

# THE Servant of India

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## TOPICS OF THE WEEK.

THE brilliant victory obtained by General Allenby has suddenly given a new turn to the situation in Palestine. Whether it is decisive of the war in Asia Minor, as is supposed by the English press, is rather difficult to say. But that it is sure to lead to important developments goes without saying. A body of 25,000 Turkish troops has been cut off and many have been taken prisoners. A British advance from Palestine will certainly react upon the situation in Mesopotamia, where winter is the season for campaigning. Similarly the advance of the French and Serbians on the Macedonian front marks a welcome activity in a part of the war theatre where nothing had been done for a long time. These have to be considered along with work on the Western front. It is not so only because the supreme War Council directs the operations. Rather the various operations have been so closely related that the supreme War Council was created to harmonise them. Usually the Germans moved away troops from the Western front to any point that was in danger. Now, however, they are so hard pressed in the West that Macedonia and the Balkans and Asiatic Turkey as well have to take care of themselves. Herein lies the real meaning of the success of the Allies in the West and the true hope for an early and a satisfactory termination of the War.

THE peace offensive of the Central Powers seems to have died down. Nothing else was to be expected. There is as yet no common ground for the different parties. Austria wants non-committal peace talk and Germany sounds Belgium as to her intentions behind the back of her best friends. President Wilson rendered a real service

to the Allied cause, in these circumstances, by taking a firm and decided stand. He insists upon the fourteen points which he put down in the beginning of the year as the only basis for peace. A great international settlement will have to be effected at the end of the War and for this purpose non-committal *pourparlers*, or secret negotiations, are no good.

SIR WILLIAM VINCENT'S reply to Mr. Patel's question about the extension of the term of the present Indian Legislative Council gives rise to the suspicion that the new *regime* of reformed councils will not be started for another council period. If it is so, we must strongly deprecate the excessive delay that this implies. The country is in a mood of eager expectancy, and any undue delay in bringing the reforms into operation will have a disastrous effect. It is believed by some that on the conclusion of the war English opinion will become indifferent to the claims of India, and that an attempt will be made to water down the proposals; however unfounded the belief may be, all avoidable delays in giving practical shape to the scheme cannot fail to react on the public mind. Our good friends in England like Mr. Charles Roberts have been complaining that the authorities in England are not proceeding with the scheme with all possible expedition and see evil omens in things happening there. It is on this account that a proposal to submit the scheme at this preliminary stage to a Parliamentary Select Committee is being condemned as making for unnecessary delays in working out the proposals. Let all reasonable opportunities for discussion be afforded, but if Indian opinion is to be conciliated steps ought to be taken forthwith to fill in the details and put the scheme through as soon as possible, consistently with the requirements of free and full discussion.

A CONTRIBUTORY cause of the rising popular suspicion in India is the non-appointment of the committees on franchises and the division of subjects. These were promised more than a month and a half ago, and yet the names of members are not announced. The general expectation was that the committees would come out here and set to work immediately, and unless we hear of their arrival shortly, this expectation will be disappointed. As regards the appointment of unofficial Indians to these committees, we must insist that they should be

chosen from public life. The Government would be committing a blunder if they still ran in semi-official grooves. It is on the spirit in which these committees will go to work that the merit of the scheme in great measure depends. The present is a mere skeleton scheme, as Lord Islington described it, and if the franchise is not well devised—sufficiently broad and so as to do justice to all the elements in the population—and if the largest possible number of subjects is not transferred to popular control, we must repeat, Indian opinion cannot be expected to rally round the scheme in its final form.

THE economic conditions in this Presidency have assumed a grave aspect for some time past, and the provincial Legislative Council would have lamentably failed in the discharge of its duty if it had not given serious thought to the subject at its recent session in this city. Abnormal war conditions have long sent up the prices of the necessaries of life to an unprecedented extent and their flight has been accelerated by the failure of rains and the consequent shortage of the supply of food grain and fodder. The pinch felt by the people on account of the dearness of such articles of food as bajri, jawari, milk, ghee, oil, &c., reminded them of times of famine in the past, and some were seen to shake their heads and remark that such hardship had not characterised the worst years of scarcity they could remember. The distressing situation has been intensified by the gloomy prospect of a total failure of the early crops and the deficiency of the stocks of food grains and fodder. Some relief may yet be obtained from the fall of timely showers in the near future and the saving of the winter crops. But no one knows what the future has in store, and we can only hope that things will turn out more favourable than one dare anticipate.

AS effective agents of distribution, Indian railways have always brought relief to suffering districts and drawn upon plenty to accommodate deficiency. The services of this agency are unfortunately not available to the necessary extent in the present economic crisis. A failure of the first crop need not, in ordinary times, have caused much hardship in this Presidency, but transport difficulties are hampering the movement of food grains from one part of the country to another. The resolution passed by the Bombay Legislative Council on Monday last very properly called attention to 'the urgent necessity of taking immediate steps to meet the situation by providing adequate facilities both by rail and sea for import into the Presidency of sufficient food supplies.' The lack of railway and steamer facilities to transport food stuffs is admittedly the root cause of the trouble, and all practicable measures must be taken without delay to remove this impediment. Committees of officials and non-officials must also be set to work to bring about a reasonable distri-

bution of the available stocks of food stuffs in the various districts and talukas. The statement made by the Hon'ble Mr. Carmichael describing the general agricultural and economic situation and the steps taken and contemplated to meet it, shows that Government is alive to the gravity of the prevailing condition. But a more comprehensive and better organized programme of work is required, and this was the burden of the speeches made by Hon'ble Members on the resolution moved by Mr. Purshotamdas Thakoredas.

IT is a happy sign of the times that the need for the provision of medical aid for the women of India, is increasingly felt, and the representative character of the enlarged council of the Countess of Dufferin Fund bears testimony to this fact. At the recent general meeting of the Committee of the Fund, Lady Chelmsford drew pointed attention to the heavy loss of life, which, among other causes, is largely due to the absence of women's medical aid and the 'ignorance of domestic sanitation on the part of women.' Her Excellency spoke of the necessity for enlarging the activities of the organisation and appealed for public support, which has for some years past been small. We hope this appeal will be enthusiastically responded to and the organisation will be enabled to meet the growing need of the women of India.

