people in the village by persons who live with both the parties. "Here we have the vital principle, which I conceive underlies the Jury system and although it is true that the Panchayat is certainly not identical with a Jury, it is submitted that our committee of justice was so constituted that it provided all the safeguards that are afforded by a jury as such. Both recognize that it is unsafe and inadvisable to leave the weighing out of evidence to a single human being and both in their own way leave this to more men than one who are likely to know the Local circumstances. For however good and conscientious may be our Mamledar Magistrate or our Phadnis Magistrate or our civilain Magistrate for the matter of that, ignorant as he is of the life of the people in all the stress of the manifold work that falls to his lot it is only natural that he as a human being is certainly not above an occasional prejudice or the effects of an occasional whisper set on foot by designing lips. He is

certainly not above a thoughtless or rash conclusion and the question of a man's liberty, reputation or property ought never in all human conscience to be made to rest on such an unstable basis. Is it too much, I ask, if we urge a change in a system that makes this possible? You know our claim is for the separation of judicial and executive functions and also for an extension of the jury system. My submission is, that in the reconstruction of the ancient system of village government, if the older committee of justice is once more brought into life and is given powers usually given to 3rd and 2nd Class Magistrates with powers in civil disputes to the extent of a few hundred rupees, with the necessary safeguards, you will have the separation of the executive and judicial function made easy, and what is more economical than it would be otherwise possible to make it. Our demand for the extension of the Jury system also will be effectively met in this way. This I submit is not an idle speculation. Turn to the statement that Mathai makes on this matter: 'Besides these judicial Panchayats it has been found that wherever a village council is set up for any purpose under the time-honoured title of Panchayats it almost invariably shows a tendency to settle disputes amongst the villagers.' Or turn to what a judicial officer from Bengal says about it about 1880. He says 'that the remnants of the old system of village Panchayats is still seen and that not a few differences are adjudicated upon by these agencies.' Or if you like turn to what an Hon. English Magistrate said in 1907 in giving evidence before the decentralization commission. 'I use these Panchayats largely myself. The Panchayat meets outside my office and they generally settle the dispute better than I.' You will see from these statements how the people still prize this mode of adjudicating their disputes. It is because the people still prize it and have confidence in it that we urge that our ancient committee of justice should once more be brought into existence, not surely by itself but as a part and parcel of the ancient Panchayat itself. There is one more advantage that will flow from this. If disputes are settled and crimes punished



through the agency of these Panchayats, there will no longer arise any feelings of despair or helplessness, nor will the injured party lay the blame upon any one but his own villagers.

### SUMMARY

Such was, in short, the ancient system of village-Government, which we call the Village Panchayat system. Its essential features, as you have seen, were as follows: Universal suffrage so that every adult had a vote; a system of election of the village Panch, sex being no bar to the franchise, this elected Panch governing all the affairs of the village, superintending its poor relief, organising and maintaining its public works, providing facilities for free education, supervising the work of all who served including the village police, and dispensing justice in most of the village matters which occasioned any dispute—a body owning village common rights and exercising them for the common weal, a body having power to raise its taxes to a certain extent, and what is more important, as I said, having the fullest power to spend them, so that the village assembly constituted itself as a unit, dealing on behalf of the villagers with the larger state of which it formed a part. The individual villager, as an individual, was concerned with his own village Panchayat and through it alone he came in contact with the state. If I am right so far you will readily see how true were the words of Sir T. Munroe. 'They are little republics in themselves.'

### REVIVE THE PANCHAYATS

The system has now long disappeared, and it would not be wrong to say that it has been in the process of disruption chiefly from the 12th century or thereabouts. So strong was its vitality that the form devoid of all life for the last century or more has not yet wholly perished. In claiming its revival it is of some value to find that we are not alone. Mr. James Caird who came out as a member of the Famine commission submitted a report on the 'condition of India' to Lord Salisbury. He has stated that in

his opinion the decay of the ancient village institutions was one of the chief causes of agricultural distress. We find an eminent Indian Officer about 1860 pleading very strongly for the revival of the ancient Panchayats which would have, he claimed, a very beneficial effect on the moral and social character of the people. This officer said that great apprehension regarding the feasibility of his scheme would be expressed by the men in the service, whom he describes as men imbued 'with the spirit of the present system'; but he added all these difficulties were the creatures of the present system of interference—words which are perhaps as true to-day as they were in 1860. The recommendations of this Indian Officer were backed up by the Inam commissioner, one Mr. Taylor himself. Similarly we find Sir. W. Robinson urging the strengthening of the hands of the Patel and the people in the management of their own institutions. In another place he says that 'the bureaucratic system of centralization cramps the energies and good will of the people. Local independence and self-government are the foundations of real order in the country.'

