

INDIA AND HER PRESENT NEEDS.

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MADRAS:
HIGGINBOTHAM & CO.
1911.

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The momentous event of a British Sovereign's Coronation Durbar on Indian soil as the Emperor of India in a city of historic associations naturally, raises in many thoughtful minds reflections of a complex nature. To the Indian more than to the English mind that event presents problems of the greatest significance in the actual present and the probable future of the Indian Empire.

In the following pages some endeavour has, been made to draw the attention of English Statesmen to a few of those problems. That endeavour has been inspired by sentiments of the deepest gratitude and devotion to the great people whom, Providence has entrusted with the destinies of this country.

By way of prefacing the consideration of those problems the condition of India will in a rapid survey be touched to shew what it was

- (a) during the pre-Mahomedan period ;
- (b) during the Mahomedan period ;
- (c) during the period of British rule through the East India Company until it was transferred to the Crown ; and
- (d) during the period of the Crown administration.

This method of treatment has, it is submitted, the merit of giving it, though within very small limits, some comprehensive character ; and of drawing attention to certain peculiarities of Hindu social structure, which have survived the long lapse of ages and which still possess the promise and potency of youth. The approach to so wide a subject-matter has the risk of decoying the indulgent reader into bogs of controversy where "armies whole have sunk." That risk will be avoided by the presentation of admitted facts or accepted solutions.

All the great religions of the world swaying the minds and hearts of millions of men ; the highest altitudes of philosophical speculation ; theories of right and wrong applicable to all departments of an organized social life ; political systems formulating a wise and equitable exercise of power and dominion, unsurpassed even by the best systems of ancient Greece and Rome ; all that may well constitute the imperishable intellectual glory of a people and its claim to the respect and admiration of mankind, have found their genesis and development in Asia ; and the best portion of it all belongs to that section of Asia which is called Hindustan : land, whose limitless material resources could well have organized and reared up a nation of bankers and traders commanding the wealth of the world, but which has founded its claim to the notice of mankind, not upon its being the fountain of gold and silver, but upon its being the mother of saints and sages. In no other section of the world, have its best men more persistently pro-

claimed the vanity of earthly pomp, the permanence of moral grandeur, and the immortality of spiritual greatness than in this great peninsula of India.

Under the Hindu political system, kingship was a sacred trust for the well-being of subjects. Great as were his privileges, the king was bound to regulate his conduct in accordance with the counsels of wise men and the public opinion of his country.

The success of his rule was measured by his contribution to the happiness and prosperity of his people. His subjects were, too, under similar obligation to prosecute their *dharma* or duty to their king and to their country. Their status as subjects was not the status of slavery. The king's power embodied the spirit of the written law, which ministered to the safety and permanence of the State. All conception of individualism, either for subjects to assert their rights or for kings to assert their privileges, was subordinated to the common obligation of both to do and to suffer for the security and perpetuation of the State. The highest purposes of individual and collective life were to be fulfilled through the performance of what was prescribed for the conservation of the State. All conception of *dharma* either of the king or of the subject was inspired by the institutional value of the State.

The primary function of kingship was to provide the subjects with all possible facilities to their willing fulfilment of the *dharma*s of their *varna* and

their *asrama*. *Varna* denotes different divisions of Hindu society corresponding to different departments of labour; *asrama*, different stages of man's earthly life—single life, married life, retired life, life of complete self-abnegation and detachment from the world. The duty of kingship which was specially identified with the efficient working of the constitutional machinery, was to make it, for his subjects, as easy as possible to do right and as difficult as possible to do wrong. Strict conformity to prescribed duties was the common obligation of rulers and ruled. The lives of both were subject to moral restraints conceived in the loftiest spirit of service and sacrifice in the cause of public well-being. The Hindu monarchy of old was ideally more constitutional than any constitutional monarchy of our time. An absolute or arbitrary government is thus unknown to the Hindu theory of politics.

Representative institutions too, though in different forms, existed in ancient India. A variety of guilds or social organizations for the prosecution of common purposes was a marked feature of ancient Hindu society. Recognition of the authority of public opinion was a duty alike of kings and of his people; and no recognition could exist without an organized expression of public opinion. Under the Hindu political system, the supremacy of the moral law imposed common duties and responsibilities on sovereigns and on subjects and thereby bound them together as one corporate entity to work out the ideals of life.

Ancient India comprised many Hindu States of varying strength and extent. Their one bond of moral union was their common loyalty to the Hindu sacred scripture (the *Srutis* and the *Smritis*); their common inheritance to the language, literature and philosophy of Hindu society. This common loyalty and this common inheritance, naturally created a common conception of duty, of the aims and objects of private and public life, of the conditions of authority and obedience. Among the scattered principalities of ancient India, rulers of the largest States had the status of *Chakravartis* or emperors. That status was an index of their suzerainty over kingdoms of a smaller extent. But the political relation of a larger State with the smaller ones under its authority, was more a confederation than a federation of States. The great names of Harischandra, Nala, Sagara, Raghu, Dasaratha, etc., form a classic list of emperors whose lives embodied the loftiest dharmas of their exalted station, and whose memories still shine through the mist of ages and command the intellectual homage of their remote posterity.

No review of ancient India, however rapid or brief, can avoid a reference to the position of the Brahmin section of Hindu society. That section constituted its intellectual aristocracy, laid its foundation broad and deep, and left on its structure a stamp of individuality that no lapse of time has been able to efface. It was the sole custodian of the sacred language and the rich literature of ancient

India. Its pre-eminence in the Indian world of thought from the earliest down to our own time, stands without a challenge. The best part of the intellectual inheritance of modern Hindu society has been the achievement of the Brahmin mind. The greatest saints and sages; the best jurists and philosophers; the subtlest logicians and divines; the most learned grammarians and commentators; the authors of immortal dramas and epic poems; the founders of great schools of learning; the conductors of great researches and discoveries in science and philosophy; authors of profound works on astronomy, medical science, mathematics, political economy, politics, and other departments of knowledge; great preceptors, reformers, ministers, judges, councillors, warriors; men of distinction in every field of mental labour; all, all these were the members of the Brahmin community. Their contribution to the permanent literature of the world cannot but form a title to greatness all their own—the ethical code and the religious faith which the Brahmin mind developed and consolidated, has been the foundation of the social framework of some two hundred millions of the human race. Such in ancient India was the position of the Brahmins who in the old days in no way constituted a close corporation. Hindu literature abounds in instances of good and noble men of the other sections of Hindu society having been admitted into the Brahmin section.

It is a presumption of ignorance to suppose that the four original divisions of Hindu society were

inspired by feelings of jealousy and antagonism towards each other; and that the supremacy of the Brahmins was inspired by a love of power over the others. That supremacy was purely a moral one and was the outcome of intellectual strength. "He that thinks must govern him that toils." It was the operation of a natural law. The great social divisions of Hindu society were not the work of a particular body of men nor had they their origin at a particular stage of national life. They were the natural cleavages of a highly organized corporate life, created by natural differences between man and man, and moulded and shaped by economic exigencies. The social divisions of Hindu society were in fact the natural adjustment of men of different mental endowments to different spheres of activity and inclination. The adjustment was not due to any external force, moral or material. It was a spontaneous operation due to biological laws. Inherited instincts, acquired predilections, imbibed tastes, transmitted impulses, were among other causes responsible for the adoption by different men of different departments of labour. Ancestral partiality for one kind of work was transmitted as a pre-determining factor of its choice to the offspring. Inherited impulses were fostered and developed by social environment. As the acquired or the inherited aptitude for a particular labour of each section of Hindu society was one of the essential conditions of its normal existence, contributing as it did to the general happiness of the whole, these separate guilds or social corporations became the separate

cellular tissues of one and the same social organism. Their inter-relations were marked by a bond of sympathy and cordiality, respect and loyalty.