ACCORDING to the London correspondent of the *Hindu*, the friends of India in the House of Commons have reached the following conclusions on the Montagu-Chelmsford reform proposals:—

1. The scheme now promulgated, although it falls short of what most of us desire and of what India is entitled to claim, is a reasonable instalment of that full responsible self-government which is now the acknowledged goal of statesmanship.
2. It concedes many of the reforms for which Indian Nationalists have been striving for a generation past.
3. There is nothing in it to prevent a further advance towards more complete self-rule at a comparatively early date; on the contrary, it clearly opens the way to the full accomplishment of Indian nationhood within a reasonable period of time.
4. In discussing the scheme we must have regard to the principles on which it is based and not make too much of minor imperfections and subsidiary details.
5. The scheme has many drawbacks, as will appear in course of examination and discussion, but they are outweighed by the advantages which will accrue to India from its general adoption.
6. Given adequate support, it is possible to carry the main features of this scheme into effect; but if it is rejected outright or menaced by undue criticism resulting in its withdrawal or serious mutilation there is nothing else to take its place.
7. No party in the State can attempt to carry, under present circumstances, a more liberal measure of Indian reform than this.

FRIENDS of Indian reform in England are unanimous that, whatever criticism may be urged on the details of the scheme with a view to make it adequate to the needs of the country, public opinion in India must strike a strong note of approval of the fundamental principles in the pro-

posals. Thus Sir Herbert Roberts has expressed his conviction that "the prospects of carrying the proposed reforms will depend very largely on the concentration of the utmost possible Indian support. Details must be considered later on, but at the present juncture it is imperative, in his opinion, that India's acceptance of the report as a whole should be unmistakably demonstrated."

MR. PHILIP SNOWDEN has written to the same effect to *New India*. It is generally admitted, he says, that the report goes a long way to redeem the pledge given by Mr. Montagu in August of last year. Whatever difference of opinion there may be as to some of the details of the scheme, the practical thing at the moment is, he adds, what steps may be taken to ensure a measure of reform on the general lines of the report, with such improvements as can be made, as soon as possible. And the London correspondent of the *Hindu* insists that in order to counter effectively the opposition of the reactionaries (among whom he includes Lord Curzon), "it is of the utmost importance that public opinion, Indian and British, should be organised in support of the main principles of the scheme, leaving details to be discussed when the general lines of progress are assured. The danger which threatens is not so much an open and avowed attempt to defeat the scheme *in toto*, but rather the subtle influence which may be exerted upon powerful members of the War Cabinet with a view to a very considerable whittling down of the Montagu-Chelmsford proposals. It is therefore necessary that those who see in it the beginnings of real reform will reserve an excessive criticism of minor points and will unite their forces to get all the good that is possible out of the most progressive scheme that has ever been recommended by a Minister and Viceroy responsible for the government of India." "Criticism on minor points there must be. . . . My immediate object is however that if the scheme is rejected by any considerable body of Indian opinion, or even if there is no hearty and united rally in support of its main principles, the policy of reform on co-operative lines may be shelved for an indefinite period, with all the deplorable consequences which must ensue."

IN a later communication our contemporary's English correspondent thus describes the present situation as to the reform scheme: That in this country practically no one is opposed to the Montagu scheme on the ground that it does not go far enough; all the opposition comes from those who think it goes too far. Our task here is to prevent the emasculation of the scheme by the reactionaries, and having done that to secure such improvements as we can in a popular direction without endangering the principles on which the scheme is based. Looking at the situation from the Parliamentary standpoint, the only choice lies between accepting the principle of Home Rule by stages, as proposed in the Report, or of getting nothing at all. Which

course do those who are opposing the scheme as totally inadequate wish us to take?

✓ THAT the Indians who condemn the scheme in unmeasured terms are in effect, though not consciously, playing the game of our opponents is made abundantly clear from Lord Sydenham's speech in Parliament on August 6. This arch-enemy of Indian aspirations on that occasion exploited to the full Mr. Tilak's violent denunciation of the scheme. Mr. Tilak had said that the scheme was entirely unacceptable and that it would satisfy nobody. Lord Sydenham quoted this opinion and went on to show, taking class after class of Indians, that the reforms would be abhorrent to every one of them, and triumphantly drew the conclusion that if the proposals were thought unsatisfactory by all sections of people in India, the only course open to the English statesmen was to drop the present proposals. How these proposals should be amended was a question for the future, but for the immediate present the scheme drawn up by the Secretary of State and the Viceroy and pronounced unsatisfactory by all must be turned down. Col. Wedgwood, a tried friend of India, had to say, with the object of saving the scheme from being wrecked, that he did not attach much importance to the opposition in India.

THE danger with which the scheme is faced from the combined opposition of extremists on both sides is well brought out in the following remarks of the *Manchester Guardian*—

The danger-point in the career of the Montagu-Chelmsford report was clearly indicated in the course of yesterday's debate in the House of Commons. It is the danger which lurks in the course of all schemes for the enfranchisement of an unrepresented or incompletely represented class or sex or nation. There comes a stage in the demand for such enfranchisement when the principle is accepted by the majority of moderate men. But every concrete proposal for its realisation has to run the gauntlet of a double opposition, on the one side from extremists of the all-or-nothing type, on the other hand from a section of stern and unbending conservatives. The two sections play into one another's hands. The extremists get more angry with the moderates than with the out-and-out opponents. The out-and-out conservatives make play with every utterance of extremists. Between them a Government committed perhaps to a moderate scheme finds reason after reason for delay in its concrete application. Each delay stimulates the extremists to wilder speech, or perhaps to desperate action, and so plays again into the hands of the conservatives. Demands rise in the scale, and as the difficulty of satisfying them increases, the reluctance of Government to do anything at all grows in proportion.

PANDIT KUNZRU has now been declared by doctors to be out of danger. He is progressing steadily, if slowly. Dr. Deva, however, has grown extremely weak on account of his malady.

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### THE PRESS ACT.

