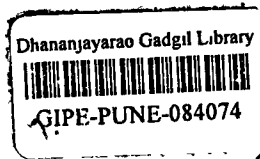


The Empress vs. Bal Gangadhar Tilak.

1897

Observations.



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OBSERVATIONS.

The first accused, the Hon'ble Mr. B. G. Tilak, is the Editor and Proprietor, and the second accused, Keshav Mahadev Bal, is the alleged Printer, of a Marathi weekly newspaper called the "*Kesari*" "(the Lion)" printed and published in Poona. Mr. Tilak is a permanent resident of Poona and the press in which the *Kesari* is printed has always been located in Poona; and yet this prosecution has been instituted in Bombay where Mr. Tilak was arrested when on an occasional visit on business, and where, technically, the *Kesari* is published, there being some subscribers in Bombay to whom the paper used to be despatched by post during the prevalence of the plague, at other times the paper being distributed to the Bombay subscribers by agents employed for the purpose. It is a matter not without significance that the prosecution should have been undertaken in Bombay and not in Poona; if the case had been tried in Poona the accused would have had the advantage a trial before his own people acquainted with the language in which the articles impugned are published and free from passion and prejudice. He would further have had the advantage of an appeal to the High Court before two judges, and would thus have been free from the disadvantage under which he now labours in being tried in Bombay by a jury the majority of whom will not be his countrymen, but will be Anglo-Indians having no knowledge of Marathi, and whose feelings and prejudice have been greatly excited against him by the biassed and violent writings indulged in by the Anglo-Indian papers; and moreover, there would be no appeal against the verdict of the Jury. It can not be denied that the Anglo-Indian public has been intensely excited and incensed at the murders committed in Poona on the Jubilee night, and the authors of which have hitherto remained undetected, despite the best efforts of the Police to discover them. The Anglo-Indian papers have done their best to excite race feeling, and as will be seen later on, the present prosecution has really been launched from inspiration from England, where public feeling was worked up by false and misleading telegrams of the existence of organised conspiracy and sedition in Poona, and of the murders having been perpetrated from political motives. The Anglo-Indian public have run away with the idea that Mr. Tilak and his political friends in Poona have had some hand in these outrages, and they have come to believe, from the misrepresentations of the Anglo-Indian Press, that the Native Press is getting dangerously disloyal and must be forthwith gagged. The native public firmly believe that the motive of this prosecution is political, and that the object really is not so much to punish the accused as to strike a blow through them against the whole of the native press, and to terrorize it.

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or at least to find a pretext for repressive legislation to curtail the liberty it now enjoys. There is no doubt that the Anglo-Indians are thus excited, and it is worthy of note that the Bombay English dailies freely discussed and unfavourably commented on the very articles which have been impugned in this case as seditious long before the prosecution was thought of. Even after the case had been taken to Court, and after its committal to the Sessions, the papers have kept up their attempts to create prejudice by indirect references to the supposed sedition of the native press, and by writings ostensibly purporting to refer to articles and letters appearing in the English press from Anglo-Indian writers in England. Only the other day the *Times of India*, which is no friend of Mr. Tilak, had an article under the heading "Veiled Seditious" which looked very much like a veiled contempt of Court, and another under the heading "Criminal folly" ostensibly a review of Sir Lepel Griffin's article. The *Bombay Gazette*, the other English daily of Bombay, likewise keeps the ball rolling by references to its London correspondent's letters and otherwise ; and it is likely that as the trial draws nigh, the same tactics would be continued so as to keep alive and stir up the feelings of resentment and panic produced by the Poona outrages. The *Pioneer* and the *Englishman*, true to their traditions, also howl down the educated natives, and particularly the Poona Brahmins, and no wonder that such extremely unfair proceedings calculated to prejudice the defence seriously are indulged in with impunity, seeing that His Excellency the Governor himself only a day or two ago received an address from the Talukdars of Gujarat, in which the occurrences which have resulted in the prosecution were allowed to be freely criticised in a manner pleasing to Government, and the Governor actually referred to the subject in his reply, expressing his approval of the denunciation of the crimes expressed in the address. We all know how these addresses are manufactured, and what weight is to be attached to opinions formed and expressed "to order." It might be said that there was no particular reference to this case, but only to the general wickedness of the Native Press, and that the prevalence of crime in Poona was intended to be condemned ; but it is not difficult to see how unfair such proceedings must be, and how prejudicial to the interests of the defence, and it would certainly have been more dignified and more respectful to the High Court if, at least His Excellency had set his face against such cheap popularity. We refer to the matter only to show what strong local feeling has been excited against the accused, and how difficult it would be for them to obtain an impartial hearing unless one could trust implicitly to the honor and impartiality of English Jurors situated as the Jury in this case would be.

The charge against the accused is that of exciting or attempting to excite feelings of disaffection towards Government by the publication of certain

articles in the *Kesari* newspaper of 15th June last, under Section 124A of the Indian Penal Code. The authority of Government for the prosecution necessary under Section 196 of the Criminal Procedure Code has been filed in Court (Exhibits C and D). The order for Mr. Tilak's prosecution was signed on 26th July last and the information before the Police Magistrate in Bombay was laid on the 27th and on the night of the same day Mr. Tilak, who had arrived in Bombay that morning, was arrested under a warrant issued by the Magistrate. The authority for the second accused's prosecution was signed in Poona on the 27th and the information against him laid the same afternoon. The information was laid on behalf of Government by the Oriental Translator to Government, a Mahomedan gentleman whose vernacular is not Marathi, and who deposes that certain portions of the articles complained of are highly objectionable and inflammatory, and as he was advised, fell under Section 124A. The only other evidence recorded before the Magistrate relates to the publication of the offending articles in Bombay and to the accused being connected therewith. Substantial bail was offered on behalf of Mr. Tilak, but the Magistrate refused the application for bail. On a similar application being made to the High Court, Parsons and Ranade, JJ., refused to interfere with the Magistrate's discretion on the ground, however, that the further hearing of the case was coming on in a day or two and the prosecution promised not to cause any delay in the hearing, but the learned Judges intimated that the application might be renewed if there was further detention. The case was soon after committed to the Sessions and Budroodin, J., ordered Mr. Tilak's release on bail. It may be added that Government very strenuously resisted the several applications made for Mr. Tilak's release.

The accused, Mr. Tilak, is a gentleman holding a high place in native society in Poona and throughout the Deccan, and is known for his wide culture and undoubted attainments. He is a distinguished graduate of Arts and Law and a Fellow of the Bombay University, and has twice been nominated a Member of the Bombay Legislative Council on the recommendation of the Local Boards of the Central Division. He commands extensive influence with his countrymen, and is extremely popular with orthodox Hindus whose unswerving champion and faithful exponent he has always been. He has taken a very active and prominent part in the discussions of the political questions of the day, and holds very strong and pronounced opinions on the burning questions of the hour, and is an ardent advocate of the Indian National Congress. On questions of religion and social reform, he has conservative instincts but even in these matters he is cautious and discussing while in political matters he holds very advanced views. He is an uncompromising opponent of measures of Government which he honestly

believes to be calculated to interfere with the people's feelings and aspirations, and he is unsparing in his exposure and denunciation of the defects and abuses of the administration of Government. When a measure of Government however is for the public good, he never hesitates to support it as he did in the case of the recent plague rules in Poona and elsewhere. These characteristics have rendered him obnoxious as much to Government as to the more ardent native reformers, and his unrelenting conservatism and consistent criticism of Government have made him many enemies alike among his countrymen and amongst Anglo-Indians, of whose methods and views he holds strong opinions; but he has a large and enthusiastic following amongst the orthodox Hindus, and his influence through out the Deccan is well-known. Twice have the Local Boards of the Central Division chosen him as their representative to the Legislative Council, and his second nomination by Government was made on 24th June last, *i.e.*, a few days after the publication of the offending articles, and 2 days after the outrage of the Jubilee night at Poona.

Mr. Tilak is the Editor and Proprietor of the *Kesari* which is a weekly Marathi paper commanding circulation which is very large compared with the circulation of other native papers on this side of the Presidency, the circulation being 9,000 copies. He is also the Editor and Proprietor of another weekly paper called the *Mahratta* which is published in English. Both the papers are widely read and command influence with the Maratha-reading public. In view of Mr. Tilak's undisguised opposition to all obnoxious Government measures, the bureaucrats of Anglo-Indian officialdom, no less than the jingo portion of the Anglo-Indian press always have had their eye on him and his papers, and his criticism on the policy and measures of Government which does not err on the side of leniency has been eagerly canvassed, especially of late, and he has for a long time been a marked man.