The thinker, the teacher, the actor, the priest, the soldier, the trader, the tiller, living on the same soil, subject to the same authority, sharing the same faith, benefiting by each other's works, ensuring the efficient discharge of each other's labour; looked upon each other as the natural and necessary parts and counterparts of one single, social corporate entity charged with the sacred, patriotic duty of maintaining and transmitting intact their common state, their common language and literature, their common religion and philosophy. No antagonism, no jealousy, was cherished by one towards another among the Brahmins, the Kshatriyas, the Vysias and the Sudras. They were and continued to be for the most part what they had made themselves. The great institution of caste confined the energies of each section to a particular area of labour and enabled it to specialize therein. It concentrated and focused the faculties, on the work, of that section; and thereby brought about its development to the highest possible degree of excellence.

The value of a man or the contempt that he draws upon himself from his fellow men, depends, not on the particular work which he does, but on his manner of doing it; on his general character; on the amount and quality of sense which he brings to bear on what he does in his private and public life. The reproach

of there being "depressed" classes in Hindu society cannot belong to its higher ranks, but must be of those that constitute those classes. Their "depression" is not the outcome of any hatred or antagonism or jealousy on the part of those ranks, but is brought about by their own conduct and character, their voluntary abstention from all useful and honourable activities, their disloyalty to all the sacred duties and responsibilities of life, to the low motives and animal impulses that have for the most part actuated their conduct and behaviour. To charge the Brahmin with the Pariah being what he is, is to seek the cause in the wrong quarter. The "depressed" community has produced great saints, sages, poets, philosophers, doctors and divines, who have commanded the unqualified respect and admiration of the Brahmins, and who have been ranked among the highest and the best of the land. The elevation or degradation of any one section of a composite whole largely depends on its inherent desires, impulses, its own inherent faculties of moral and intellectual perception and outlook.

The circumstances that naturally rendered the position of the Brahmin one of the highest importance and therefore of the greatest influence have been briefly adverted to. No one section of any organized society can possibly achieve pre-eminence over its other sections without real aptitude in itself and without a willing and loyal recognition of that aptitude on their part. As the inter-relations were those of mutual dependence in the several depart-

ments of labour for each of which, each section had by "hereditary drill" been specifically qualified, there could be no room for mutual jealousy and antagonism.

The vast area of time between the age of ancient India and the commencement of the Mahomedan dominion in this country, is covered with thick darkness. All accounts are mostly traditional or are matters of controversy. The only gleam of light through this period of darkness relates to the development of Buddhism, a product of the soil of Indian thought which now commands the spiritual allegiance of about a fourth of the world's population. This great religion of peace and humanity became the state religion of India and its greatest apostles were the Indian Emperors, Chandragupta and his still more famous grandson Asoka. One of Emperor Asoka's edicts records his contraction of treaties with five contemporary Greek kings. He sent missionaries to Siberia, Ceylon, China and Africa, Egypt, Syria, Macedon, Epiros. Magasthenes, the Greek ambassador at the Court of Chandragupta, has left authentic historical records of the condition of things, moral, material and political, of the Hindu society of this period. One might conclude that Hindu power and dominion of this time was perhaps even greater than what it had been in the ancient India of an anterior age.

Hindu society at the time of its early associations with Mahomedans who came for plunder and rapine, was essentially the same in its foundations and superstructure. Frequency of contact with Maho-

medan invaders, however, largely modified its social life. The original rigidity of communal existence, possible only in a condition of internal peace and external security, was relaxed by the periodical visitations of alien semi-barbarous races to rob and plunder, to impose a new faith by force and to desecrate the temples of the old. Order and good government were destroyed and with them disappeared whatever forces had co-operated to impart a character of immutability to the Hindu system of social and religious life. In the unsettlement of old moorings, men drifted into new grooves of activity. Hereditary divisions of communal labour were felt to be too rigid and inelastic to admit of the freedom required for adjustment to a new order of things still in the making. A radical revision of the time-honoured programme of Hindu corporate life, social as well as religious, was found indispensable to the maintenance of its individuality. Neither the Brahmin, nor the Kshatriya, nor the Vaisya could continue to do his appointed work in the new circumstances so little favourable to the pursuit of old ways and old ideals.

A departure from the written law relating to the temporal interests of Hindu society, departure that had commenced at the dawn and developed during the consolidation of Mahomedan power in India, acquired in the rapid succession of great political changes the strength of custom. In subsequent times, the law and the custom in respect of the same matter were brought into conflict, and each

exclusively claimed according to local exigencies the adhesion of the popular mind to its own mandates or sanction. It was about at this juncture that the age of commentators began; and the commentaries on the texts of Hindu civil and religious law acquired a degree of authority greater than that of the texts themselves. The homage, paid to the word of the law and the prophets, was transferred to the word of the commentator. This transfer of popular loyalty from the maker to the propounder of the law, incidentally led to a revival of the Brahmin influence whose foundations had been sapped in a preceding age. The authority that he had lost as the author of a system no longer suited to an altered state of things, was restored to him as its commentator when his commentaries recognized the existence of a custom at variance with the law and when he recognized its claim to over-ride the provisions of that law.

While the other sections of Hindu society were by changes of time drifting into spheres of activity not allotted to them by the social system under which Hindu society had been built up, the Brahmin found himself again in its moral headship; and his power, taken at the flood, has led on to that position of intellectual eminence which has survived all the subsequent vicissitudes of Indian society and has constituted a social force of immeasurable proportion and inexhaustible vitality.

When Mahomedan dominion became a permanent institution over the greater part of India, Hindu

society, presented the characteristic feature of a corporate body, of which the Brahmin element alone retained its distinctive entity, while the other elements were in a condition of mutual fusion, scarcely, if at all, bearing any kinship to the original type.

During the existence of Mahomedan power, the Brahmins were not singled out for any exceptional treatment at the hands of the ruling race. But their moral and intellectual aptitude, inherited during the lapse of ages and improved and enlarged by a rigid system of discipline and industry during the lifetime of each generation, could not possibly fail to be laid under contribution by the best Mahomedan rulers of India, in the difficult task of administering its complex affairs.

The dominion of Tamerlane was accepted by the Hindus as that of "a conqueror coming in upon the terms of mixing his blood with that of the Native nobility of the country, making the Native princes the hereditary constables of the capital of the country, freeing the Hindus for ever from that tax which the Mahomedans had laid upon every country over which the sword of Mahomed prevailed, viz., a capitation tax upon all who did not profess the religion of Mahomedanism"—(Burke). He left for the instruction of his posterity in the government of his Indian Empire a body of rules conceived in a spirit of sagacity and statesmanship to which the history of his age can scarcely furnish a parallel.

In the preamble to these "institutes," the great Mahomedan Emperor remarks :

"Having established laws and regulations for the good government of my dominions, I have collected together those laws and regulations as a model for others ; to the end that every one of my children, descendants, and posterity, acting agreeably thereto, my power and empire which I acquired through hardships and difficulties and perils and bloodshed may by divine favour and by the holy religion of Mahomed be by them preserved."