THE Hon'ble Mr. Khaparde, by a series of resolutions in the Viceroy's Legislative Council, brought up for review the administration of the three most drastic restrictive acts in the armoury of the executive—the Arms Act, the Press Act, and the Defence of India Act. On all the three measures the Government's attitude was uniformly perverse and wrong-headed. Because there were a few persons who were not restrained from wrong-doing by the ordinary law of the land, the country as a whole must be saddled with extraordinary legislation of a permanent character. The executive in this country have little belief in the virtue of political concessions or ameliorative acts; they cannot trust to such measures to eradicate the undoubted evils of ill-feeling or political crime. As soon as any disaffected people are found, the first resource of the bureaucracy is to call into exercise the special restrictive laws with which they have already armed themselves against future contingencies. The disarming of the Indian population, which was thought necessary sixty years ago, must continue so long as it is at all possible for any of them to break out into a petty disturbance. An official member of Council went so far as to say that the recent murder of a Mamlatdar at Ahmednagar, who was reputed to be very harsh in his dealings with people, demonstrated the necessity of the continued existence of the Arms Act on the Statute Book, though the Mamlatdar in question was done to death by means to which the restrictions of the Act do not apply. The developments of an anarchical movement, which occasionally come to light, require, according to officials entrusted with the preservation of peace and order, the elimination of certain processes of law and the strengthening of the hands of the executive by a summary form of trial before a special tribunal. Likewise, the misuse by certain newspapers of the liberties allowed to the Press necessitates, on this reasoning, that the Press Law, framed on the Austrian model, should be kept in being—for all time.

That is practically the conclusion to which the Home Member's reasoning leads, for he made out an elaborate case in Council that whenever India was unblest with a Press Act she went hopelessly wrong. He pointed out that "until 1882 there was a Press Law in this country, which was able at least to prevent open attacks on the Government. In 1882 that Act was repealed. The result was the dissemination of violent, scurrilous and malignant attacks upon the British Government, attacks which went to undermine the stability and loyalty of the country and which could not be tolerated. In 1898 that Act was repealed, and in 1908 owing to the entire failure of the measures which had till then been taken, the Incitement to Offences Act was passed. Even that proving insufficient, in 1910 the present Bill was passed, which has been to some extent effective in preventing the dissemination of openly sedi-

tious articles." And so the Home Member is quite pleased with this weapon, his one complaint being that it is not brought into use sufficiently often. The only inference of which this line of reasoning is susceptible is that India must for ever be under a Press Law in order that her journalists may be kept within proper bounds. The worst of such extraordinary legislation designed to meet a temporary grave emergency is that its successful operation for some time becomes in itself a strong argument with the executive for a longer lease of life for it, and they imagine themselves to be unable to administer the country without its aid.

It may be easy to show that in this country, as in every other which does not enjoy the blessing of a muzzled press, some newspapers are conducted in a spirit which is not the right spirit; does it follow however that an exceedingly drastic enactment, proved to afford no sufficient safeguard against the arbitrary and high-handed acts of the executive and to inflict no slight harassment and hardships on the press in general, should continue to have unhampered sway over this hapless country for an indefinite period? The Home Member surmised, rightly enough, that the request for an inquiry into the detailed administration of the Act was really a demand for its repeal. We are not ashamed to avow that the people desire a total abrogation of this obnoxious law, and even if its administration were as just and unoppressive as the Government would make out, people will not, without strong proof of its continued necessity, reconcile themselves to be under the rule of such a law. When the peculiar circumstances of the moment are thought to require a strengthening of the ordinary law, the circumstances must be subjected to a periodical review with a view to see whether the emergency calling for the enactment of a stringent measure had not passed away, and we cannot understand how a Government with a feeling for popular liberties can resist the modest demand for an inquiry, from fear that it would lead to the repeal of the law. "What is the inquiry intended to achieve? It cannot remedy the defects in the Indian journalists nor implant in them the qualities which they lack," said Sir William Vincent in effect, in the supreme self-satisfaction that nothing could be amiss with the bureaucracy, and that any inquiry that might be started could have for its only object the rectification of the defects inherent in Indians. If eight years' application of the Act has not served to improve the tone of the papers, that itself should make the Government doubt of the wisdom of the course they are following.

### A NOTE ON THE HINDU INTER-CASTE MARRIAGE BILL.

THE Hon'ble Mr. V. J. Patel of Bombay has obtained leave to introduce in the Indian Legislative Council a bill "to provide that marriages between

Hindus of different castes are valid." The Special Marriage Act ( III ) of 1872, as its preamble explains, is intended to provide a form of marriage for persons who do not profess " the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion. " Before advantage can be taken of this form of marriage, the Act prescribes a declaration, involving a negation of belief in any of the above religions, has to be signed before a Registrar of Marriages appointed under the Act. Mr. Bhupendra Nath Basu's bill of 1912 was an attempt to convert this Act into an enactment which might, at the option of the parties concerned, be made to apply to all marriages including marriages purporting to take place under the personal law of persons professing any of the religions mentioned in the preamble of the above Act.

2. Now, one important result of the declaration which is made compulsory on all seeking the protection of the Act of 1872 is, that they cease to be governed by their special personal law in matters of intestate and testamentary succession and come instead under the purview of the Indian Succession Act of 1865. Take, for instance, the case of a Hindu. The Hindu law applies to one who is not only a Hindu by birth, but is also a Hindu by religion. A person making the statutory declaration required by the Act of 1872, cannot, after that, claim that the disposition and devolution of his property should be governed by the Hindu law. If Mr. Basu's bill had become law, this disability would have been removed. If a question had arisen whether a person married under it was or was not governed by the Hindu law, its decision would have rested, as in ordinary disputed cases of what is one's personal law, on such materials as the parties might have placed before the Court. It would be otherwise under the Act of 1872, as the declaration thereunder would be conclusive evidence that the declarant has ceased to be a Hindu by religion.

3. The Hon'ble Mr. Patel's bill is comparatively limited in its scope. It applies only to Hindus and is intended to declare valid marriages between persons belonging to different castes as recognised among Hindus.

4. The bill has been opposed in Council mainly on the ground that it is an inroad on Hindu law and usage.

5. No one, who does not shut his eyes to the signs of the times, can fail to see that the intellectual upheaval now apparent all over the country is vitally affecting the ideals and practices of the Hindus in matters religious and social, among others. It cannot but be so. Successive generations of them could not be impregnated through English culture with new conceptions of life and society without giving rise among them to a spirit of what may be called revolt against rigid orthodoxy, which would place an impossible barrier against the development of the people towards a different plane of thought from what the orthodox faith of the present day would permit. Without

entering into any antiquarian discussion as to whether in the days of Manu, Yajnavalkya, Vijnanesvara and other Rishis inter-caste (*anuloma* and *pratiloma*) marriages were permissible and whether the authority of these sages could be invoked at the present time in support of their validity, the fact cannot be denied that such marriages do now take place under the ægis of what the parties to them believe and claim is the correct Hindu law. And under the impulse and influence of the new spirit I have alluded to, such marriages are likely to become increasingly frequent in the future. But there is great conflict of opinion among the judges as to validity not only of such marriages, but even of marriages among members of different sub-castes of the same caste. It is not necessary that I should encumber this note with cases from the law reports. They are well-known to lawyers.