Counsel will find from the translations of the articles charged as seditious that one of them, Ex. B 2, is a report of the proceedings of the celebration of what has been called "Shivaji Commemoration Festival." We shall deal in detail with this as also with the other article Exhibit B 1 in our subsequent observations, but we think it necessary at this stage to give a short account of the origin and growth of the movement of the commemoration festival, and of the circumstances under which the meeting in question came to discuss the particular subject of the assassination of Afzulkhan by Shivajee. We shall premise that this movement, which is intended to arouse a feeling of national unity in the Maratha country and to reverence the name of its great hero has for some time come to be regarded in certain quarters as a veiled political movement intended to infuse discontent in the people of the country and to excite ill-will against the British Government. This is an entire misapprehen-

sion of the real nature of the movement, but those Anglo-Indian officers and papers who have set their face against the aspirations of educated natives, and have been trying to hamper their political progress in every way in their power have not hesitated to misunderstand and misrepresent it, and it is the more obnoxious in their eyes as it is supposed that Mr. Tilak has been its promoter and moving spirit. But it is a mistake to suppose that the Shivaji commemoration movement was started by Mr. Tilak only 2 or 3 years ago. Although Mr. Tilak sympathised with it from the beginning, he had at first no part in it when it originated, and came to take part in it at a later date only by a mere accident. It is necessary to go briefly into the history of this movement in order to show that there is nothing seditious about it. Public attention was first drawn to the matter by Mr. James Douglas in 1883 in his "Book of Bombay". In Ch. XVI p. 433 (Ed. 1883) of that book Mr. Douglas, after giving a picturesque description of Raigurh, wrote:—

"No man now cares for Shivaji. Over all those wide domains, which once owned him lord and master, acquired by so much blood and treasure, and which he handed down with care to the Rajahs of Kholhapur, the Bhoslas of Satara, and their Peshwas in Poona, not one man now contributes to keep or repair the tomb of the founder of the Mahratta Empire.*

Mr. Douglas thus in very feeling terms appealed both to the Bombay Government and the countrymen of Shivajee to repair Shivajee's tomb at Raigurh. Mr. Douglas' appeal roused public curiosity about the tomb at Raigurh, and some gentlemen visited Raigurh to see and satisfy themselves about the state of the place. In the beginning of 1885 a Marathi poem, named "Samadhisatavali" (a series of verses on the tomb) was published by Mr. P. B. Joshi, a former assistant of Mr. (now Sir J. Campbell) in compiling the *Bombay Gazetteer*. This poem was a passionate appeal to the Princes, Sardars, and leaders in the Deccan, such as Mr. Justice Ranade, Prof. M. M. Kunte, the late Mr. Justice Telang, the editor of *Kesari* and many others, to repair the tomb of Shivajee. To show that the monument thus advocated was considered entirely innocent and even laudable we may refer to the opinion on Mr. Joshi's poem expressed by the Registrar of Native Publications in the Government of Bombay. He said, "The Pamphlet is a pathetic appeal in 100 verses addressed to the leaders of Hindu Society in the Deccan and to Maratha Native princes, exhorting them to pay honour to the men only of the great Shivaji, the founder of the Maratha Empire by subscribing for repairs

* The British Government conserves the architectural remains of Tudor and Stuart. Will not the Bombay Government do as much for the tomb, the temple and the arch of Shivajee? A few crumbs that fall from the archaeological bureau of Western India would suffice to keep in repair memorials of a dashing and most romantic period."

to his tomb at Raigarh (m. 79 quarter ending June 1885) and in the annual report he remarked, "This appeal was not responded to by the public but the request made to Lord Reay through the Native press having succeeded in obtaining the sanction of Government for repairs through the P. W. D., his Lordship was praised for his sympathy for Natives and appreciation of antiquarian works.

This seems to have roused public feeling, and on the 28th of May 1885, a public meeting was held to consider the subject in the Hirabag Town Hall at Poona on the requisition of many Sardars, Jagirdars, and other leading men of Poona. Among the signatories to the requisition were Shrimant Sri Baba Maharaj, Shrimant Purandare, Shrimant Balasaheb Raste, Sheikh Mir of Wai, Mr. Justice M. G. Ranade, Prof. M. M. Kunte, Prof. Apte, Dr. Visram Ramji Ghole, Rao Bahadur K. L. Nulkar and many others. The meeting was presided over by Shrimant Pant Pratinidhi, the Chief of Aundh, and passed a resolution, declaring the necessity of repairing the tomb and erecting a permanent memorial to Shivaji, and appointing an influential committee with the late Shrimant Abasaheb Kagalkar, the then Regent of Kolhapur and the father of the present Maharaja of Kolhapur, to collect funds and generally to further the objects of the meeting. It was also suggested at the meeting that annual festivals should be held and other ways adopted in order to commemorate Shivaji's memory. (Vide Appendix) Mr. Joshi's poem mentioned above was also sung at the meeting. The Committee did not, however, take any immediate steps to carry out the object. The movement, nevertheless, attracted the attention of His Excellency Lord Reay, the then Governor of Bombay, who in December of the same year is said to have sanctioned an annual grant of Rs. 4 out of the Public Works Budget for the repair and up-keep of Shivaji's tomb at Raigarh. Lord Reay's action was duly acknowledged by the *Kesari* at that time in its issue of 15th December 1885. The matter was then in the hands of the Regent of Kolhapur who sent his agent to Raigarh to prepare estimates for repairing the tomb. But the death of the Regent soon after caused the matter to be again dropped for a time until interest in the memory of Shivaji was revived by the publication of Mr. H. A. Acworth's collection of Maratha Powadas or heroic ballads in 1891. Mr. Acworth, in his preface, wrote of Maratha poetry and Maratha deeds of valour with as much enthusiasm as a Scotchman would have shown while writing about Bruce and Wallace. In this preface, p. III., Mr. Acworth, speaking of the Maratha ballads, writes:—"They add to the dignity and self-respect of the peasant and they help to make him a more, and not a less loyal subject of the British Crown, as he has an honourable past to look back upon, and manly traditions to preserve. He is not a man who will yield himself up to the wild hysterics of small agitators; he has the solid self-respect

which true national feeling engenders; he has known when to fight and how to fight; he has won his freedom once from fanatical oppressors; and he is able and willing to acquiesce in the established fact which gives him peace and justice and public liberty." There are other passages in the preface equally worthy of attention. The book which bore on its cover the emblems of Bhavani Tulvar and the tiger's claws was published by one of the ablest civilians in this Presidency, and was dedicated to Lord Harris who was by no means favourable to the Marathas. This was valuable support coming from such a quarter, and naturally public feeling was roused; and the subject of commemorating Shivaji's memory began to be discussed in the Vernacular press. In 1893, Mr. Douglas published his book "Bombay and Western India" in which the passage about the neglect of Shivaji's tomb from 'Book of Bombay' was repeated (See Vol. II. Ch. XLVII. pp. 179-80,) and the book was noticed appreciatively at that time in many Anglo-Indian and Native papers. This gave a fresh impetus to the movement. Mr. Tilak had not, however, up to this time taken any direct part in it. He was first brought in contact with it in 1895 quite accidentally. In the beginning of that year a letter appeared in the *Native Opinion* of Bombay, of 17th February 1895 giving a vivid description of the state of Raigarh tomb, and appealing to the Marathas to preserve the tomb of Shivaji. This appeal was noticed favourably in the *Kesari* of 23rd April, 1895. The note in the *Kesari* called forth a letter from "Student" who suggested a public subscription for the repair of the tomb, and sent in his own humble contribution of annas 2 to Mr. Tilak as editor of *Kesari* (see *Kesari* of 30th April). This set the necessary spark as it were; and other letters and contributions poured in, Mr. Tilak, as editor, having expressed his willingness to receive any sums sent to him for the purpose. As the subscriptions grew larger, it was thought necessary to give the movement a public form by appointing a Committee to collect the fund and carry out the object. This was in the month of May. At that time the election of a representative of the Deccan Sardars was to be held at the Annual Birthday Durbar on 24th May and many Sardars had assembled in Poona for that purpose. Advantage of their presence in Poona was taken, and a public meeting was held in Hirabag Town Hall on 20th of May, Shrimant Pant Pratinidhi, the Chief of Aundh, the oldest Sardar in the Deccan, in the chair. Most of the Sardars then in Poona such as the Swami of Chaphal, the hereditary *guru* of Kings of Satara, the Chiefs of Kurundwad, Ichalkaranji, Bhore and all the leading gentry in Poona were present. The proceedings of that meeting were fully reported in the *Kesari* of 4th June. The movement had by this time become sufficiently strong to invite adverse comments from Anglo-Indian papers. Especially the fact that it was patronized by Mr. Tilak and his papers was sufficient to