"I carried on the business of my empire by complying with times and occasions and by generosity and by patience and by policy. By consultation and deliberation and provident measures, by caution and vigilance, I reduced kingdoms to my authority. By discipline and by order I so firmly established my authority that the Ameers, and the Vaziers, and the soldiers, and the subjects, could not aspire beyond their respective degrees, and every one of them was the keeper of his own station. * * * I compassionated the lower ranks of my people and those who were distressed. I did not cause any one person to suffer for the guilt of another. * * * Those who had done me injuries and had counteracted my schemes and enterprises, when they threw themselves on my mercy, I received them with kindness and conferred on them additional honours and drew the pen of oblivion over their evil actions. * * * I associated with good and learned men, and I gained their affections and I entreated their support. I permitted not the evil and the malevolent to enter into my Council and I acted not by their advice. * * * I enquired of learned men into the laws and regulations of ancient princes, and

weighed their institutions, their actions and their opinions one by one, and from their approved manners and their good qualities I selected models. * * * I enquired into the causes of the subversion of their power and I shunned those actions which tend to the destruction and overthrow of regal authority."

The successors of Emperor Tamerlane conformed as far as possible to the spirit of his advice in the government of India. When that conformity ceased to operate, commenced the decadence of their power. In the words of Lord Lytton at the Imperial Durbar at Delhi, "sapped by incessant bloodshed and shaken by intestine broils the great house of Tamerlane crumbled to decay because it had ceased to be conducive to the welfare of the East." Under the rule of the best of Mahomedan Emperors all orders of Hindu society found large opportunities of serving the State in various capacities of trust and responsibility. "During a considerable portion" says Colonel Malleon "of the Moghul period from Akbar to Aurengazeb, as well as in some of the preceding reigns, the Courts of Agra and Delhi, alike in their magnificence and in the largeness of their public measures, did not merely rival, but surpassed the best European governments of the day. The institutions of Akbar, in particular, the very advanced principles of toleration and justice to the conquered race which he introduced into his Government, the influence of which was felt in several succeeding reigns, are worthy of imitation by the most enlightened Governments of any period. This great warrior, though belonging to an age which had but scarcely emerged from barbarism, recognized the sound principle that a government must rest on the

affections of the people. The measures which he adopted with this view for breaking down the barriers between the conquering and the conquered races, are worthy of all praise."

From the time of Aurengazeb began the period of decay and destruction of Mahomedan rule. A policy of iniquity and persecution was commenced; and all the sacred laws of human life were outraged in the exercise of power and dominion: exercise, against which the best Indian Princes of the period who had constituted the main stay of Mahomedan sovereignty, asserted their natural rights. Of the character of rule during this period no better evidence can be produced than the letter of indignant protest against the imposition of the poll-tax on non-believers in Mahomedanism, letter addressed to Aurengazeb by one of the noblest Rajput Princes that have ever adorned an Indian throne, Rana Raj Sing, Maharana of Udaipur. A few extracts from this great historical document may not be out of place in this rapid review of Moghul India.

"Your royal ancestor Mahumed Julal-u-din Akbar conducted the affairs of this empire for the space of fifty-two years, preserving every tribe of men in ease and happiness, whether they were followers of Jesus or of Moses, of David or of Mahomed. Were they Brahmins or any other sect they all equally enjoyed his countenance and favour in so much that his people in gratitude for the indiscriminate protection he afforded them distinguished him by the appellation of Jaggat Guru."

• • "His Majesty Mahomed Nur-ul-din Jehangir extend-

ed for a period of twenty-two years the shadow of his protection over the heads of his people." * * *

"Such were the benevolent inclinations of your ancestors. Whilst they pursued these great and generous principles, wheresoever they directed their steps, conquest and prosperity went before them. * * * During Your Majesty's reign many have been alienated from the empire; and further loss of territory must needs follow since devastation and rapine now universally prevail without restraint. Your subjects are trampled under foot and every province of your empire is impoverished. * * * When indigence has reached the habitation of the sovereign and his princes, what can be the condition of the nobles? As to the soldiery, they are in murmurs; the merchants, complaining; the Mahomedans, discontented; the Hindus, destitute; and multitudes of people, wretched even to the want of their nightly meal, are beating their heads throughout the day in rage and desperation."

"How can the dignity of the sovereign be preserved who employs his power in exacting heavy tributes from a people thus miserably reduced? At this juncture it is told from east to west that the Emperor of Hindustan, jealous of the poor Hindu devotee, will exact a tribute from Brahmins, Sanoras, Jogis, Biragis, Sanyasis; that regardless of the illustrious honour of his Timurean race he condescends to exercise his power over the solitary inoffensive anchorite. If Your Majesty places any faith in those books, by distinction called divine, you will then be instructed that God is the God of all mankind, not the God of Mahomedans alone. The Pagan and the Mussulman are equal in His presence. Distinction of colour are of His ordination. It is He who gives existence, etc. etc. etc.

In fact, the tribute you demand from the Hindus is repugnant to justice ; it is equally foreign from good policy, as it must impoverish the country. Moreover, it is an innovation and an infringement of the laws of Hindustan." * * *

"It is wonderful that the ministers of your Government should have neglected to instruct Your Majesty in the rules of rectitude and honour."

Mahomedan supremacy was not a supremacy of one race over other races in the same land ; it was the supremacy of individual reigning families over their subjects alike Mahomedan and Hindu. The adoption by Mahomedans of India as their permanent home led to a community of interests in all the activities of life between them and the other communities.

The process of decay in the Semitic structure of imperial power in India worked fast. Where rulers and ruled constitute different races drawn together by no community of hopes, fears, or interests, the evils of political unwisdom do their deadly part when ideas of racial superiority militate against justice, equity and sympathy in the exercise of power and dominion. Macaulay described that process in the following words in the House of Commons :—

"We ought to compare India under our government, not with India under Akbar and his immediate successors but with India as we found it. The calamities through which that country passed during the interval between the fall of the Moghul power and the establish-

ment of the English supremacy was sufficient to throw the people back whole centuries."

"In what state then did we find India; and what have we made India? We found society throughout that vast country in a state to which history scarcely furnishes a parallel. The nearest parallel would perhaps be the state of Europe during the fifth century. The Moghul Empire, in the time of the successors of Aurengazeb, like the Roman Empire in the time of the successors of Theodosius, was sinking under the vices of a bad internal administration and under the assaults of barbarous invaders. At Delhi as at Ravenna, there was a mock sovereign, immured in a gorgeous State prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. * * * While the Honori and Augustuli of the east, surrounded by their fawning eunuchs, revelled and dozed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to respect a Government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into new combinations which the next moment dissolved. In the course of a single generation, a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies, treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed by the same track, to glean whatever the

Persian had spared. The Javts established themselves on the Jumna. The Seiks devastated Lahore. • Every part of India from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within, by the robber from whom the Nabob was unable to protect them, by the Nabob who took what the robber had left to them. All the evils of despotism and all the evils of anarchy pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in their imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilization of an earlier age.”

“Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed* since we appeared as auxiliaries in a contest between two rival families for the sovereignty of a small corner of the peninsula. From that moment commenced a great, a stupendous process, the re-construction of a decomposed society. Two generations have passed away and the process is complete. The scattered fragments of the empire of Aurengazeb have been united in an empire stronger and more closely knit together than that which Aurengazeb ruled.”

Thus passed away, as the baseless fabric of a vision, to a past that cannot come back, the empire of the great Tamerlane. India's gratitude to fortune for being transferred from the sway of the Moghul to

* The speech was delivered in 1833.

the sway of the English has become the most solid foundation on which her claim to the respect and sympathy of her present rulers is based.

From the period of rule by the East India Company began the improvement of Indian society in all respects except its material condition. In the words of an eminent Indian administrator, "Englishmen have conferred on the people of India what is the greatest human blessing—peace. They have introduced western education, bringing an ancient and civilized nation in touch with modern thought, modern sciences, modern institutions and life. They have built up an administration which, though it requires reform with the progress of the times, is yet strong and efficacious. They have framed wise laws and have established Courts of Justice, the purity of which is as absolute as in any country on the face of the earth."