6. When a society like the Hindu society is moving, the practices of the people belonging to it cannot remain stationary. As an example, I may refer to the case of the Arya Samajists. Basing their faith on the Vedas, the fountain-head of all Hindu religion, they claim to be the purest of Hindus and they practise not only inter-caste, but inter-communal and inter-racial marriages according to rites which they assert and believe have the sanction of true Hindu law and religion.

7. This state of things is bound to grow with the growth of the community. In these circumstances, the question arises whether it is not the duty of the legislature to come to the rescue of people who, when adopting the marriage practices mentioned above, honestly think that they are acting in accordance with the dictates of their religion. Should not their right to marry as they like be recognised by law, so long as such marriages do not transgress rules of public morality? Perfect freedom of action, so long as it does not lead to conduct subversive of public morals, or so long as it does not prejudicially and unreasonably affect legal rights of others, is one of the cherished privileges of every subject of the British Empire. This freedom, while allowed in all other matters, cannot in reason be denied in the case of such a vitally important event in a person's life as marriage. It is consistent neither with public policy, nor with social morality that persons marrying from conscientious motives outside the strict rules of orthodoxy as interpreted or imposed on the community by one of its sections, however large, should be denied the right of placing their family relations on a firm foundation beyond the reach of the unavoidable uncertainties of judge-made law. Such people cannot take advantage of the Special Marriage Act unless they are prepared to disavow a religion to which they may be devoutly attached, unless, in fact, they are ready to put their signature to a declaration which, in their case, cannot but be characterised as embodying a false avowal of fact. Under the stress of the very severe penalty of their marriage being declared illegal,

with all its consequential disabilities to themselves and their off-spring, they may be forced to act against their conscientious convictions. But is it right to place them in such a cruelly distressing position? If the strict orthodox members of the community have a right to be assured in the unfettered enjoyment of their own laws and usages of marriage and devolution of property, those who differ from them as to what constitutes a valid marriage under what they claim as their common religion, have, it is submitted, an equal right to complete toleration in the matter, so long as such toleration does not infringe on the legal rights of others. And this complete toleration cannot be said to exist unless and until the legislature intervenes and puts an end to the present state of doubt. One section of the community, albeit largely in the majority, cannot under the guise of free enjoyment of their own rights, impose on another section, who differ from them in the interpretation and application of their ancient common *Shastras*, to whose authority they both equally bow and whose protection they both equally seek, conditions which result in practice in a denial of the right of the latter to invoke that authority and to remain under that protection.

8. It cannot for a moment be argued that to declare valid by statute marriages between persons belonging to different Hindu castes, is an act subversive of public morality. The only other question then that remains is whether such legislation is an unjust inroad on the legal rights of others. Now, devolution of one's own property and his power of disposition over it are matters which concern him alone. If by reason of the law under which he marries, making it no longer obligatory on him to abjure the religion of his birth, he can still claim to be governed in these matters by the personal law of his birth, I do not see how any outsider, albeit his relation, can have any right to object to such a result. Such a person has no *locus standi* in the matter at all. Family relations and right of succession to the property of others may, however, be affected if the bill becomes law. For, if an alliance contemplated in the bill can be proved in a court of law to be invalid, the issue of such an alliance would be illegitimate, and as such they would be unable to claim the benefit of the ordinary Hindu law, which is based on legitimacy. But by introducing Regulation VII of 1832 for the Presidency of Bengal, and afterwards Act XXI of 1850, which applies to the whole of British India, the legislature has already recognised complete freedom of conscience in matters religious among all classes of people in India. Laws and usages which, previous to its enactment, inflicted on a person forfeiture of rights or property or affected his or her right of inheritance, by reason of his or her renouncing or having been excluded from the communion of any religion or being deprived of caste, have no longer any force or validity. In the well-known Tagore case, Ganendra Mohan

Tagore, who had embraced Christianity, was held by their Lordships of the Privy Council not to have forfeited by reason of apostasy his right to succeed to the property of his Hindu father. In a recent case (Khunnilal versus Govind Krishna I. L. R. 33 Allahabad, p. 356), their Lordships have further held that the renunciation of the Hindu religion and adoption of the Muhammadan faith does not in the case of a member of a Mitakshara coparcenary entail any forfeiture of his interest as a co-parcener in the family property, or give any right to the other members of the family who retain their Hindu faith to deprive him of any such interest. It has further been held by the same authority that departure from the standard of orthodoxy or orthodox practice has not the effect of excluding a person from the category of Hindus, one who was born within it, and who never became otherwise separated from the religious communion in which he was born. (Bhagwan Kour versus Bose, I. L. R. 31 Calcutta, p. 11.) A decision of the Privy Council on a matter directly at issue before that august tribunal is as authoritative as a pronouncement of the legislature embodied in an Act. It is thus clear that no Hindu or body of Hindus can arrogate to himself, or themselves, the right to penalize, by deprivation of rights arising under the Hindu law, persons who may either renounce Hinduism, or may practise rites which are not in consonance with the prevailing orthodoxy.

9. I have said above that the only possible ground on which those professing the orthodox Hindu faith can in reason object to the demand for an authoritative declaration of validity of inter-caste or inter-sub-caste marriages is that it may injuriously affect their family relations as giving rise to legal rights. But if I have correctly interpreted the law this ground disappears. If persons disavowing their belief in the Hindu religion by a declaration under the Special Marriage Act, or embracing another religion, cannot be made to lose their right to succeed to the property of their orthodox relations, or to retain their pre-existing rights as members of a Hindu family, no more can those who marry outside the prevailing practices be subjected to such a disability.

10. I have discussed only the broad general principle underlying the bill. Various other points likely to arise from the validation of inter-caste marriages, will have to be carefully considered and provided for. At this stage it is premature to discuss them.

B. K. BOSE.

## ACCUSED AS WITNESSES IN THEIR OWN TRIAL.

### II.

IN India, parties to a civil suit have all along been competent witnesses, although the law in the Sanskrit texts would appear to be on a par with the early English practice referred to in a previous



article. In the Smriti age, there appears to have been no difference observed in procedure for a civil and a criminal proceeding. Under the British Indian procedure, an accused person is never put on an oath, nor can he be subjected to any cross-examination. But the practice in England about allowing prisoners to make "voluntary statements," and of recording such statements as evidence against the accused is freely followed in India. And although the recording of confessions is hedged round by a number of provisions intended as safeguards against any abuse thereof, it is a matter of common knowledge that as often as not these so-called confessions are retracted at the trial.