excite opposition from the *Times of India* whose antipathy to the elected Member of the Central Division was already known at that time. In its issue of 29th May, *i.e.* the day preceding the public meeting at Poona, that paper wrote a leaderette commenting adversely on the movement. Thereupon a controversy followed, and the *Times of India* wrote another leader on the subject on 1st June 1895. A rejoinder defending the movement appeared in the *Times of India* of 11th June. This opposition, unmerited as it was, only gave a fresh impetus to the movement, and subscriptions rapidly poured in, and were duly acknowledged in the *Kesari*. The fund at last amounted to Rs. 20,000 mostly collected by petty subscriptions of a few annas and rupees. A proposal was also made about the time to hold annual festivals in honour of Shivaji, and a discussion ensued in the Vernacular press of the Deccan as to which of the three dates, those of birth, coronation, or death of Shivaji should be accepted for the anniversary festival. Opinions were divided between the day of birth in April and the day of coronation in June, although the majority inclined to the former as more consonant with Hindu ideas and custom. These festivals began in 1895 and were held in many towns and villages of the Deccan in 1896. The grandest of these festivals was held at Raigarh near the Shivaji's tomb on 15th April 1896, and a detailed account of it appeared in the *Kesari* of 21st April. A leading article in the previous issue of the *Kesari* of 14th April explained fully the object of these festivals, and distinctly stated that the festivals had no connection with the fund being collected for the repair of the tomb. The two movements were quite distinct, although they originated at the same time and out of the same impulse. The aims and objects of these festivals as explained in the issue of the *Kesari* of 15th June clearly show that they had nothing seditious about them. Similar festivals on the birthday of Shivaji *viz.*, Vaishakh Shud 2nd, were held in many towns, and short and long accounts of them appeared in the subsequent issues of the *Kesari*. They all show that the festivals, just like other Hindu social and religious celebrations, were started for the purpose of honouring a great man. The work of collecting funds was necessarily suspended in the latter part of 1896 and the present year owing to famine, plague and other calamities, but the amount already collected lies intact in the Deccan and Mercantile Bank. The anniversary birthday festivals were held this year only in a few places owing to the same causes. The birthday festival which was due this year on the 3rd May was not held in Poona owing to the prevalence of plague at that time; and an announcement appeared in the *Kesari* of 4th May, that this year's festival would be held in Poona on the day of coronation, *viz.*, 13th of June. The plague disappeared about the end of May, and so arrangements were made

to celebrate the festival on the 12th, the 13th and the 14th of June. The programme consisted of prayers, singing of hymns, a *Purana* (sermon) by Professor Pranjape and a *Katha* by Mr. Matange on the first day, *i.e.* Saturday 12th. There were to be athletic sports and competitions in the morning of the 13th, and in the evening a lecture by Professor C. N. Bhanu of the Fergusson College on some subject connected with the life of Shivaji. The festival was closed on Monday, the 14th, with a lecture by Professor Jinsivale and a *Kirtana* by Mr. Ghामान्दे. A report of the proceedings of these three days appeared in the *Kesari* of the 15th June under the heading "Miscellaneous Topics" and forms the second of the two impugned passages (Exhibit B 2). It will appear from this that it was solely owing to the plague that the festival came to be held on June 15th, and even then it had no political significance at all. It was merely a social and religious celebration introduced for the purpose of creating amongst the people a reverence for the past heroes of the nation.

Now a few words as to why the subject chosen for discussion at the last Shivaji festival was the historical incident of Afzulkhan's assassination by Shivaji.

As there was nothing deliberate in choosing the date of the festival, so the subject of Prof. Bhanu's lecture also came to be chosen by accident. It was a topic of the day, having been the subject of a long controversy in the press during the preceding year. The Shivaji commemoration movements had necessarily revived public interest in the Maratha history, and the files of *Kesari* and many other papers since 1895 will show how various controversies were started and carried on in connection with incidents in Maratha history. The most noted of these controversies was about the morality of Shivaji's action in murdering Afzulkhan. English writers mostly relying upon Mussalman Chroniclers like Ferista blame Shivaji for what they call his treachery, while Maratha Chroniclers defend Shivaji and cast the blame on Afzulkhan. The controversy was first started in the public Press by Mr. R. P. Karkaria, a Parsee gentleman and a professor in the St. Xavier's College, Bombay. In a paper entitled "Shivaji and the Pratapgad Tragedy" read before the Bombay Branch of the Royal Asiatic Society in February 1896, Mr. Karkaria defended the action of Shivaji in killing Afzulkhan. That paper was published in the *Times of India*, and evoked a strong and elaborate rejoinder by some unknown writer signing "M. J." published in the *Times of India* of 7th March 1896. Mr. Karkaria defended himself in a long letter addressed to that paper, and "M. J." returned to the charge in a second letter published in the *Times of India* of 7th April 1896. The controversy so far as the columns

of the *Times of India* were concerned ended abruptly at that point. As might have been expected, however, the controversy evoked deep interest in Poona, and Professor Bhanu made it the subject of a lecture delivered on 28th March 1896 at the Deccan College, Poona, under the presidency of Prof. Bain, Professor of History, in the Deccan College. Prof. Bhanu, of course, sided with Mr. Karkaria in defending Shivaji. The subject was thus brought prominently before the public by an Anglo-Indian daily, and became a burning topic. The *Kesari* naturally took interest in the controversy, and the editor, Mr. Tilak, stated in the issue of * * * that his views on "M. J.'s" letter would appear later on. In other words the *Kesari* reserved its remarks for a future occasion. These appeared some months after, and it was only owing to the pressure of other topics and the want of a suitable opportunity that they were delayed so long. There then appeared a communication in the *Times of India* of 5th March 1897 by a well-known writer over the initials "A. T. C.," and thus the subject was once more brought before the public by the *Times of India*. "A. T. C." gave an account of Sir R. Temple's visit to Shivaji's tomb at Raighur, and then referred to Mr. Karkaria's pamphlet in the following words:—

"I may be pardoned here for a short digression which occurs to me in connection with Mr. R. P. Karkaria's pamphlet on the Pratapgarh (or as I spell it Pertabgarh) Fort, where he attempts, with complete success, to refute the general ideas erroneously held by many persons concerning the so-called murder of Afzulkhan, the Mogul leader at that spot. Mr. R. P. Karkaria may be consoled. Writers, who like Grant Duff, Fryer, and others merely copy their accounts of the tragedy from each other, must not be regarded as authorities by any student of Maratha History. Mr. Karkaria has gone to the very best source for information, the old *Bakhars* and documents still happily extant; and he has produced a really reliable and authentic account. There can be no doubt that Afzulkhan came prepared not only to encounter treachery, but to employ it himself when opportunity offered. Neither must Mr. Karkaria believe that the hitherto popular version of the tragedy has obtained general credence even among Europeans. To me it has always read like a chapter in one of Cooper's Red Indian Stories; and I fancied I was reading an account of an encounter between the Crow Chief "Clawing Cantmount" (Shivaji) and the equally celebrated Iroquois leader "Hissing Serpent" (Afzulkhan). I have always admired Shivaji's pluck, cunning, and superior military skill, and have despised the conquered Afzul, who would infallibly have "murdered" (!) Shivaji at that meeting if Shivaji had not killed him! The mode of warfare, the morals of those centuries gone by, are not to be judged by Exeter Hall Standards of the present day. We are dealing with times when

armed men struggled hourly for their lives and *shuffled not?* No! no; Let us still cry "Jey, Shivaji Maharaj, jey."