And so I would request you to turn to the future. My submission is that the village Panchayats should be so revived that all the essential features will be included in them. You must fill the form with power and responsibility if you do not want it to droop and fail. I would urge that the essential feature of the system should be revived—give us a Panchayat which will be based on universal suffrage so that every adult will have a vote, let the Panch be elected, sex being no bar, and let it be a rule that no one who has served as a Panch for one year should be eligible for the next three years so that power will be as little of a temptation as possible. Divide these elected Panch into committees giving us back our garden committee, our tank committee, our committee of justice and the committee for public works. Give to every village power over at least 10 p. c. of its land revenue to spend it as they like in addition to a fixed proportion of the Local board cess. I would urge more. I would say: deal in revenue matters with the whole village

as a unit and never with the individual villagers; leave that to the Panchayat itself so that the Panchayat will be a body responsible for the collection of the state demand. In this way will we ensure to the villager a minimum of interference with his affairs. We must make it impossible for any single human being to wield such power over the simple humble life of the poor and ignorant cultivator as to make him feel that his weal or woe depends upon the fiat of any single man. Such is the claim I venture to put forward on his behalf.

There may be many difficulties to start with. We shall be told for instance of villagers' factions and in some villages these undoubtedly exist and may truly become obstacles in our way. But factions are the result of the disappearance of the ancient system and the Panchayats alone will undo them. We may be told of want of local interest. Surely that is bound to be there; but the Panchayat alone will rekindle the old interest. We may be told of different castes but these were there in olden days. All the difficulties surely existed when we had the Panchayats working so well. Why they should suddenly become more potent of mischief now, I do not understand. Difficulties will surely be there; but it is worth while having them, and learning to overcome them. No one ever dreams that the Panchayats would settle down to work like automatic machines. The question is: are these institutions to the benefit of the people? And if they are, my submission is that they must be restarted whatever the trouble and the difficulty of the task. These institutions in my opinion will benefit not the people alone; they will also benefit the truest interests of the state.

### A PART OF THE HOME RULE SCHEME

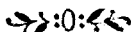
It is Panchayats like these of which I dream as forming a net work in the whole of this country. On the Panchayats with universal suffrage as their basis, I see resting the taluka local boards and from these we go to the District Boards which again along with certain Municipalities and other bodies send up the delegates to the renovated provincial legislatures which will be dominated by

elected representatives. If the Panchayats form a part of our scheme of Home Rule in this way you will readily see how our masses will be associated with it to the fullest measure possible. With our idea of universal suffrage at the bottom and restricted suffrage as we advance up the ladder, we hope to evolve a scheme of government which while possessing all the advantages of democracy may at the same time avoid some of its glaring shortcomings and ensure to every man a voice proportionate only to his ability.

To conclude, such is briefly the place the village Panchayats should in my opinion occupy in our scheme of Home Rule—a measure which I hold will benefit not only India—the Mother of Aryan civilization—but also the Empire and through the Empire perhaps the world.



# Opinion.



We are very pleased indeed to note the reappearance of the Quarterly Journal of the Poona Sarvajanic Sabha, under the editorship of Mr. N. C. Kelkar. The last issue of the old series was published in April 1897. There were many who regretted the disappearance of a periodical associated with honoured names and stirring memories in the early days of India's political awakening, and its resurrection at the present day will be widely welcomed.

In the closing days of Lord Elgin's *regime* of repression, the Sabha was overwhelmed by the mood of official wrath. The Journal of the Sabha ceased to exist, and the Sabha itself was placed under an official ban. It is beside our purpose to examine the grounds of this official proscription of as representative and influential an organisation as existed in the country at the time. If the Sabha fell under an official eclipse, public life was not shrivelled up, but rather grew in power and influence. The emergence of the Sabha and its Journal marks the culmination of the wisdom of the Poona leaders in persisting in the political education of the people. May their shadow never grow less! We render humble, hearty tribute to the excellence of the articles.

—*Young India*.

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