In this connection it would be interesting for the reader to have a glance at the "correspondence relating to the procedure in regard to confessions of persons accused of criminal offences," wherein will be found a communication from the Government of India to the Secretary of State regarding this subject. As the Government of India observed, "underlying the consideration of the whole question is the desire to prevent any miscarriage of justice arising from the recording of confessions which are not willingly volunteered or which are taken down in circumstances in which it cannot be guaranteed that they contain a full statement of what the accused person really wishes to say." The object was, "to avoid the misuse of their powers by the investigating police in order to induce persons charged with offences to make false admissions of guilt and the intervention of inexperienced magistrates who cannot appreciate the necessity of ascertaining the circumstances in which the statement was made, or recording it carefully in its detail." And although, as a result of the correspondence, the Government of India did not recommend that any material change in the law regarding the recording of confessions would be advisable, it is pertinent to note some of the opinions recorded in that connection, which would indicate the disadvantages under which the accused at present labour.

Sir Mahadev Chaubal, in his opinion dated 25th April, 1912, observes:—

I desire that section 162 of the Criminal Procedure Code should secure to the accused or his pleader free access to police papers and to the statements of witnesses during the police investigation, certainly in the Courts of Session and perhaps also in the magistrates' courts. I am of opinion that there can be no useful purpose served by keeping the course of police investigation a sealed book to the accused or his counsel after such investigation has terminated, while on the other hand such access is likely to give to the accused opportunities for exposing some of the unfair practices resorted to by the police and to enable the trying judge to correctly appreciate the worth of the witnesses for the prosecution. A witness, *e. g.*, has made three or four varying statements on material points during the police investigation. It is only his last and finished version which appears before the court, but the accused is oftentimes entirely ignorant of the changes and improvements in the witness's story, and is not in a position to show the judge the degree of credibility which ought to attach to the statements of such a witness. Under the

law as it stands at present, the accused is entirely at the mercy of the trying judge who may or may not have been diligent enough to wade through the police papers, and at the mercy of the public prosecutor, who in the mofussil is not often fair enough to point out to the judge the previous variations in the story of the witness. There is no reason why as regards these papers the prosecuting counsel should be in a position of advantage as compared with the accused's counsel.

Also Sir Stanley Batchelor observes:—

Our criminal law, which (for historical reasons quite apart from India) is extraordinarily tender to an accused person, depends for its success on the realisation of the underlying assumption that the citizen is willing to help the State, willing to give information of crime brought to his knowledge, willing to give evidence in the court against the accused. This assumption is grotesquely untrue in India, where (I speak as my experience suggests) *the only willing witness is the false witness or the personally interested witness.* That is one great and constant difficulty in the way of the police in this country, where the sense of any communal interests has not yet developed.

And the Hon'ble Mr. Justice Hayward, with whom in general the Hon'ble Mr. Justice Beaman concurs, recorded his opinion as follows:—

I think the time has fully come for insisting that the main object of a police investigation should be the collection of evidence and not the extraction of confessions. I should, therefore, be in favour of limiting the powers of recording confessions to first class magistrates at headquarters, provided with a prison in the independent charge of the Jail Department; or providing that no confession should be recorded until the prisoner had been at least 24 hours in the independent custody of the officers of the Jail Department; and of prohibiting remand to police custody after confession except upon the orders of the District Magistrate.

These extracts speak for themselves. They are taken from opinions, a large number of which were in favour of retaining the practice of recording confessions made by prisoners. They illustrate the danger of placing the accused person in a position in relation to the police, who would in a majority of cases utilise the measure for their own purposes, to the detriment of the interests of the accused and generally a miscarriage of justice would result.

From these extracts it will be clear that the police machinery for the investigation of a crime in India is not the same as in England, and it would not be proper to invoke the application of any provision of law in this department on the analogy of the English law on that point.

As regards the examination of the accused, sec. 342 of the Code of Criminal Procedure provides for the examination of an accused person and the rulings on that section of the High Court make it obligatory on the court to examine the accused "for the purpose of enabling the accused to explain any circumstances appearing in the evidence against him." Under this section, the accused does not "render himself liable to punishment by refusing to answer such questions or by giving false answers to them," but "the court and the jury, if any, may draw such inference from such refusal or answers as it thinks just." In the first place, even this power, given under sec. 342, is abused

by inexperienced officers and the accused are often subjected to severe cross-examination, although such procedure has received severe condemnation from the High Courts from time to time. The accused in India, as a rule come from a class which is generally ignorant and not capable of understanding or even knowing the provisions of law which safeguard its interests. It is a matter of notoriety that in India the police are not on the same level as in England. Further, the system of administration of criminal justice is entirely different in India from that which prevails in England. For, whereas in England there is a trial by jury for all offences, a complete separation of the judicial and executive functions, and the judiciary are recruited from the bar, in India it is not in all offences that the trials are held with the help of the jury. The same officer who has to perform executive functions sits as a magistrate and in a large majority of cases—one should say in almost all the cases—the judiciary of the subordinate courts are not recruited from the bar at all. Under these circumstances, it would be inadvisable to introduce any provision of the English Law of Criminal Procedure into India on the simple abstract ground of its successful working in England. Putting the accused into the witness box under these circumstances would, instead of helping the elucidation of truth, bring about a perversion of it; for an accused who is clever enough will keep away from the witness box, while one who is simple and straight will in many cases be made to depose, under a searching cross-examination, to things which perhaps he would never have thought of saying, and which in some cases would be very far from the truth.