The educated Marathas thought that the character of their national hero was seriously damaged by the charge of treachery brought against him by English historians. Accordingly Professor Bhanu who had studied the subject closely and had already lectured upon it once under the chairmanship of an English professor, naturally chose it as his subject when called upon to deliver a lecture in connection with the Shivaji festival on 13th of June. Mr. Tilak presided on the occasion at the earnest request of Professor Bhanu himself, spoke as chairman of the meeting, and as an admirer of Shivaji necessarily defended Professor Bhanu. It was thus that Professor Bhanu's lecture on Afzalkhan's murder came to be delivered, and an academical debate followed upon it and was reported in the *Kesari* of 15th June as a matter of news. Obviously it had no reference to current politics. The remarks about mutual quarrels and the need of unity among Poona leaders were suggested by the coincidence that while the festival was chiefly started and maintained in Poona by what are called the Orthodox and reactionary parties, Professor Bhanu was the only gentleman belonging to the reform party in Poona taking part in it. The quarrels between these two factions are well known, and were the bitterest in 1895 when the Social Conference was to be held in the Congress Pandal in Poona. These quarrels had been going on for the last 8 years at least, and naturally every speaker at the meeting referred to them, and the happy prospect of their cessation.

It will thus be seen that the aims and objects of the Shivaji movement are not only harmless but commendable and it will require considerable obliquity of vision to detect a disloyal or seditious purpose in such commemoration. Indeed this attempt to keep alive the memory of, and to stimulate reverence, for a great national hero and for his deeds of valour and renown is a trait in the nation's character which deserves to be encouraged and stimulated. This feeling of pride and patriotism is cultivated all over the world, and the effect of such movements is much the same as that ascribed by English authors to the effect produced by cherishing national poetry. We have already referred to the eloquent observations of Mr. Acworth on the point. Mr. W. F. Sinclair a well-known Bombay Civilian, writing quite recently with reference to an article in the Westminster Gazette on the Shivaji cult observes "The feeling of the Maratha people generally about Shivaji was and is exactly that of old fashioned Scotchmen about Robert the Bruce, and a historical parallel between the two could easily be drawn if space permitted.

We shall now offer a word of explanation as to the origin of the present prosecution.

The impugned passages appeared in the *Kesari* of 15th June 1897. One of the passages is a poem (Exhibit B1) purporting to be an address by Shivaji, and published in the correspondence columns of the *Kesari*. The other passage (Exhibit B2) is a report of the proceedings of the Shivaji coronation festival which was held on the 12th, 13th and 14th June. No notice was taken of these passages at that time, and it is certain that but for the murders of Mr. Rand and Lieut. Ayerst on the night of the 22nd June, and the resentment and panic occasioned thereby, the present prosecution would not have been undertaken. In the *Times of India* of 19th June however, there appeared a letter signed "Justice," drawing public attention to Mr. Tilak's speech contained in the second of these passages, and especially to one sentence therein, viz., "If robbers entered our house, etc." "Justice" added that the word *Mllochhas* occurring in the sentence is applicable equally to Mahomedans and Christians, thereby, of course implying that Mr. Tilak advised his audience to drive away the present Christian rulers from the country by stratagem if they could not do it by force. It has been pointed out that Mr. Tilak is not a *persona grata* either with the *Times of India* or the more aggressive and haughty Anglo-Indians whose mouth-piece that paper is. The speech of Mr. Tilak had reference wholly and entirely to a disquisition on a historical event viz., the murder of Afzulkhan by Shivaji which at the time was being eagerly discussed, and the expression "*Mllochhas*" to which exception was taken occurred in course of a discussion referring to Mahomedans, but the *Times* correspondent chose to dissociate the word from the context and attempted to create prejudice against Mr. Tilak. The next day the *Maratha* of 20th June (which is also Mr. Tilak's paper) took both "Justice" and the Editor of the *Times of India* to task for thus misrepresenting Mr. Tilak with the evident object of throwing discredit on him. The *Kesari* of 22nd June did the same, and explicitly stated that what Mr. Tilak actually said in his speech was "Mahomedans had no copperplate grant to rule India," and that the word "*Mllochhas*" in the report referred to none else but the Mahomedans. "Justice" however returned to the charge in the "*Times of India*" of 25th June commenting on the paragraph in the "*Maratha*" of 20th June, but without noticing the explicit contradiction contained in the *Kesari* of 22nd June. To this second letter of "Justice" was appended a translation of the whole of Mr. Tilak's speech which was also published in the same issue of the *Times of India*. The translation differs from the Official translation put in this case only slightly. The *Times of India* in the same issue in its editorial columns pronounced Mr. Tilak's writings in general to be tinged with disaffection, (mentioning Mr. Tilak's criticism on the Baroda tragedy of last year as an instance) and found fault with H. E. the

Governor of Bombay for nominating him to the Legislative Council. On the 28th of June, the *Times of India* published letter signed "Shackles" with the heading "Seditious Journalism." Extracts given by "Shackles", though purporting to be translations, are only summaries and very bad summaries of certain articles in the *Kesari*. It must also be noted that neither "Justice" nor any other correspondent of the *Times of India*, nor even the editor of that paper referred to anything else in the *Kesari* of the 15th June, but Mr. Tilak's speech; so the discovery of the poem and the stress laid upon Bhanu's speech must be after thoughts, suggested probably when a prosecution was resolved upon, when Mr. Tilak's speech was on a close examination found to be innocent. The letter of "Shackles" was evidently written with a malicious purpose, for it opened by expressing *shame and amazement* at the conduct of Government in nominating Mr. Tilak at the same time as offering a reward of Rs. 20,000 for discovery of the murderer of Mr. Rand, thereby of course making the unworthy insinuation that Mr. Tilak had something to do with the murder. The *Times of India* in the same issue published a leading article discoursing on the present law of sedition, and referring to Mr. Tilak in these words:—"We offer no suggestion as to the view that a jury might be persuaded to take of the Honourable Mr. Tilak's discourse upon "the futility of mere clamour" against Mr. Rand and his assistants. Some one, with a pistol in his hand, seems to have been in hearty agreement with the Honourable Member's distrust in the efficacy of "clamour." Evidently the editor wished to insinuate that Mr. Tilak's writings incited to Mr. Rand's murder. The expression "futility of mere clamour" was taken from an article in *Kesari* of 4th May advising the editors of the leading newspapers of Poona (especially *Sudharak* and *Dnyana-Prakasha*) not simply to write against Mr. Rand's Plague Committee while remaining out of the town, but to return to the city which they had left on account of the plague and accompany the search parties so as to check any improper doings at once. The expression "futility of clamour" in the issue of *Kesari* of * * * referred clearly to the strong writings of *Sudharak* and *Dnyana-Prakasha* with whom Mr. Tilak was not in sympathy while the editors themselves remained outside Poona, but it was wilfully detached and dissociated from the context and represented in a bald form as a deprecation by Mr. Tilak of mere talk as opposed to action, and as a direct incitement to violence, and the loyal advice was perverted by the *Times of India* into incitement to murder. In the issue of 29th June, the *Times of India* published another leaderette discrediting the Shivaji commemoration movement. In the issue of 30th June of the *Times of India* Mr. Tilak wrote a reply justifying himself against the various allegations made against him; and there also appeared another letter signed "K. H. Kelkar" defending Mr. Tilak, the

Editor appending his own comments directly charging Mr. Tilak with "deeper depths of disaffection." In the issue of 5th July, the *Times of India* published a long leading article charging Mr. Tilak's and other Poona papers with having by their writings led to Mr. Rand's murder. In the issue of 6th July the *Times of India* wrote another leading article asking Government to prosecute Poona newspapers for sedition under Section 124 A. Similar anonymous letters and leading articles also appeared at the same time in the *Bombay Gazette*, charging the Poona newspapers and Mr. Tilak's papers particularly, with sedition. Thus the discussion was started and continued persistently by certain Anglo-Indian papers in Bombay with the declared object that Government should prosecute them. The main attack was upon Mr. Tilak, and every attempt was made to create prejudice against him. But no official notice seems to have been taken of Mr. Tilak's writings or the comments on them until 9th July. The impugned paragraphs appeared in the *Kesari* of 15th June and must have been, according to the usual practice, brought to the notice of Government a week later, that is, about the 22nd of June. Mr. Tilak's appointment to the Council was gazetted on the 24th June, that is *after* the Governor in Council became aware of the passages and after Mr. Rand's murder. Clearly Government thought nothing of those passages at the time, otherwise Mr. Tilak would not have been nominated to the Council. The idea of some of the utterances being seditious was started in the *Times of India*, and was persistently followed up by that and other Anglo-Indian papers in India including the *Pioneer*, the *Englishman*, and the *Civil and Military Gazette*; but still Government does not seem to have taken notice of them. The first official notice of Mr. Tilak's speech at the Shivaji festival was taken when on 9th July the following interpellations and replies to them took place in the House of Commons:—

MR. BAL GANGADHAR TILAK.