During the existence of the East India Company, the periodical renewal of its charter furnished the occasion for a thorough examination through an independent tribunal created in that behalf, examination of the past administration of India with a view to any desirable modification or improvement of the existing machinery. In the government by one nation over another nation, each radically different from the other in some of the fundamental conceptions of human life, nothing can possibly contribute in a greater measure to its stability and efficiency than the permanent creation of some agency whereby to examine its past handiwork and to

prescribe its future activity. That Government is in the very nature of things bound to be swayed by motives of self-interest incompatible with the highest good of the subject communities of a different race. The machinery by which the play of those motives can be brought under some degree of restraint and control, and by which an alien dominion can be rendered the least bad to the governed races, is perhaps the greatest achievement of political wisdom and practical experience. During the entire period of the East India Company's sovereignty, India had the inestimable privilege of being governed by a body of men whose political existence for ruling purposes was conditioned by the favourable event of a periodical examination through an independent tribunal.

Those tribunals consisted of select committees of both Houses of Parliament. The evidence taken before them was published in Blue Books whose diffusion spread far and wide among the Indian educated classes whatever wise political conceptions have been associated with great English political thinkers, administrators and statesmen. The witnesses, examined before the select committees of the House of Lords in 1852 and 1853, included John Stuart Mill, Lord Hardinge (grandfather of the present Viceroy), Sir Charles Trevelyan, Frederick Halliday, Sir Erskine Perry. The select committees of the House of Commons in 1852 and 1853 were constituted, among others, by Lord John Russel, Mr. W. E. Gladstone, Mr. R. Cobden, and

Earl of Halifax, Macaulay, Lord Stanley, Lord Palmerstone; and the witnesses examined were Lord Elphinstone, Lord Ellenborough, Lord Hardinge, and other eminent Englishmen who had been closely associated with Indian affairs.

The opinions of men who had given from twenty to forty years of their lives to the work of Indian administration, opinions deliberately formed and publicly expressed before the Committees of Parliament, constitute in themselves a review of that work, best calculated to suggest any desirable modification either of the structure or of the functions of the existing political machinery for the better government of India. Under the new order of things the Indian as well as the English world was deprived of the access to the best possible information in respect of the nature of government administered to the teeming millions of India during a period under review.

Besides this periodical examination, the Indian administrative machinery consisted of a double compartment. The powers of administration rested with the twenty-four directors of the East India Company; and the powers of control, with the Board of Control constituted by men nominated by the Crown and presided over by a member of the Cabinet. The directors were subject to the Board, the former initiated and the latter controlled. But in respect of "all proceedings of a great political nature involving peace and war", the directors had not even the power of the initiative; and the Presi-

dent of the Board (a minister of the Crown) conducted those proceedings and communicated with the chief authority in India through a secret committee, which, though constituted by a small number of the directors, was for such purposes entirely independent of the general body of the directors.

This double system of rule, prevailing for more than seventy years (1784—1858) was to India both a benefit and an evil, but more the former than the latter. It imposed a much-needed control over the actual rulers, and it conferred no arbitrary power on the minister of the Crown. In the opinion of Lord Hardinge ("the wisest and the ablest Governor-General of the period"), opinion recorded by the Select Committee of the House of Commons (1852), "the system of double government is much wiser than bringing the Crown more prominently forward" John Stuart Mill, who for thirty years had been in the service of the East India Company, gave his evidence in the following words:— "It is next to impossible to form in one country an organ of government for another, which shall have a strong interest in good government; but, if that cannot be done, the next best thing is to form a body with the least possible interest in bad government; and I conceive that the present governing bodies in the country for the affairs of India have as little sinister interest of any kind as any Government in the world."

"The Court of Directors, who are the initiating body, not being the body which finally decides, not being able to act but by the concurrence of a second authority, and

having no means of causing their opinion to be adopted by that authority except the strength of their reasons, there is much greater probability that a body so situated will examine and weigh carefully the grounds of all proceedings than if the same body which had the initiative gave the final order.—(Mill).

In the petition framed by the great philosopher, J. S. Mill, on behalf of the East India Company, occur the following observations:—

“That your petitioners cannot conceive a worse form of government for India than a minister with a Council whom he should be at liberty to consult or not at his pleasure. That any body of persons, associated with the minister, which is not a check, will be a screen. That your petitioners find it difficult to conceive that the same independence in judgment and act which characterise the Court of Directors, will be found in any Council all of whose members are nominated by the Crown.”

“It is considered an excellence and not a defect in the constitution of Parliament, to be, not merely a double, but a triple government. An executive authority, your petitioners urge, may often with advantage be single, because promptitude is its first requisite. But the function of passing a deliberate opinion on past measures and laying down principles of future policy, is a business, which, in the estimation of your petitioners, admits of and requires the concurrence of more judgments than one. It is no defect in such a body to be double and no excellence to be single.”

Whatever wisdom and equity have since the abolition of the East India Company been brought

to the conduct of Indian affairs in England, have been the personal attributes of individual Secretaries of State for India, and not the invariable attributes of the incumbent of that office, logically resulting from the character of the system inaugurated in 1858. The Indian Secretary's responsibility to Parliament is made to provide for all the benefits that under the old order of things prior to 1858, used to result from the existence of the Board of Control supervising the Court of Directors. But efficient parliamentary control over the conduct of the Indian Minister in London is only a provision in theory. It has not existed in practice. The government of the Indian Empire, directly carried on by a democracy having its own absorbing problems of social and political evolution, is a Government under which the subject communities of a distant and detached empire like India, cannot have the benefit of all that is best in the intellectual and emotional composition of the ruling nation. Such benefit to any large extent, is only possible under a competent system of delegation or devolution. Direct parliamentary control in London over the affairs of a distant Continent in Asia, peopled by three hundred millions of men forming different races and communities, is bound to be or to become an experiment of doubtful wisdom. The nascent forces that in the fulness of time will probably render the conditions of success under that experiment more and more difficult, will demand in the years to come all the wisdom and statesmanship, all the best and the highest impulses that constitute the mental equipment of the English race in their wise adminis-

tration of Indian affairs. If parliamentary institutions are not suited to the Indian soil, the direct conduct of Indian government by the English democracy in England, is equally so to the Indian type of human nature. Ministerial responsibility so far as India is concerned is a reality only to the extent to which the Indian Secretary's sense of rectitude and his power of wisdom and foresight are also a reality.

Some great organic change therefore is obviously called for in the structure and functions, not only of the India office in England, but of the administrative machinery in India. That change which should be the outcome of great deliberation, would appropriately synchronise with the historic event of which the prospect has so abundantly appealed to the sentiment and stirred the imagination of more than three hundred millions of men whose destinies, it is calculated, for good or ill, to influence. If the forthcoming Indian Coronation of His Majesty King George is intended to be a great political event of far-reaching consequences, instead of a mere social function, a nine days' wonder, in the public life of Indian society, it should be associated with some measure of wisdom of a permanent nature; which would signify to the present and future generations of his Indian subjects that their highest interest in every sense of the term has thereby been for the years to come, as amply provided for as human forethought and sagacity could devise. The need for such measure is almost an imperious need. India's

obligations to England are great beyond expression, and have, in the minds of the best of her sons, inspired an abiding sense of gratitude. Nor are England's obligations to India of less authority and magnitude. If India cannot be what it is without England, where would England be without India? This is a matter of cold calculation in the dry light of the intellect, beyond the domain of feeling and sentiment. Both sides of the question must be faced alike by Englishmen and by Indians. In the wise elaboration of such measure, the obligations of each to the other would be adequately demonstrated. The time best suited for such demonstration would be a time when the world would behold the grandest symbolization of the dominion of one branch of the great Aryan race over another branch in a land rich with the associations of all that has been the highest and best in human life.