In this connection it would not be out of place to quote a passage from the discussion which took place on the Criminal Evidence bill, which was introduced in the House of Commons by the Attorney-General in 1888. The bill was strongly supported by a number of speakers, who in themselves commanded respect and authority. Mr. T. M. Healy (Longford N.), in according his general support to the bill, took objection to its extension to Ireland. He observed:—

He wished to know whether this measure, like the Coercion bill, was going to be forced down the throats of the Irish people. The atmosphere of an Irish Court was totally different from that of an English Court of Justice, inasmuch as, in the former, every effort was made to insure the conviction of a prisoner. Nothing would do the Irish judges more good than if they were obliged to spend a few weeks in English courts. Every judge in Ireland had been a Crown Prosecutor; and a judge who had gone through a course of Crown-prosecuting in Green Street Court House could scarcely believe any man innocent whom he saw in the dock. One of the best judges on the Irish bench was the other day led to charge a jury who were convinced of the innocence of a man, accused on the most flimsy evidence of the brutal murder of a woman, to find him guilty of manslaughter if they would not convict him of murder. He contended that cross-examinations, as they were conducted in Ireland by Crown counsel, would simply leave the case in worse position than before. Was it reasonable to suppose that

with all the best trained intellect of the Irish bar against a poor wretched prisoner, who did not possess 200 words in the whole of his vocabulary, the man would not be broken down in the course of the cross-examination? He (Mr. T. M. Healy) would offer every opposition to this bill being extended to Ireland. He could imagine it being a good measure under normal circumstances in England, but quite a different condition of things prevailed in Ireland. In England, there was no prejudice or bias against a prisoner. It was not the interest of the Crown in England to obtain the conviction of a prisoner; but the Crown Prosecutor in Ireland regarded the conviction of a prisoner much in the same way as the Red Indian regarded the addition of a scalp to his belt, and all the talk of the bar in England was in that sense. He objected especially to this bill on account of the character of the Resident Magistrates who would have this power of cross-examination and inquisition. The political spirit was at the root of every prosecution in that country, and convictions had to be obtained at all hazards. Personally he felt so strongly about the measure that he would treat it, if applied to Ireland, in the same spirit as the Coercion bill of last year. He would devote his days and nights, as far as the rules would allow him, doing all in his power to defeat it, and he would ask his colleagues to meet the bill in a similar spirit.... If at the present period they applied the bill to Ireland, they would have a feeling created in the country that they were adopting a Coercion Act in disguise; and the entire mind of the people, and the opinion of those who conducted defences on the popular side, would be that the bill had been introduced for political purposes. Though a similar law to that proposed existed in foreign countries, there was also at the same time existing the right of appeal.

Who will not say that each one of the reasons holds good to-day against the introduction of a similar bill in India? And after an amount of discussion it was dropped. That the conditions prevailing in India at present are not different will not be disputed by any one, and it would not be out of place to quote the following extracts from the "Reminiscences" of Mr. Norton, which have recently appeared in the newspapers. He says, after referring to a recent case in which, on a witness for the prosecution, who in that case was an approver, retracting his statement made before the police, the public prosecutor asked for an adjournment on the ground that he wanted to consult the District Magistrate, and in spite of the opposition of counsel for the defence, the adjournment was granted with the result that on the next hearing of the case the same witness appearing said, that the retraction made by him the day before was not true, and his evidence was recorded and accepted. Mr. Norton observes: "No English Judge at Home would have bestowed a minute's attention on statements emanating from so confessedly a debauched source." Then he observes further on:—

The case illustrates two points: the unfitness of many of our criminal tribunals to deal with the liberties of prisoners the almost universal practice of public prosecutors surrendering their intelligence to please the whim or caprice of the magistracy, their almost universal inability to act upon the responsibility of their own knowledge of the law and their consciences. Public prosecutors are treated in India as ornamental adjuncts of the Bench. They owe their appointments to the Collector. They can lose them at his will. Of independence they exhibit no trace. Over and



again to my personal knowledge a public prosecutor holds long consultations in his private room with magistrate or judge both before the case commences and during its duration. In the mofussil I say unhesitatingly, though with great regret, the accused persons find as a rule their worst enemy in the gentleman appearing for the Crown.

It is a melancholy reflexion that during my eleven years' experience of Bengal I can only recall one instance of an absolutely fair prosecutor, that of my friend Baxter in a case at Gaya. *The old spirit of prosecuting, still extant in England, is extinct in India.* In the mofussil the appointment by the District Magistrate is fatal to fairness and independence. In the Presidency towns a public prosecutor has his eye too firmly fixed upon securing Government favour by securing convictions to leave him time or inclination to conduct the prosecution calmly against the unfortunate accused. Any counsel habituated to the calm and almost judicial attitude of prosecuting counsel at Home, cannot fail to be struck with the passion and the personalities of a prosecution in India.

These remarks are sufficient in themselves to show how inadvisable it would be to introduce the English Act into this country.

Before concluding, it would be necessary to note that the Rowlatt Committee has recommended the introduction of this Act as one of the emergency measures. In paragraph 184 of their report, they have incorporated their suggestions on this point. Although they provide a safeguard against abuse of the provisions of this law by restricting its introduction to cases tried before the special tribunal composed of three judges of High Court, it would appear that the objections based on the incapacity of the prisoner and also on the special kind of activity of the police in India, would still stand, and the remarks quoted above from the discussion in Parliament would be applicable even to such a trial. One would wish for a further safeguard, viz. that of the three judges two at least should be those chosen from the practising lawyers. But considering the status of individuals who are brought on for trial, the introduction of this bill, with all the safeguards in section 1 and its subsections and sections 2 & 3, is not likely to lead to any good result. Moreover, its special invocation in trials before the special tribunal would be profitless, as a majority of persons concerned in these trials would be of ages ranging from 18 to 22, and the importing of the details and refinements of procedure followed in England will not yield any result calculated to give satisfaction.

J. R. GHARPURE.

## A LETTER FROM LONDON.

(From Our Own Correspondent.)

LONDON, JULY 4.

'IMPATIENCE WILL DO HARM.'

TO-DAY is Independence Day, or, as Dr. Fort Newton, of the City Temple, has called it, Interdependence Day. It is especially significant for India—the guns are booming the salute all over London—because this afternoon the Montagu-Chelmsford proposals for Indian reforms are to be laid on the Table of the House of Commons. They will not,

however, be available to the public until tomorrow, so that it is not possible, before the closing of the mail, to express any informed opinion upon them. The question that must be agitating the minds of myriads of people is, whether they embody an emancipation from the soul-killing type of administration that all India agrees has had its day. I have good reason to believe that they do. I believe that they contain the elements of true Parliamentary government for India. Whether that is a desirable thing is quite another matter. But that is what India has demanded, and that is, I believe, in principle, now conceded. If, indeed, this be so, then the proposals form a substantial basis for negotiation in a spirit of patient constructiveness. I am inclined to lay stress upon this necessity, for impatience will do harm rather than good, unless the sense of constructive criticism is fully displayed, the game will be to a dangerous extent given into the hands of the enemy.