Sir E. Ashmead Bartlett: I beg to ask the Secretary of State for India whether the Governor of Bombay has confirmed the nomination of Gangadhar Tilak of Poona, editor of the *Maratha* and *Kesari* journals of Poona to the Legislative Council and whether he is aware that Gangadhar Tilak besides publishing attacks upon the British authorities in his papers, has himself made speeches inciting to rebellion; if so whether the Government of India propose to take any action in the matter.

Mr. Howell had the following question upon the paper; To ask the Secretary of State for India whether he is aware that Gangadhar Tilak whose election to the Legislative Council of Bombay is reported to be confirmed by Lord Sandhurst, was some years ago sentenced to a double term of imprisonment for being concerned in a conspiracy to defame a distinguished native

It was simple imprisonment for 3 months.

statesman, Rao Bahadur W. Burve, Minister of an important Native State; and whether the acceptance of his election to the Legislative Council by Lord Sandhurst was concurred in by his two colleagues, who, together with Lord Sandhurst, constitute the Government of Bombay.

Lord G. Hamilton: It is true that the nomination of Gangadhar Tilak to the Legislative Council has been confirmed by the Governor of Bombay, in whom alone the right of confirming or rejecting is vested under the rules. Gangadhar Tilak was nominated in 1895 to the same position, and he was again nominated in 1897. It is also true that Gangadhar Tilak was some years ago sentenced to imprisonment, that he is the editor of two newspapers and that he has recently made the speech alluded to; but the question whether the articles which have appeared in those newspapers are seditious, and whether that speech contained an incitement to rebellion is a matter of law, as to which the Government of Bombay has not at present arrived at any final opinion.

Sir E. Ashmead-Batlett: Does the noble lord propose to take any action in regard to this nomination?

Lord G. Hamilton: I certainly think it would be premature to express an opinion at present.

Mr. McNeill asked by whom this gentleman was nominated.

Lord G. Hamilton said he believed he was nominated by the Central Municipal authority of Bombay.

Mr. Tilak was recommended by the Local Boards of the Central Division of the Presidency.

The following questions were asked and replied to on the next day in Parliament:—

Sir E. Ashmead-Bartlett asked the Secretary of State for India whether the other two Members of the Government of Bombay agreed with the Governor in his acceptance of the nomination of Gangadhar Tilak to the Legislative Council.

Lord G. Hamilton: I stated yesterday in this House that the Governor alone was responsible for the acceptance or refusal of a nomination to the Legislative Council. Members of the Bombay Council do not share this responsibility, and I have, therefore, no information as to their opinions on the subject of this nomination.

Sir E. Ashmead-Bartlett asked whether it was not the usual practice in cases of appointments of this kind for the head of the Government to consult the other members of the Government.

Lord G. Hamilton: I do not know what the practice is, but as the responsibility rests with the Governor, I think it is undesirable to enlarge that responsibility.

On the 15th of July, the following questions and answers took place on the same subject in the House of Commons:—

THE SHIVAJEE ACCESSION CEREMONY.

On Thursday, July 15th, Sir Mancherjee Bhownagree asked the Secretary of State for India: If he is aware that in the last two years an annual celebration to stir up disaffection against England among the natives of India has been set on foot under the designation of the Shivajee Accession Ceremony; whether his attention has been drawn to the fact that on June 12th, 13th, and 14th such celebration took place on a large scale in Poona, when one Professor Paranjpe delivered a discourse, the substance of which was, that in discontent lies the root of prosperity, and contentment kills prosperity; also, that on the same occasion a man named Jinsivale stated that Shivajee's ruling passion was a terrible disgust at the humiliation of his country and religion by aliens,—that is, the British; and added that he did not see why the saying of the Revolutionists in France, that they were not murdering men but simply removing the thorns in their way, should not be made applicable to the Deccan, of which Poona is the capital: whether he is aware that Gangadhur Tilak, the editor of the *Maratha* and *Kesari* newspapers, presided at the celebration and made a speech, in which he counselled the murder of Europeans, and that the Mllenchas—that is, the British—had no charter from God to rule India; and whether any steps have been taken by the local authorities to stop such systematic training of large numbers of people and students, and the incitement of them to such actions as led to the assassination of Mr. Rand and Lieutenant Ayerst within a week of the last Shivajee celebration.

Lord G. Hamilton: I am aware that an annual festival has recently been established in commemoration of Shivajee. I have seen a newspaper report of certain speeches made at the festival which took place last month, and it supports the description given in the second and third paragraphs of the question. The question as to the connection between public incitement to violence and crime is occupying the attention both of the Government of India and the Government of Bombay, but I am not prepared at present to make any further statement on the subject. (Hear, hear.)

Thus the second of the two impugned passages only formed the subject of an explicit question in Parliament, though only Mr. Tilak's speech was at first objected to. Some time afterwards Prof. Paranjpe and Jinsivale also came in; but nothing was said about Bhanu's words or the poem.

The Secretary of State in replying to the questions put to him seems to have prejudged the question of the seditious nature of the Shivaji festival and the speeches delivered on the occasion, although he stated that the Government of Bombay were considering the question. The verses which form Ex. B1, do not seem to have attracted any attention in Parliament. The controversy about Mr. Tilak was thus transferred from the columns of the Anglo-Indian papers in

Bombay to the floor of the House of Commons. Probably the anonymous and editorial writings in the Anglo-Indian papers failed to induce the Bombay Government to regard the writings as seditious and to prosecute Mr. Tilak, and so persons interested in seeing Mr. Tilak before a Criminal Court took recourse to the House of Commons and there they apparently succeeded. They found a Secretary of State willing to listen to them. The Secretary of State promised to make further inquiries in the matter, and thus the attention of the Local Government was drawn to the passages in question. If the Bombay Government had found anything objectionable in the passages, they would not have waited for more than a month before taking action. The wording of the Secretary of State's reply almost suggests that it was he who first asked the Bombay Government to consider the question, and we might easily imagine that the present prosecution also was undertaken at his instance. It was reported in the papers that Sir John Woodburn came to Poona especially to confer with H. E. the Governor on this subject. This was on Friday the 23rd of July. The sanction of Government to prosecute Mr. Tilak is dated Monday 26th July and the information was filed before the Chief Presidency Magistrate by Mr. Baig, the Oriental Translator, on 27th July. Mr. Tilak was arrested the same day at night in Bombay and placed before the Chief Presidency Magistrate the next day. This history of the present prosecution strongly suggests that it has been undertaken by the Local Government through pressure from England, although they themselves saw no sedition in the passages for more than a month. This is a circumstance in favour of the innocent character of the passages. The interpellations in Parliament are obviously based on grossly perverted telegraphic reports of the speeches at the Shivaji festival, and the Secretary of State could not have had the originals before him at that time. On the other hand the Local Government who had read the originals thought nothing of them. In order to show with what intense prejudice only equalled by ignorance, this matter was approached in England we may refer to the interpellation in the House of Commons by Mr. Bownuggree on the 15th July above referred to. The description of the festival was entirely gratuitous and unfounded, and it is simply an echo of what intolerant Anglo-Indian officials have found it convenient to charge against the movement. As to the 2nd para of question, counsel will see from the translation of the article in question that it was a most wilful perversion of the proceedings of the meeting, and whoever sent this summary of the article to England must have done so with the deliberate intention of entirely misleading public opinion and exciting feeling. As to the third para, that also is an equally perverse misrepresentation of what Mr. Tilak said, and is so very unlike what he did say as to amount to a fabrication pure and simple. The last para of the

question again is the merest assumption, and an expression of the opinion hastily formed and as hastily expressed under the impulse of panic and indignation by the Anglo-Indians immediately after the outrage of the 22nd June. Lord George Hamilton's reply shows that as regards the character of the speeches complained of he was as ignorant and as absolutely misinformed as the Member for North Bethnal Green who put the question. It is only necessary to refer to the report of the speeches in the *Kesari* to be satisfied beyond any manner of doubt that by no stretch of imagination could the speeches be held capable of the complexion placed upon them, and that whoever caused such misleading account to be published in England must have done so with the deliberate attempt to do mischief. No wonder that action so hastily taken on such utter misconception of the real gist of the articles should be indefensible, but at the same time it has done a world of harm to the accused and to the native public, and one can only hope that on the real character of the articles being explained and judged without bias, the wrong opinion formed of them and of the motives and intentions of the writers and speakers would be dispelled.