The Company's charter was renewed by the Act of 1853. The number of Directors was reduced from 24 to 18, six of the reduced number being appointed by the Crown. The Board of Control continued its functions. The Council of the Governor-General was expanded for legislative purposes. The right of patronage to Indian appointments was transferred from the Company to the Crown, for being exercised in conformity with regulations framed by the Board of Control. Those regulations prescribed recruitment of the Indian Civil Service through competitive examination. The system of double government, which John Stuart Mill had so strongly supported,

continued a few years longer, till the Indian Mutiny brought to a permanent close the sovereignty of the East India Company.

This great historic transfer was not merely a transfer of political power; it was a transfer of a great material burden. The greatest part of that material burden is what is called the Home charges. What are they? They consist of dividends of East India stock; interest on Home debt; the salaries of officers and establishments and cost of buildings connected with the Home department of the Indian government; furlough and retired pay to members of the Indian Civil and Military Services when at Home; charges of all descriptions paid in England connected with the British troops serving in India; and a portion of the cost of transporting British troops to and from India.

Dividends on East India stock signify payments out of the revenues of India the dividend on the capital stock belonging to the East India Company, which still exists for the purpose of receiving that dividend. Next comes Home debt. This consists of the territorial and other debts of the Company, and of the public debt of India. The public debt of India had been built up during a hundred years of the Company's rule by debiting India with the expenses incurred by the Company in England. It was 7 millions in 1792; 10 millions in 1799; 21 millions in 1805; 27 millions in 1807; 30 millions in 1829; and in 1836 was brought down by Lord William Bentinck to nearly 27 millions. From 1836 to 1858 (the date

of the transfer) the debt had risen from 27 to more than 60 millions. The territorial and other debts of the Company in England rose from more than 3 millions in 1836 to more than 8 millions in 1858. The aggregate Home debt in 1858 stood at 69½ millions.

This colossal Indian debt was not the outcome of any capital spent by England either for the conquest and administration of India or for the development of her resources. It graduated from the deficit year after year in her resources to meet the growing proportions of the other items of the Home charges. It also included the cost of all wars in and about India from the time of Lord Auckland to that of the Indian Mutiny whose cost of 10 millions was added thereto. This Home debt when the East India Company was abolished stood at 70 millions; and, in 19 years after the abolition, when the Queen assumed in 1877 the title of Empress of India, was doubled up to 139 millions.

The abolition of the East India Company meant the purchase of the empire of India by the Crown from the Company for a sum of money paid by the people of India. The value received by the shareholders of the Company's stock was added to the Indian debt, the interest on that debt being made a charge on the revenues of India.

A substantial portion of the Home debt of India arose from the prosecution of English purposes unconnected with Indian interests; and, if wisdom and

equity should prevail in the counsels of the great people of England, ought not to constitute an Indian obligation. At the sacrifice of her countless treasure England has stood up in other parts of the world for the claims of justice and humanity. The liberation of the African slave has cost her more than would be the addition to her burden by meeting the equitable demands of India; and her possession of the Indian Empire constitutes the major portion of her title to be the greatest imperial power on the face of the earth. When in the great proclamation of 1858 Queen Victoria assured the princes and people of India: "We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations by the blessing of Almighty God we shall faithfully and conscientiously fulfil"; she inspired a profound sense of gratitude in their minds; and her position as henceforth the direct arbiter of India's destinies was thankfully accepted as a magnificent gift of fortune. This closer proximity between the Crown and her Indian people was looked upon as an additional security for England's treatment of Indian affairs in accordance with wisdom and equity. The assurances of rulers and the expectations of subjects form in themselves a moral bond of union. To strengthen that bond is true statesmanship. Any statesmanship worth the name, is but an expression of the eternal moral law.

India is essentially an agricultural country; and the land revenue of the State forms the largest item

of its income from all sources put together. An industrial India did exist and might again come into being, but an agricultural India is an eternal fact. No development of her commerce and her industry under the most favourable circumstances can ever either arrest or annihilate the dedication by the largest section of her population of their energy and their capital to agricultural pursuits. In India power and dominion of sorts and sizes came, flourished, decayed and disappeared, destroying her commerce, dissipating her wealth, disturbing her peace, outraging her religion, and trampling out her freedom. But the one condition that no earthly vicissitude could overthrow or modify was the condition that bound the Indian to his soil.

When that condition forms the fundamental characteristic of Indian life, no permanent empire over the vast expanse of India is possible which does not bring its highest wisdom and statesmanship to the duty of conserving and improving her agricultural resources, and of securing and developing the prosperity of her agricultural population; in other words, to the imperious problem of her land system. In no direction can power be more beneficially exercised, beneficially alike to rulers and ruled, than in the adoption of a land system generously elaborated and equitably administered. •

If India has been a land of agriculture, India has been a land of famine. Dependence upon the soil means starvation from the scantiness or cessation of her yield or from the margin of outturn insuffi-

cient to maintain existence after the satisfaction of the state or any other demand. In all the great famines of India, it is her agricultural population that has directly suffered most; her commercial and industrial communities have indirectly suffered from either the arrest or the imperfect transport of her agricultural produce. When agriculture and famine bear a permanent relation of some kind in a country where the soil comes in for the largest share of man's energy and activity, it becomes the obvious duty of the State to create all possible facility for the one and all possible insurance against the other.

The social fabric of Indian society is intimately bound up with the material condition of the agricultural classes, whose prosperity or the reverse influences the trade and commerce and the general wealth of the country. In this condition of things the state is obliged to participate. The greater the increase of private property, wider will be the expansion of public resources. The land system, established in the major portion of the Indian empire, has not conserved in the agricultural classes the power of resistance to periodical famines. Agricultural property cannot under the present system be easily converted or transferred. The expenditure of periodical settlements is a burden on the public revenue. They are a source of annoyance and vexation to the people and bring about great depreciation of estates at the close of each temporary settlement.

Of the opinions called for by the government of Lord Canning on Colonel Smith's report, in respect

of the wisdom of granting a permanent settlement to India, the views of his Finance Minister, Mr. Samuel Lang, were the best contribution to the discussion of a subject of imperial importance.

“We do not,” observed Mr. Lang, “exist as a government merely to get the largest revenue we can out of the country, or even to keep the mass of the people in a state of uniform dead level, though it should be a tolerably happy and contented one as a peasant tenantry under a paternal government.”

“If we give a permanent settlement as Mr. Beadon (Lieut.-Governor of Bengal) proposes, we lay the foundation for a state of society, not perhaps so easily managed, but far more varied and richer in elements of civilisation and progress. We shall have gradations of society, from the Native nobleman of large territorial possessions down, through the country gentlemen of landed estate, to the independent yeoman, to the small peasant proprietor, the large tenant with skill and capital on a long lease, the small tenant on a lease, the tenant-at-will, and the day labourer.”

Sir John Lawrence as a Member of the Secretary of State's Council cordially supported the grant of permanent settlement to the whole of India.

These views were fully accepted by the Secretary of State for India (Sir Charles Wood) in his memorable despatch of July 9, 1862. The following are a few extracts which speak for themselves:—

“Her Majesty's Government entertain no doubt of the *political* advantages which would attend a permanent settlement. The security, and, it may almost be said,

the absolute creation of property in the soil, which will flow from limitation in perpetuity of the demands of the state on the owners of land, cannot fail to stimulate or confirm their sentiments of attachment and loyalty to the government by whom so great a boon has been conceded and *on whose existence its permanency will depend.*" (The italics are ours.)