### OPPONENTS AT WORK.

Let there be no mistake about the magnitude of the forces arrayed here against Indian national progress. The Sydenham organization has gained much strength among the forces of reaction by its appeal to the vulgar self-interest of the mercantile classes. They are reminded again and again of the present and potential value of their stake in India. Exploitation and its prizes are being held up as the highest desideratum, and crocodile tears are lavishly dropped before the wondering gaze of the workers, at the horrible conditions prevailing in the Indian mills. It is never stated that some of the worst offenders, because they are largely immune from penalisation, are those mills which are European-controlled, and that Bombay compares very favourably with Calcutta, where European influences predominate in industrial development.

The "Morning Post" is one of the few really reactionary journals in this country. The "Globe" and "Daily Graphic" run it very close, and now and again the "Daily Telegraph" opens its columns to views of a highly suspicious character. But the "Times" looks for guidance rather to the Chirol-Curtis school of thought, and it must be admitted that that school has many able advocates in the British Press. It is a great misfortune that on your side there has not been issued suitable literature for propaganda purposes dealing expressly with the Curtis proposals. In the absence of qualified platform speakers and able writers from India, whose arrival was hoped for and expected, the field has been largely left to the opponents of the Congress-League scheme. This is all the more to be deplored, because your political organizations cannot excuse themselves upon the plea that they were taken by surprise by the unexpected and untoward cancellation of the permits issued to the members of the Home Rule League deputations. That work should have been undertaken long ago.

A PERMANENT DEPUTATION NEEDED.

For a great length of time before his death, Sir

William Wedderburn urged the settlement here of a few able leading men, who would devote themselves to this very work of propaganda. Vacillation and procrastination have worked heavily against you. The work here is not a single man's job. If the interests of India are worth anything at all, they are substantial enough to demand the presence here, even at a personal sacrifice, of a few suitable Indians of standing, even if only for a fixed period each year, who will be able to make a general appeal. The Dominions have secured complete self-government within the Empire. They are sister-nations of Britain, having an equal voice in imperial affairs, and a paramount one in their own. Yet they think it so absorbingly necessary to be fully represented in London, that they deem it worth their while not merely to have a High Commissioner permanently resident, and, in some cases, State Agents-General as well, but also a Minister, besides the constant coming and going of many influential citizens of the Dominions. I quite realise, of course, the exceptional difficulties in the case of India, but those difficulties must, in some degree, at least, be overcome by a carefully thought out plan of campaign.

Even critical literature, in a form suitable for distribution here, is not available. Everything has to be hastily and not too efficiently improvised. Those who are at present engaged in the work, do not possess the material or the means to do the work in the manner in which it ought to be done. But the blame does not lie here. It is on your side that the lack of foresight, imagination and political knowledge, has so unmistakeably shown itself. If you look to Britain to help you in the task of securing national self-determination within the Empire, then you should give her of your best, so that she may be enabled to deliver a judgment with all the facts before her. As it is, you have largely allowed the case to go against you by default.

#### AN INDEPENDENT CABLE AGENCY.

At the present time the cables from India are full of malicious suggestions regarding the activities of the advanced political parties. Such excess of language as, under strong provocation, they may have committed, is being examined under powerful lenses, distorted, removed from its proper context, and used to discredit the national movement. Reuter has been more or less innocent of these attacks, but the local correspondents of the "Times" have sent showers of abuse of the kind. The Simla representative, of course, draws his inspiration from well-known sources. He of Madras is so notoriously associated with the "Madras Mail" and its Nair faction, that it is easy to see what he is aiming at. But you must remember that the general public here does not appreciate these things, and it is impossible, as things are, to get them to do so. Had you, some time ago, as was strongly urged upon you, created a powerful cable and news agency, operating through the British Committee here, you would have vastly strengthened its efforts,

and have thus supplied a very much needed antidote. The work of news-collection is yours. Its proper and effective distribution here is that of the British Committee. Having neglected its plain duty in the world of propaganda, the All-India Congress Committee ought not to be surprised if results on this side are relatively meagre. That they are not more so is due largely to the individual enterprise of a small number of European friends of India, who, out of their own resources and experience, have done whatever lay in their power to improve the relations between Britain and India, remove the misunderstandings that are so rapidly generated by the emanations of the Sydenham Association, and advocate the aspirations of the Indian national movement.

#### REASONED CRITICISM WANTED.

With all these local disadvantages, it is all the more necessary that, on your side, the proposed reforms should be the subject of patient and considered criticism. In the absence of direct guidance, it is necessary that friends here should be able to take up a reasoned stand, either in support of or opposition to the proposed scheme or such part of it as, in the mature opinion of the Indian leaders, requires alteration, deletion, or modification. Hasty and violently expressed criticism, cynical disbelief in the British motives of good-will, is to be emphatically deprecated. The times are very critical here, and within the next four months the fate of the Empire and the probable duration of the war will be decided. It is not to be expected that the British people, faced with this direct and immediate menace, will be prepared to conciliate merely factious opposition based upon the disappointment of hopes set unwarrantedly high. I believe that a great effort will be made to satisfy public expectation in India. But it should be remembered that the British people are not a very logical folk, they are opportunists in their politics, they have an extraordinarily good conceit of themselves, which has for many years been pandered to by the flattery of returned bureaucrats imperialists and the distortions of the most elementary facts of Indian life, both by these and by missionaries. To expect them to do the most right and perfect thing is to expect of them the excellences of archangels. But if they are taken for what they are, with all their virtues and all their weaknesses, much can be obtained by reasoned argument.

#### OTHER ITEMS.

One's fiercest opponents are in one's own family. How comes it that the redoubtable Dr. T. M. Nair is in London? I have reason to believe that he is muzzled, so far as public utterances are concerned. But his health, the sorry state of which is alleged to have brought him here, is likely to improve rapidly under conditions that enable him to give the light of his inspiration (hidden behind a bushel) to the Indo-British Association. With Mr. S. M. Edwardes of Bombay as "advocatus diaboli," and the learned Dr. whis-

pering words of non-Brahmin wisdom into his ear, Congress-League propaganda is somewhat handicapped.

Lord Islington's return to office is daily expected now. He has rapidly recovered from his severe operation of some weeks ago, and Mr. Montagu will undoubtedly be relieved of a good deal of the routine work of the India Office, so that he may be able to devote himself the more and fully to the work of the Imperial War Cabinet and Conference and the mass of criticism that the reform proposals are bound to evoke, of all kinds.