We shall now offer a few remarks on the plague operations in Poona. Not that this subject has any direct connexion with the charge made in this case, but so much has been said in the public press, both here and in England, regarding the administration of the Plague Regulations, and so persistently has it been alleged that the severe criticism of the Native Press on the subject was calculated, if not intended, to incite the people to crime, and resulted in the Poona murders, that it is necessary to refer to the matter for the information of Counsel. It is freely alleged that the murders, but for which we might never have heard of this prosecution, were the direct result of the writings of the Native Press condemning the Plague operations in Poona, and it is more than insinuated that those who indulged in such writings are in a measure responsible for the outrage on the Jubilee night. We believe that the prosecution will refer to this matter in support of their theory that the murders were the direct outcome of the incitement to the people to resist the Plague operations. Now, whatever might be the case with the other newspapers in Poona, it may be safely asserted that the *Kesari*, so far from condemning or advising resistance to the measures directed by Government to stop the progress of the plague, consistently supported the general policy of the Government on the subject, and strongly advised the people to co-operate with Government in carrying out these measures. So thorough-going indeed was the advocacy by Mr. Tilak of the policy of the Government that he actually incurred the displeasure of his more orthodox followers, some of whom actually charged him

with currying favour with Government. Mr. Tilak, however, strongly believed in segregation and disinfection on which Government rightly insisted, and the extracts from his paper which are printed in the appendix, sufficiently testify to the hearty support given by Mr. Tilak to the action of Government. Indeed he went the length of seeking a personal interview with Lord Sandhurst to discuss the matter with him, and to place before him certain suggestions which he thought would insure the smooth and harmonious operation of the Plague Rules. The interview was granted, and on the same day (8th March 1897) Mr. Tilak submitted a memorandum to the Private Secretary to the Governor, embodying the suggestions which he had made at the interview. From copy of this memorandum, which will be found in Appendix A, it will appear that Mr. Tilak speaking for himself and on behalf of his friends the other leading Natives of Poona, clearly stated that they fully accepted the policy laid down by Lord Sandhurst in his letter to General Gatacre, who was the President of the Plague Committee in Bombay, and he expressed his conviction that everyone of the leading gentlemen in Poona would sincerely and cordially co-operate with Government in the matter. It will be seen from the memorandum that the suggestions made by Mr. Tilak were most sensible, and such as were necessary to disarm the opposition of the ignorant and orthodox people, and it is almost certain that if greater attention had been paid to these suggestions, a great deal of the irritation which was undoubtedly produced by the harsh working of the Plague Rules would have been obviated. His Excellency the Governor, in reply to the memorandum, intimated to Mr. Tilak through his Private Secretary, that he had read the memorandum with much interest, and had directed it to be sent to Mr. Rand, the President of the Poona Plague Committee. A few days afterwards, a deputation consisting of some well-known and leading men of Poona, including Mr. Tilak, waited on Mr. Rand to represent to him the grievances of the people, and suggest remedies for their removal. These suggestions were embodied in a letter handed over to Mr. Rand, and a copy of which will be found in Appendix B. Mr. Rand discussed the suggestions seratim with the members of the deputation. He did not say that any of the complaints were unfounded. The practicability of starting a kitchen in the segregation camp was discussed, and Mr. Rand granted permission for opening such a kitchen. But none of the other suggestions of the deputation were attended to, or their practicability considered. The letter containing the suggestions was published in the *Mahratha* newspaper of the 4th April 1897, and copies of the newspaper were supplied to His Excellency and his Private Secretary on the same day, and in an interview which His Excellency was pleased to grant to Mr. Tilak during his short stay that day in Poona, the nature of the suggestions and complaints made in the letter was explained to the Private Secre-

tary. We may add that Mr. Tilak personally exerted himself with great energy, and not a little success in opening and maintaining a Plague Hospital for the Hindus of Poona. It is unnecessary for our present purposes to go into the question of the administration of the Plague Rules in Poona. It is sufficient for us to point out that so far as Mr. Tilak, personally, and his papers were concerned, not only was there no opposition to, or dissatisfaction with, the policy of the Government, but on the contrary hearty and consistent support, and that, therefore, there is no foundation whatever for any suggestion that Mr. Tilak, directly or, indirectly, stirred the popular discontent against the Plague operations; and though he has the misfortune to be charged with all manner of crimes conjured up by the imagination of his excited opponents, it cannot, with any truth, be said that any of his writings on the Plague were bitter or mischievous, or could possibly have led to any crime. True it is, that Mr. Tilak fearlessly pointed out certain errors and defects, and this he did as a loyal friend acquainted with the feelings and grievances of the people; and the most thorough-going advocates of the Plague campaign in Poona cannot truthfully say that there were no errors or defects in its management. It is certain that at any rate the large majority of the Native public of Poona did not take kindly to the Plague Rules owing to fear, ignorance, superstition and the like, and that the interference with their religious and domestic susceptibilities was greatly resented. Whether or not the irritation thus caused had anything to do with the murders on the night of the 22nd June need not be discussed here, but the fact is, that the search parties which were so disliked by a large number of people were discontinued about a fortnight before that day. On the Jubilee night as Mr. Rand who had rendered himself, rightly or wrongly, very obnoxious to the people of Poona by his stern and unbending management of the Plague operations, and had received threatening letters of which however he made light, was murderously assailed by some person or persons unknown, on his way home from Government House, and another English gentleman, Lt. Ayerst, who, however, was in no way connected with the Plague operations was murdered on the spot at the same time. This outrage naturally excited the greatest horror and indignation, and entirely upset the Anglo-Indian community, who firmly believe, though without any evidence whatever, that the murders were due to the violent writings of the Native Press, and that the Poona Brahmins are in some way connected with them. The events which followed the outrage are soon told. Both the authorities and the Anglo-Indian community having committed themselves to the theory that the murderers were Poona Brahmins, have been working on that theory all along. Soon after the murders, Mr. Lamb, the Collector of Poona,

who had succeeded Mr. Rand as Chairman of the Plague Committee, apparently under the orders of the Government treated the leading Natives of Poona, whom he invited to meet him, to a most insulting and menacing speech, reminding his audience that Government possessed large powers and resources, larger than they imagined, and was determined to enforce them, if the murderers were not discovered immediately. In less than 24 hours afterwards, a Government Resolution was issued, imposing a heavy punitive Police on the people of Poona, whose conduct, it was said, had rendered that measure of punishment necessary, though apparently Government had not then, as they have not now, any reliable evidence connecting the people of Poona or any considerable portion of it with the outrage. Influential native gentlemen who attended the funeral of Mr. Rand were then grossly insulted by not being allowed to enter the burial-ground at Poona. The Government then offered a reward of Rs. 20,000 for the detection of the perpetrators of the crime, and later on they offered free pardon to anyone privy to the offence, not being the actual perpetrator or instigator of the murders, who would give information leading to the discovery of the culprits. All the vast and powerful machinery of Government has been put into motion to obtain a clue, and the ablest detectives of the Bombay Police have been hard at work all this time to discover the murderers, but so far absolutely no clue has been obtained as far as the public can judge, and the affair remains an inscrutable mystery. The stigma so hastily placed on the loyalty and the good will of the people of Poona still remains and the authorities are at their wits' ends. No justification whatever has yet been found of the hasty assumption that the Poona Brahmins were in it. The Secretary of State, at one time, intimated that the murders were the result of the severe operation of the Plague Rules and of Mr. Rand's absolute impartiality in the treatment of the rich and the poor, so far as Plague cases were concerned. This, presumably, had reference to the incident of Mr. Natu, a well-known and influential Maratha Brahmin of Poona, now a State prisoner, having been marched off to the Plague Camp, much to the chagrin of his friends and relations, vowing vengeance for the indignity, as is alleged. This theory, however, seems to have been abandoned of late, for the other day the Secretary of State announced from his place in the House that the murders were due to political motives, and that the arrests of the present accused and the Natu Brothers and others would unravel the conspiracy of which the murders are supposed to be the results.

We shall now refer to the translations of the impugned articles. And first of the verses headed, "Shivaji's Utterances," Exhibit B 1. The original verse in Marathi is given in Vernacular, followed by its transliteration in Roman characters, next a word for word translation under each word, and lastly collected trans-

lation of each line in English. Then follows translation of all the verses taken collectively and, with a view to indicate the differences between the official translation and the private, but more accurate and close, translation, the two are placed in juxtaposition, and these are followed by a few observations for the proper understanding of the passages.

शिवाजीचे उद्गार ŚIVĀJICHE UDGĀRA. OF SIVAJI UTTERANCES.

SHIVAJI'S UTTERANCES.