"It is also most desirable that facilities should be given for the gradual growth of a middle class connected with the land without dispossessing the peasant proprietors and occupiers. It is believed that among the latter may be found many men of great intelligence, public spirit, and social influence, although individually in comparative poverty. To give to the intelligent, the thrifty and the enterprising, the means of improving their condition by opening to them the opportunity of exercising these qualities, can be best accomplished by limiting the public demands on their lands. When such men acquire property and find themselves in a thriving condition, they are certain to be well affected towards the government under which they live. It is on the contentment of the agricultural classes who form the great bulk of the population that the security of government mainly depends. If they are prosperous, any casual outbreak on the part of other classes or bodies of men, is not likely to become an element of danger and the military force and its consequent expense may be regulated accordingly."

"That this general improvement will be accelerated by a permanent settlement, Her Majesty's Government cannot entertain any doubt. A ready and popular mode of investment for the increasing wealth of the country will be provided by the creation of property in land, and all classes will benefit by the measure. On the

agricultural population the effect will be * . . . the elevation of the social condition of the people and their consequent ability, not only to meet successfully the pressure occasioned by seasons of distress, but in ordinary times to bear *increased taxation in other forms without difficulty*; the feeling of ownership, or in other words, the absolute certainty of the full enjoyment of the reward for all the labour and capital which they may invest in the land, will be sure to call out all their energies for its improvement. Her Majesty's Government confidently expect that a people in a state of contentment and progressive improvement, will be able without difficulty to *contribute to the revenue in other ways to such an extent as more than to compensate for the disadvantage of foregoing some prospective increase of that from land.*" (The italics are ours.)

"After the most careful review of all these considerations Her Majesty's Government are of opinion that the advantages which may reasonably be expected to accrue, not only to those immediately connected with the land, but to the community generally, are sufficiently great to justify them in incurring the risk of some prospective loss of land revenue in order to attain them, and that a settlement in perpetuity in all districts in which the conditions absolutely required as preliminary to such a measure are, or may hereafter be, fulfilled, is a measure dictated by sound policy and calculated to accelerate the development of the resources of India and to ensure in the highest degree the welfare and contentment of all classes of Her Majesty's subjects in that country."

"They consider that the direct mode of making a permanent settlement is preferable to the indirect one of obtaining a similar result by conceding to the land-holders

the right to redeem their assessment. They do not believe that the power to redeem the land revenue is necessary to induce the land-holders to incur expenditure in the improvement of their property. What is really required, in order to call into effective action their enterprise and capital, is, *not an exemption from all payments to the government on account of their estates, but the fixing of those payments in perpetuity, at a moderate and certain amount.* In Bengal where a permanent settlement was made with the Zamindars seventy years ago, the general progress of the country in wealth and prosperity, notwithstanding the depressed condition of the peasantry caused by errors and omissions in the mode of making the settlement, has been most remarkable. Such errors, in the existing state of our knowledge, regarding the rights and interests of the subordinate occupants of the soil, would not be permitted to recur."

In March 1864 Lord Lawrence, who had before been appointed Viceroy of India, intimated to the Secretary of State for India in general terms the course he intended to pursue respecting the introduction of a permanent settlement in Northern India, Oudh, and the Punjab. On March 24, 1865, the Secretary of State for India in his reply divided for purposes of permanent settlement, Indian districts into three classes:—

- (a) Districts where agriculture was backward,
- (b) Districts fairly cultivated and fully developed,
- (c) Districts with estates fairly cultivated and also estates imperfectly developed.

The Secretary of State decided that a permanent settlement should be introduced into the second class of districts and refused in the first class. In the third class of districts, "Her Majesty's Government," he stated, "are prepared to authorize an immediate settlement on perpetuity, after revision, for all estates in which the actual cultivation amounts to 80 per cent. of the cultivable or malgoozaree area."

On March 17, 1866, Lord Ripon who had succeeded Lord Halifax in the office of Secretary of State for India, added a fourth classification of districts which are associated with canal irrigation; and suggested the following rule:—

That no permanent settlement should be concluded for any estate the assets of which would, when canal irrigation shall have been carried to the full extent at present contemplated, exceed, in the opinion of the officers of the settlement and irrigation departments, the existing assets in a proportion exceeding 20 per cent.

Sir Stafford Northcote who succeeded Lord Ripon as Secretary of State for India, re-affirmed the decision of Her Majesty's Government to introduce a permanent settlement. He informed the Government of India that Her Majesty's Government were prepared to sacrifice the prospect of an increase in land revenue, "in consideration of the great importance of connecting the interests of the proprietors of the land with the stability of the British Government."

He described in modified terms the fourth class^o of estates that Lord Ripon had suggested to be excluded from permanent settlement and laid down :—

No permanent settlement shall be concluded for any estate to which canal irrigation is in the opinion of the Governor-General in Council likely to be extended within the next 20 years, and the existing assets of which would thereby be increased in the proportion of 20 per cent.; in other words : the permanent settlement should be deferred as long as the land continued to improve in value.

The problem of giving the Indian agricultural classes the benefits of a permanent settlement, subject to well-defined conditions, had engaged the consideration of two Viceroy, three Secretaries of State for India, and had received the assent of the British Cabinet. Those benefits, alike to the people and to the state, were carefully examined and deliberately recognized, in every conceivable aspect in which the problem could present itself to the wisdom and statesmanship of some of the best administrators that England has produced in the 19th century. Every consideration of policy and profit had been approached and provided for. The prospective loss of revenue to government from a permanent settlement had been clearly foreseen ; and the remedy for that evil had been wisely conceived to lie in new sources of increased taxation in other forms ; and in the expected willingness and assured prosperity of a grateful population “ to contribute to the revenue in other ways to

such an extent as more than to compensate for the disadvantage of foregoing some prospective increase of that from land"—(Lord Halifax). Even the calamity of a depreciated rupee, likely to upset the calculations of financiers and statesmen and to present serious difficulties in the way of granting a permanent settlement, had been anticipated by Lord Halifax when conveying the sanction of Her Majesty's Government to that measure. In spite of all this, another Secretary of State in his Despatch No. 24, dated March 28, 1883, set aside the recommendation made by Lord Canning twenty-one years before; and set aside in the following words: "I concur with Your Excellency's government that the policy laid down in 1862 should now be formally abandoned."

To the long list of good purposes, begotten of sympathy and generosity, developed with caution and policy, proclaimed with courage and deliberation, but abandoned from considerations of no great moral authority and from a deficient conception of the true interests of England as well as of India, was added another good purpose; and the opportunity was lost of strengthening the foundations of empire by the surer means of moral than of material power.

Another matter of supreme importance is the problem of the industrial and commercial well-being of India. The doctrine of free trade shares with the dogmas of Christianity the intellectual homage of the average Britisher. The largest portion of England's material prosperity is rightly or wrongly ascribed to

the beneficent operation of the principles of free trade. If England is to be commercially benefited by her supremacy over India, India should become a country of both consumption and production. India's material condition should therefore improve in order that she can have money to buy and money to make the article that she can sell for its highest value. The more India can buy, the better for England. The more India can sell the better for herself. In the former case, England is directly interested; in the latter, England as her ruler is interested in the interests of India.

The India of our day is more a land of the raw material than of the finished article. Her ancient industries that had once been the world's attraction have practically disappeared. Their revival if possible, has been a cherished object of Indian patriotism. The development of new industries with abundant raw material in India has engaged the earnest attention of Indian capitalists. But neither the revival of the old, nor the development of new industries can be provided for without a system of protection by the state, adopted at least for the period required for either operation to reach a satisfactory stage. Highly advanced Indian industries of the present time need no protection. In the case of Indian industries not highly developed, an increase of import duties on foreign manufactured articles of similar description, is expected to stimulate local production and to diminish the consumption of those articles. Export duties on raw material not absorbed by any existing indus-

tries merely tend to its accumulation. Export duties on finished products prevent access to the best market. What India needs for her industrial prosperity is the prevention of the export of raw material required for her industries; and prevention of the import of foreign manufactured articles until her capacity to produce similar articles is fully developed. An import duty on foreign article is a protective duty for an infant industry; and an export duty on raw material is a stimulus to a new one.