There is a serious epidemic of what is called "Spanish" influenza raging over Western Europe just now. The attacks are short but severe. Fortunately, they are relatively harmless, and are said to leave behind none of the usual weaknesses with which influenza is associated. One of the latest victims is Sir S. P. Sinha, who has been working very hard at the Imperial War Cabinet and Conference. He is, however, expected to be about again soon.

## SELECTIONS.

### THE COUNCIL OF STATE.

MR. B. PATTABHI SITARAMAYYA writes in *New India*:—

THERE was keen and honest division of opinion upon the need and value of a Second Chamber in the Special Congress. It is a pity that, owing to limits of time, the subject could not be discussed threadbare on both sides. It must be remembered that a Second Chamber was not thought of in the Congress-League Scheme. Much of the opposition to the Council of State emanated from the fact that it was judged from a standpoint which was wholly circumscribed. People viewed it as a creation meant to subserve a bureaucratic purpose, as an instrument of personal and despotic rule, as a ready means for forging weapons of official design. It is not denied that in the *Report* of the distinguished authors, these functions are amongst those assigned to the Council of State. But like all transitory contrivances, the Council of State too had its obnoxious functions to discharge, nor have we escaped from the need to provide some such undesirable and irresponsible machinery to help the Executive Government. We have conceded the right of promulgating Regulations to the Government of India, and continuing them if only 40 per cent of the Legislative Assembly assented to them. Is this a democratic measure? And would the Council of State with a fixed composition have been less democratic as a temporary instrument of legislation in obedience to Executive behests? The mistake lay in placing the Council of State on a par with the Grand Committee. This latter body is not a Second Chamber; it is a Council within a Council, something like the Second Chamber in Norway, which consists of thirty members, elected by and from the Lower Chamber, but with a shifting composition, and summoned into existence not as a normal and permanent body but only in emergencies as perceived by the Executive, and in a manner determined more or less by the Executive. The Council of State, on the contrary, whatever its composition be—and we can demand improvements in it—is a permanent body invested with the power not merely of considering those measures referred to it by the Executive Government, but all measures that have to face the Legislature. Every normal piece of legislation has to pass both the Houses, and in case of difference of view and opinion, provision has been made for a joint sitting, at which, even as things stand, there is an elected majority. To have mistaken such a body for a Grand Committee, or looked upon it as a mere aid to bureaucratic rule, was altogether short-sighted.

The Council of State should rather be judged as a necessary attribute of responsible government all the civilised world over. Two points have to be noted in this connection. One is that in the modern world, there is not one notable country or kingdom which has not a Second Chamber. The only exceptions, to give an exhaustive list, are Bulgaria,

Costa Rica, Crete, Honduras, Lichtenstein, Luxemburg, Monaco, Montenegro, Nicaragua, Panama, Salvador, Servia, and Siam. It is true that the states in Canada, with the exception of Nova Scotia and Quebec, the Provinces in the South African Union, and some ten of the Principalities and Kingdoms of the German States have no Second Chamber, but we are now concerned with the Central Legislature and not with the provincial ones. Shall India then compare itself with Costa Rica and Crete, and go without a Second Chamber owing to a bias conceived against it? The second point to remember is that India has asked for full responsible government subject to certain reservations. In regard to railways, post and telegraphs, currency and coinage, customs, tariffs and excise, salt and opium, copyrights and patents, the Congress has demanded by its resolution Responsible Government administered by Ministers nominated from amongst popular representatives. Under such conditions, not to have approved of a Second Chamber only argues an obtuseness of intellect and a defect of understanding.

Reference must be made to the volume of prejudice and misunderstanding that prevails in regard to this matter. Everyone quotes the House of Lords to support his bias. Does any one seriously argue that the objection in England is to the Second Chamber? It may be that the House of Lords is criticised and even condemned. The objection is to a hereditary House and not to a popular Second Chamber. The Parliament Act of 1911 did not seek to annihilate the Lords, but only to reform that body and limit its powers, bringing them into line with those of Second Chambers in the rest of the civilised world. Bryce's Commission, in the report that it has lately submitted, has only recommended drastic alterations in the composition of the House, and has not said a word in support of its destruction. Let there be no prejudices in the matter. Opinion is nowhere tending to the obliteration of Second Chambers, and it can only be regretted that by subscribing to such an idea, we have made ourselves and the Congress look small.

It would be academic to go in into the evils of a Single Chamber system. These evils are known to history, ever since the days of the City States of Greece—the City State of Athens which by one decree adopted in a moment of passionate excitement and irritation ordered the destruction of every male and the enslavement of every female and of every child in the State of Mytelene. The evils that arose in the short period of Single Chamber system in England are also facts of British history which we need not pause to consider. But it is necessary to invite public attention to one or two prominent features of modern Democracies. The days of a clean-cut bi-party system are over—have been long since over. A small but powerful section which forms a third or a fourth party can determine the majority in the House of Commons by casting in its lot with one or the other of the larger parties, and by a process of "logg-rolling," impose its will, and its policy upon the party in power—the party which it has helped to elevate into power. The Government itself, in its turn, imposes that policy upon the House by threat of dissolution. And also "members of Parliament are not less but more extreme than their constituents, not more but less prudent, not graver in reflection, but quicker in impetuosity." The Electors have fairly ample negative powers of destruction, but cannot dictate, determine or control the daily routine of Government and legislation. The members of the House have also lost this power of initiative. It has been well said that "the greater does not include the less; the House can destroy a Government but it cannot merely dismiss an Under-Secretary. It can reject a bill on second reading, but if the Government stand firm, it cannot change an 'and' for an 'or' in governmental legislation and yet retain itself and the Government in power." The act is that even in Democracies personal rule, rule by permanent officials, becomes inevitable. Power slowly distills from the electorate to the Parliament, the Cabinet, the inner Cabinet, Secretaries of State, permanent officials and party organisations. For this reason it is necessary to have a second Chamber, in the words of the Earl of Selborne, "not only to check the excesses of excited politicians at times of crisis and fever, but also from year to year, from day to day, to revise and correct the work of the Lower Chamber, and to interpose delay in cases where revision will not suffice." The Second Chamber represents "the sober second thought of the Nation," and it is necessary to "restrain, retard and revise" all legislation.

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