(१)	दुष्टां	संहरुनी	बहुत	भुविचा	तो	भार	केल्य	कमी
(1)	Duṣṭān	sanharunī	bahúta	bhuvinchà	to	bhāra	kelá	kamí
	the wicked	having destroyed	greatly	of earth	the	burden	did	lessen

Having destroyed the wicked (I) greatly lessened the burden of earth.

(२)	देशा	उद्धरिलें	स्वराज्य	करुनी	तारोनि	धर्मास	मी ॥
(2)	Deśā	uddharilen	Svarājya	karunī	tāroni	dharmāsa	mī
	(the) country	rescued	my kingdom	establishing	saving	religion	I

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I rescued the country by establishing my kingdom (and) saving religion.

(३)	झाला	शीण	बहु	तया	दवडण्या	स्वर्लोक	म्यां	गांठिल !
(3)	Jhálá	Śīṇa	bahú	tayá	davaḍanyá	svarloka	myan	gaṅṭhilá
	Became	fatigue	great	to it	for driving	heavenly world	I	betook to

Great fatigue overtook me to drive which I betook myself to the heavenly world.

(४)	होतों	निद्रित	तों	तुम्हीं	उठविलें	कां	लाडक्यांनों	मला
(4)	Hoton	nidrita	ton	tumbhīn	uṭhavilen	kaṅ	laḍakyannon	malá
	was	sleeping	while	you	awakened	why	dear ones	me

Why O dear ones ! you awakened me while I was asleep.

(५)	पायाशुद्ध	उदात्त	नीति	रणिचें	तें	शौर्य	कर्णा	सम
(5)	Páyásuddha	udátta	nīti	raṇichen	ten	sáurya	Karna	sama
	foundation correct	high	morality	of the battle-field	that	valour	Karna	like

Well-founded high morality that valour on the field like Karna.

(६)	देशाचा	अभिमान	धाडस	खरें	तें	ऐक्य	सर्वोत्तम
(6)	Deśáchá	abhimána	dhaḍasa	kharen	ten	aikya	sarvottama
	of country	pride	enterprise	true	that	unity	best of all

Pride of one's country, true enterprise, that excellent unity.

(७)	ऐसे	सद्गुण	कल्पवृक्षादि	जणूं	भूमॉंत	या	लाविलें
(7)	Aise	sadguṇa	kalpavṛikshachi	janun	bhúmīnta	yá	lávilen
	Such	good qualities	wish-fulfilling trees	as if	in land	this	planted

Such qualities were planted in the land as if so many wish-fulfilling trees.

(८)	त्यांची	दावावेतसाल	काय	मजसीं	तीं	गोड	आतां	फळें
(8)	Tyanchí	davitasála	káya	magaśí	tín	goḍa	átán	phalen
	their	would be showing	why	to me	those	sweet	now	fruits

I hoped you would show me now the sweet fruits of these.

(९)	अरेरे!	हें	काई!	दिसत	पडला	मोडुन	गड
(9)	Arere!	hen	káí!	disata	paḍalá	moḍuna	gāḍa
	Alas!	this	what!	appears	fallen	having crumbled	fort

Alas! what is this! the fort appears to be crumbled down.

(१०)	नशीबें	बैसाया	मिळत	मज	विच्छिन	दगड
(10)	Nashiben	baisáyá	miḷata	maja	vichhinna	dagāḍa
	by fate	to sit	is available	to me	broken	slab

By fate I get a broken slab to sit upon.

(११)	तसें	कां	जाईना	हृदय	मम	हें	आज	फुटुनी
(11)	Tasen	kan	jáiná	hṛidaya	mama	hen	ája	phuṭuní
	In the same	why	go	heart	mine	this	to-day	having broken
	manner							

Why does not this heart of mine break to-day in the same way.

(१२)	पहातों	देशाचा	शिवशिव	आतां	नाश	नयनीं!
(12)	Pahátón	deśáchá	śiva śiva	atán	náśa	nayanín!
	See	of the country	shiv shiv (exclamation of grief)	now	ruin	with eyes

Oh, Shiv, Shiv, I see now with my eyes the ruin of the country!

(१३)	पैसा	पाउससा	अहो	खर्चिला	बांधावयाते	जेयां
(13)	Paisá	páusasá	aho	kharachilá	bándhāvayáte	jayá
	Money	like rain	O	spent	to build up	which

O to build which I spent money like rain

(१४)	ताजे	तापट	रक्त	जेथ	गळलें	संपादण्यातें	नया
(14)	Tajen	tápaṭa	rakta	jetha	galalen	sampáḍṇayaten	jayá
	Fresh	hot	blood	where	spilt	to acquire	which

(And) to acquire which fresh hot blood was spilt.

(१५)	गेलों	चालुन	जेथुनी	दरिंतुनी	गर्जोनीयां	सिंहसा
(15)	Gelon	cháluna	jethuní	darintuní	garjoniyañ	sinhasá
	Went	attacking	whence	through valleys	roaring	like lion

From which I issued forth through the valleys roaring like a lion.

(१६)	किल्ले	ते	मम	ढासळून	पडले	विध्वंस	हा	कायसा !
(16)	Kille	te	mama	dhásalúna	padale	vidhvansa	há	káyasá !
	Forts	these	mine	toppling down	fell	ruin	this	what like !

These forts of mine have toppled down. What ruin is this !

(१७)	लक्ष्मीतें	जुलुमें	परस्थ	छळुनी	नेती	करें	ओढुनी
(17)	Lakshmiten	julumen	parastha	chhaluní	netí	karen	oḍhuní
	To Lakshmi (god- dess of wealth)	forcibly	foreigners	teasing	carry	by hand	dragging

The foreigners teasingly and forcibly drag away Lakshmi by the hand.

(१८)	गेली	ती	पळुनी	सॅव	विपुलता	आरोग्य	ही	मागुनी
(18)	Gelí	tí	paḷuní	saven	vipulatá	árogya	hí	máguní
	Gone	that	running	with	plenty	health	also	after

With her plenty has run away and health has followed.

(१९)	दुर्भिक्षासह	सर्व	देश	फिरते	ही	दुष्ट	आकावया
(19)	Durbhikshásaha	sarva	deśa	phirate	hí	duṣṭa	ákábaya
	With scarcity	whole	country	roams	this	cruel	adversity

This adversity roams over the whole country with scarcity.

(२०)	रोगांची	पसरोन	सांथ	विचरे	मृत्यू	न	ज्यातें	दया
(20)	Rogáñchí	pasarona	santha	vichare	mṛityú	na	jyáten	dayá
	Of diseases	spreading	epidemic	stalks through	death	no	to whom	mercy.

Merciless death stalks through the land spreading epidemic diseases.

श्लोक.

SLOKA.

VERSES.

माझा	धर्म	पडे	तया	क्षणि	तिथें	ते	रक्त	ज्याचें	गळे
Májhá	dharma	paḍe	tayá	kshanin	títhen	ten	rakta	jyáchen	gaḷen
My	sweat	fell	at that	moment	there	that	blood	whose	dropped

Those whose blood dropped instantly where my sweat fell.

(२२)	माझे	जाव	दुजे	धुरंधर	वदा	ते	हो	कुठे	मावळे
(22)	Májhe	jiva	duje	dhurandhara	vadá	te	ho	kuṭhe	mávale
	My	life	second	expert	say	they	O	where	Mavale

Say, where are those expert Mavlas who were my second life.

(२३)	खाती	भाकर	एक	वेळ	परि	त्यां	तीही	पडेना	पुरी
(23)	Khátí	bhákara	eka	vela	pari	tyan	tíhí	padená	purí
	Eat	bread	one	time	but	them	even that	does not	suffice

They eat bread only once, but that, too, does not suffice them.

(२४)	कष्टे	काल	कठीण	कंठिति	घड्या	बांधोनि	पोटावरी
(24)	Kashṭen	kála	kaṭhina	kaṭhiti	ghadyá	bándhoni	poṭávarí
	with difficulty	time	hard	pass on	folds	tying	on belly

They pass on hard times with difficulty by tying folds of cloth on their bellies.

(२५)	शांतीच्या	समयी	स्वधर्म	अपुला	पाळोन	जे	राहिले
→ (25)	Śántichyá	samayín	svadharma	apulá	páloná	je	rahile
	of peace	in time	one's religion	own	preserving	who	lived.

Those who in time of peace lived preserving their own religion.