There cannot be a greater industrial calamity to India so rich in raw material than its unchecked export, and the consequent starvation of whatever industries might be fostered by that raw material. Indian exports have been on the increase since the abolition of the East India Company. The stages of India's economic drain have been of this order: during the first two years after the mutiny India's imports were greater than her exports; then her imports and her exports equalled each other; in the year ending 1863, the exports were greater than the imports by 6 millions sterling. That difference rose to 16 millions in 1864 and to 20 millions in 1865; but, after 1870 it assumed a position generally between 15 and 20 millions sterling a year. This great economic drain was one of the co-operative causes of Indian poverty. England herself had to suffer from a deficient market for her produce in India.

A great Indian scholar and administrator, in whose death India sustained an irreparable loss when she

could ill-afford to lose her men of wisdom and experience, says concerning this matter :—

“The annual economic drain to Great Britain is met directly from the revenues of India. A great part of the revenues of India is derived from the soil in the shape of the land revenue. The land revenue is raised generally from cultivators in Southern India, and from landlords in Northern India who in their turn exact rents from their tenants. Cultivators pay their revenue or their rent by selling a large portion of the produce of their fields, keeping an insufficient stock for their own consumption. Exporting merchants have their agents all over the country to buy what the cultivators are compelled to sell, and railways rapidly transport these purchases to seaports, whence they are exported to Europe.”

To meet the demands of land revenue, food is exported even during the season of famine as it happened during the greatest famine of the 19th century (1876-77). This great demand for food-grain if it should result in extended cultivation, is a good where land revenue is permanently settled ; and is an evil, where land revenue varies with the rise of prices and increase of cultivation.

A radical change is therefore needed in England's treatment of India's industrial and commercial interests. Her dormant industries should wherever possible be revived and developed, and protected for the purpose of that revival and development. Import duties should be raised or imposed to prevent the influx of the finished products of foreign countries. In February 1857, Lord Canning had re-

commended to the Court of Directors the augmentation of import duties and the abolition of export duties. When Lord Stanley became the first Secretary of State for India under the Crown, he sanctioned among other things the increase of import duties, but not the abolition of export duties. The large import of cotton and silk goods into India during the ten years after the mutiny almost destroyed the weaving industry of India and "millions of weavers sank to the level of agricultural labourers and increased the pressure on the soil."

The existing industries of India, starved and hampered by unfair competition with foreign articles, need all the help of a protective tariff for their restoration or development to a normal strength. A system of state bounty should operate to revive some of her valuable industries that have practically disappeared.

Another subject of great importance to the well-being of India's teeming millions is the need of an institution, possessed of the faculties of affording relief to people who have suffered from the imperfections of the existing civil and criminal law of India, and from the disposal by administrative and political officers, of matters that cannot appropriately fall within the province of judicial tribunals. Such institution might be converted into an Indian section of the Judicial Committee of the Privy Council, located in India as the highest court of appeal for judicial causes; and also as a tribunal authorized to decide in the name of His Majesty the Emperor all those

causes of a political nature which are now disposed of by the Viceroy and by the Governors of Madras and Bombay in their purely political capacity. The functions of such a tribunal would be twofold :— They would comprehend the work of finally deciding in the name of the Emperor, as the highest court of appeal,

- (a) all causes judicial,
- (b) all causes political.

As regards judicial causes : The Indian work of the Judicial Committee of the Privy Council, now done in England, would be transformed into the function of one compartment of this Indian Judicial Committee with the same powers and privileges. In the matter of civil jurisdiction, the money value among other things, of suits in appeal before this tribunal, might be brought down from Rs. 10,000 to Rs. 5,000. In the matter of criminal jurisdiction, where the lives and liberties of human beings are at stake ; where the existing imperfections of the criminal law prevent the administration of justice to the fullest possible extent ; where the innocent suffer and, owing to legal technicalities, the guilty either escape suffering or do not suffer enough ; where the Sovereign's prerogative of mercy is appealed to and the time at the disposal of the Viceroy, or the Governors or Lieutenant-Governors of the presidencies and the provinces is insufficient for a calm, judicial consideration of all the facts and circumstances of the case ; where in times of political anxiety and stress, administrators cannot make good judges, judicial and

administrative functions demanding mental equipment of a radically different nature ; where it is the highest object of statesmanship that the name of the Lord Paramount of the Indian Empire should not, in popular estimation, be found associated with any injury, any injustice, caused to any man, woman, or child, by the law made in his name, administered on his behalf through tribunals established under his authority ; one supreme tribunal to discharge the needed functions of administering equity and granting relief, thereby relieving the present judicial and administrative authorities of an appreciably large portion of their judicial labour, would be a most appropriate manifestation of a devotion to the loftiest conception of justice on the part of the Supreme Magistrate of his Indian Empire.

As regards political causes : (1) The aggregate territorial extent of the Indian Native States in subordinate alliance with the Government of India and under the system of Imperial protection, is about 741,000 sq. miles, being nearly four times the size of France or of the German or Austrian Empire ; and contains an aggregate population of 63 millions being larger than the population of France, Germany or Austria.

Each of the provincial Governments of Bengal, Bombay, Madras, the United Provinces, the Punjab, the Central Provinces, as well as the Government of India directly through the Viceroy who is in charge of the portfolio of the Foreign Office, exercises supervision, sometimes control, over a

group of Native States having different degrees of autonomy, but subject in their internal management to the veto of the Supreme Government in all cases of departure from the recognized principles of justice and humanity. The total area of the Madras group is very nearly 10 thousand square miles with 4 millions of people; of the Bombay group, 65 thousand square miles with nearly 7 millions; of the Bengal group, 38 thousand square miles with nearly 4 millions; of the Central Provinces group, 29 thousand square miles with nearly 2 millions; of the United Provinces group, 5 thousand square miles with 800 thousand people; of the Punjab group, 36 thousand square miles with 4½ millions. The States in direct political relation with the Supreme Government through the Viceroy are Hyderabad, Mysore, and Baroda.

The subject population of these Native States, and the subjects of British India, are by community of race, language, religion, social system, constitute the Indian society of the Indian empire. The good or ill of its smaller section affects the good or ill of the larger one; and, all the more so because of improved and improving facilities of transit and communication between both. Proximity of situation brings about an easy comparison of each other's experience; and whatever misery or happiness would result from the character of rulers and from the political system under which they rule, in the Native and in the British territory of the Indian empire, would become the common experience of its subject

communities and would tend to unify their feelings and sentiments towards the supreme arbiter of their common destinies. What those feelings and sentiments so unified may be, will largely depend on the manner in which power and patronage are exercised.

From the political fusion of these Indian races and communities occupying different portions of the same country; from the administrative control which that fusion brings about over the persons and properties of men who occupy the border land between British and Native India, control exercised by political officers discharging administrative and judicial functions; and from a complication of proprietary and other interests of British Indian subjects in Native States and vice versa, British political officers have to undertake the disposal of matters in dispute, sometimes of a purely judicial nature, sometimes of a purely administrative or political character; from these and other circumstances, arises a class of injuries, grievances, wrongs, miscarriages of justice and equity, for which, the remedy available under the present system ends with the decision of the political officer who is empowered to judge them. From that decision however erroneous, there is no right of appeal except if at all the head of the province or the presidency to which, the Native State or the section of British India where the property may be situate or the aggrieved person may reside, belongs politically or territorially. The decision of such matters in appeal before a Chief Commissioner, a Lieut.-Governor or a Governor cannot be expected

to be the outcome of a careful, impartial and equitable consideration of the matter in dispute, on the part of men whose administrative functions engage the largest part of their time and render their judicial labours not infrequently narrow in scope and erroneous in result.

All this class of work—revision, modification, reversal or confirmation of the decisions of political officers in respect of such matters,—done by the heads of presidencies and provinces in the capacity of a quasi-judicial tribunal of appeal, may be transferred to the Indian section of the Judicial Committee of the Privy Council, whose discharge of such appellate labour would render it as thorough and equitable as possible under any human arrangement.

(2) Another class of cases, purely political, relates to the conduct and character of those Native princes and chiefs whose abuse of power, whose disregard for the well-being of their subjects, and whose incapacity to realize the responsibilities of their station against the rapid development of a spirit of individualism, a sense of popular rights and privileges, not only in the minds of their own subjects, but in those of the subjects of British India, both sections constituting the component parts of the entire Indian society, render them unfit to be entrusted with responsible administrative functions. A tribunal to examine into their conduct and character and to arrive at a wise and politic decision upon the merits of the case under consideration, is a much-needed institution. The functions

of such an institution are obviously political, and must needs bear the character of acts of State. Those functions must be regarded as being in exercise of delegated authority from His Majesty the King-Emperor or his Viceroy of India. This detachment of a portion of the present, multifarious functions of the Supreme Government is likely to result in the greater efficiency of its administrative labours, which in the years to come are expected to engross all its time and its energy. The proposed tribunal would appropriately form part of the Indian section of the Judicial Committee of the Privy Council.

As regards the constitution of this Supreme Court of Appeal of the Indian Empire the most obvious sources of recruitment would be—

- (a) from among the retired Indian Judges of the Indian Chartered High Courts; retired Dewans of the first class Native States; occasionally Native Princes of culture whose knowledge of mankind would render them capable judges of great matters in issue;
- (b) from among retired Chief Justices of Chartered High Courts who may be willing and able to serve India for some time after their retirement; English civilians of mature age and sound judicial capacity whose promotion to the High Court Bench has been blocked by

absence of vacancies ; men in the forefront of the legal profession in England.

One great advantage of this scheme is the opportunity thereby created for the employment of the unrivalled scholarship, profound knowledge of law, habitual faculty of appreciating evidence, great social and moral influence in Indian society, all of which are possessed by our retired Indian Judges of the High Courts. Most of these eminent men are not able to visit, fewer still to reside in England, while all of them with few if any exceptions are capable of usefully serving on the Judicial Committee of the Privy Council. To the wise solution of purely Indian problems requiring a high order of judicial equipment, none can bring higher capacity and character.

As regards the localization of the proposed Supreme Court of Appeal of the Indian Empire :

A great majority of considerations, inspired alike by policy and sentiment, would commend the choice of Delhi as the sacred ground on which to erect and establish the highest temple dedicated to justice, temple where the supreme functions of the Supreme Magistrate of the Empire have to be discharged in his name and on his behalf. That city is both to the Hindu and to the Mahomedan full of the richest associations of a great past. It is the eternal city of India. Since the consolidation of British Indian suzerainty, it has been the chosen scene of two Imperial Durbars. It was at Delhi that an English

Queen was proclaimed as the first Indian Empress, and an English King as the first Indian Emperor. It is at Delhi that the first Coronation Durbar of an English Emperor of India attended by him in person, is appointed to constitute a new chapter in the annals of the Indian Empire. What other Indian city can have a higher claim to enshrine the visible embodiment of British wisdom and statesmanship ?

THE CONCLUSION.

The problem of how best to commemorate the first Coronation of His Majesty the Emperor on the Indian soil ; how best to bind up the event with the traditional memory of unborn generations to the remotest posterity of Indian society ; how best to foster and to consolidate an eternal kinship between sentiment and self-interest as the bed-rock of Indian loyalty and devotion to the throne and person of the Sovereign of the Indian Empire ; how best to nationalize an alien dominion and to transform its offensive aspect of racial supremacy into the grateful complexion of moral ascendancy in the domain of knowledge and civilisation : is the problem of the hour. One solution of that problem, calculated to appeal to all that is best and highest in the subject communities of the Indian Empire over which His Majesty has decided to symbolize his presidency and patronage, would lie in the following direction :—

- (a) A close and impartial investigation into the causes and circumstances of the origin and development of the huge

Indian debt; with a view to an equitable distribution between the English and the Indian treasury of the burden of that debt; and to the consequent partial relief of the Indian tax-payer from an obligation, created as much for England's benefit as for the benefit of India, but imposed upon India without participation by England.

- (b) The institution of a permanent settlement in portions of British India where the conditions precedent to that institution, exist. The circumstances in which a permanent settlement can be safely introduced have been already adverted to; and its probable benefits have been discussed and admitted by the many eminent Statesmen who have been associated with the Indian administration.
- (c) The adoption of a fiscal policy best calculated to create and develop new and existing Indian industries by means of a system of bounty or protection, at least until such industries reach a degree of perfection at which they can compete with the developed industries of foreign countries.
- (d) With a view to secure to the teeming millions of the Indian Empire every

possible insurance against injuries or hardships, at present unredressed or unredressable, the institution of a Supreme Court of Appeal for the Indian Empire having its local habitation at one of its great cities. The structure and functions of that Court have been discussed at length.

- (e) A provision for the active participation on the part of the Native Indian Princes and Chiefs in the common concerns of the Indian Empire as a whole, otherwise than by their contribution to its military resources. The obligation to contribute to the military efficiency of the empire naturally creates certain equities in their favour, equities whereby they have a natural interest in the well-being of the State whose safety they have to provide for. From this participation, will result an enhancement of their personal and institutional value as co-operative factors of the common welfare of its entire population; a higher sense of responsibility for their direct duties towards their own subjects and for their indirect duties towards the larger society of the empire to which they belong; and development of a powerful stimulus to their zeal and ambition to adopt with-

in the limits of their States methods of exercising power and patronage in accordance with wisdom and equity. The Indian Native Princes constitute the largest conservative force available for the safety and permanence of British supremacy in India. The efficiency of that force is the outcome of a twofold cause. It arises partly from their being placed under an obligation to justify their existence as political institutions by equitable methods of rule within their own States; it arises partly from their active co-operation with the Supreme Government in conducting the general affairs of the Indian Empire. In either case it is a matter of discipline and discipline to be salutary must be severe. In the evolution through such discipline of each Native Indian Prince into an administrator of a higher order of capacity and character, His Majesty the King-Emperor will find himself surrounded by a body of well-trained Statesmen to assist him in the promotion of the common well-being of this ancient empire and in its restoration to a position of glory.

His Majesty's Coronation on Indian soil as Indian Emperor closely associates him with the best interests of his Indian subjects. If power carries responsi-

lity, if dominion postulates obligation, if privilege implies duty, His Majesty will find that the problem of India's material, moral, and political advancement in the years to come is an unfinished question having no pity for his repose ; that, upon the broad-based foundation, laid by the first British Empress of India—Victoria the good, the just, and the merciful, —and confirmed by the first British Emperor of India—Edward the peacemaker, worthy son of a worthy mother,—the first compartment of an Imperial superstructure to endure for ages to come, has to be erected ; that this great measure of wisdom, equity and goodwill to a fifth of the human race who own him as their sovereign lord, should assume an appropriate form and seek an auspicious occasion ; that the form most appropriate because contributive to their greatest happiness, for it to assume, is the grant of the blessings under the five heads before mentioned ; and that the occasion most auspicious for it to seek is the occasion of the Coronation of His Most Gracious Majesty George V at Delhi.