(२६)	त्यागोनी	समयास	दर्भ	करिचें	शस्त्रा	करीं	वाहिलें
(26)	Tyágoni	samayása	darbha	karinchen	Sastrá	karín	váhilen
	Having abandoned	at times	darbha	in hand	weapon	in hand	took

Who at times having abandoned darbha in hand took weapon in hand.

(२७)	माझे	सद्गुरु	धर्मशिक्षक	जनां	ज्या	ब्राह्मणां	पाळिलें
(27)	Máze	sadguru	dharmaśikshaka	janân	jya	bráhmaṇân	páñilen
	Mine	good preceptor	religion-teacher	people	whom	Brahmins	protected

Those Brahmins who were my good preceptors and teachers of religion and whom I protected.

(२८)	त्यातें	कैद	घडोनिया	जन	तुम्ही	क्षेत्रीं	कसें	साहिले ?
(28)	Tyâten	kaida	ghadonyân	jana	tuhmí	khsetrín	kasen	sáhilen
	To them	imprisonment	having happened	people	you	in a sacred	how	endured
						place		

To them imprisonment having been awarded in a sacred place, O people ! how you endured it !

(२९)	धात्रीभूत	लहानगयांस	जननी	सोडून	जाते	यदा
(29)	Dhâtríbhûta	lâhânagyânsa	jananî	sodûna	jâte	yadá
	Foster-mother	to children	mother	leaving	goes	when

(Who) is foster-mother to children when their (natural) mother leaves them.

(३०)	मूलाधार	कृषीवर्ला	बहु	असे	लोकांस	जी	शक्तिदा
(30)	Múlâdhâra	kṛṣīvalân	bahu	ase	lokânsa	jī	śaktidâ
	Chief support	to agriculturists	great	is	to people	which	strength-giving

Who is the main support of the cultivator and the great strength-giver of the people.

(३१)	माझी	माय	हणोन	गाय	पुजिली	प्राणांहुनी	रक्षुनी
(31)	mâjhî	mâya	mhaṇona	gâya	pujilî	praṇâḥuni	rakshunî
	my	mother	thinking	cow	worshipped	beyond life	protected

The cow whom protecting beyond my life I worshipped as if (she was) my mother.

(३२)	तीतें	रोज	चराचरा	चिरित	बध्यस्थलीं	नेउनी
(32)	Tîten	roja	charâcharâ	chiriti	vadhyasthalîṅ	neunî
	to her	daily	imitative of the sound of cutting	cut	slaughter-house	carrying

She is daily carried to the slaughter-house and slaughtered.

(३३)	“ आला	धांवत	नेमका	अपणची	नेमांत	बंदूकिच्या ” !
(33)	“ Âlâ	dhânvata	nemakâ	âpanachî	nemanta	bandûkichya ”
	came	running	exactly	of himself	within the range	of the gun.”

“ (He,) of himself, came running exactly within the range of the gun.”

(३४)	“ मातें	अस्वल	वाटला ” !	“ सुजति	हो	यांच्या	फ़िहा	रोजच्या ” !
(34)	“ mâten	asvala	vâtalâ ” !	“ sujati	ho	yânychyâ	plîhâ	rojachyâ ” !
	to me	bear	appeared	enlarged	O	theirs	spleen	daily (always)

“ He appeared a bear to me ! ” “ O ! their spleens are daily enlarged ! ”

(३५)	गेरा	लोक	सुटे	निरर्थ	सबबी	सांगोनियां	या	कसा
(35)	gorâ	loka	sute	nirartha	sababî	sângoniyân	yâ	kasâ
	white	men	escape	groundless	excuses	having told	these	how

How white men escape having pleaded groundless excuses like these.

(३६)	न्यायाच्या	अजि	मंदिरां	दिसतसे	अन्याय	हा	फारसा !
(36)	Nyâyâchyâ	aji	mandirîn	disatase	anyâya	hâ	pharasâ !
	of justice	now	in the temples	appears	injustice	this	great like

Now there appears much injustice in the temples of justice.

(३७)	होती	काय	बिशाद	वक्रनयनें	पाही	परस्त्री	कुणी
(37)	hotî	kâya	bisâda	vakranayanen	pâhî	parastrî	kuṇî
	was	what	worth	with improper eye	to see	another's wife	who

What was the significance, if any one could look with improper eyes at another's wife.

(३८)	म्यानांतून	हजार	तीक्ष्ण	असिका	बाहेर	ये	त्याक्षणी
(38)	Myânāntūni	hajāra	tikshṇa	asikā	bâhera	ye	tya-kshanīn
	From the	thousand	sharp	swords	out	come	that moment
	scabbard						

That moment a thousand sharp swords came out of the scabbards.

(३९)	आतां	अग्निरथांत	संधि	बघुनी	हस्ते	स्त्रियां	ओढिती
(39)	átān	agnirathānta	sandhi	baghunī	hasten	striyān	oḍhitī
	now	in railway	opportunity	seeing	by hand	women	drag
		carriages					

Now seeing an opportunity women are dragged by hand in railway carriages.

(४०)	षण्डानों	करितां	कसें	सहन	हैं!	लावून	व्या	दाद	ती!
(40)	shaṇḍhānōn	karitān	kasēn	sahana	hen!	lāvūna	ghyâ	dâda	tī!
	O eunuchs	do	how	endure	this	having	get	a repre-	this
	(cowards)					made		sentation	of injury

O cowards! how you endure it! Get a representation of this (your) injury made!

(४१)	“ वेडा	हा	उचलोन	यासजें	लदा	यात्रेस	द्या	लावुनी ”
(41)	Vedâ	hâ	uchalona	yâsa	jaladî	yâtresa	dyâ	lâounî
	mad	he	lifting up	him	quickly	to pilgrimage	give	sending

He is mad, lift him and send him to a pilgrimage.

(४२)	“ चैनी	तो	अधिकार	घ्या	मुदतिनें	घेतों	असें	सांगुनी ”
(42)	Chainî	to	adhikâra	ghyâ	mudatinēn	gheton	asēn	sângunî
	pleasure-	he	power	take	temporarily	take	such	telling
	seeking							

That (other) is pleasure-seeking, take his powers telling that they are taken away temporarily

(४३)	ऐशीं	हातळती	आतां	नृपकुलें	दुदैव	है	ओढले
(43)	Aisīn	hâtaḷati	atān	nṛipa kulēn	durdaiva	hen	oḍhalen
	thus	handled	now	families of chiefs	misfortune	this	has come

Now families of chiefs are thus handled, the misfortune has fallen.

(४४)	सारे	बेवळ	हे	दळ्ये	बुदबळ्ये	राजे	कसे	जाहले!
(44)	Sâre	kevala	he	dalye	budabalye	râje	kase	jâhale!
	All	only	these	womanly	pertaining to	chiefs	how	became
					chess-board			

How all chiefs have become only womanish like (kings) on chess-board!

(४५)	देखावा	हृदया	विदारिल	असा	पाहूं	तरी	मीं	कसा ?
(45)	Dekhâvâ	hridayâ	vidârila	asâ	pâhun	tari	mî	kasâ ?
	Sight	heart	will rend	such	see	even at	I	how
						all		

How can I at all see such a heart-rending sight?

(४६)	नेतों	दृष्टि	दुजेकडे,	कथुनियां	दसरो	बारीकसा
(46)	Neton	ḍṛishti	dujekade	kathuniyaṅ	sandesā	barikasā
	Take away	sight	to other	having told	message	short-like

I turn my sight towards another (place) after having told a short message.

(४७)	ज्यांच्या	मावळतो	कधी	न	रवि	हा	राज्यावरी	थोरल्या
(47)	Jyānchyā	māṇa to	kadhī	na	ravi	hā	rājyāvārī	thoralyā
	Whose	sets	never	no	sun	this	over-kingdom	vast

Over whose vast kingdom the sun never sets.

(४८)	सांग	त्या	प्रभुंनां	सलाम	तुमच्या	दोस्तास	माझ्या	मल्या
(48)	Sāngā	tyā	prabhunāṅ	salāma	tumachyā	dostāsam	ājhyā	bhalyā
	Tell (give)	those	rulers	compliments	your	friends	my	good

Give (my) compliments to those rulers, who are (also) my good friends.

(४९)	सांग	त्यांस	“अहो	तुम्ही	विसरलां	कैशी	जुनो	रीत	ती ”
(49)	Sāngā	tyānsa	“aho	tuhmī	visaralāṅ	kaiśī	junī	rīta	tī ”
	Tell	to them	O	you	forgot	how	old	way	that

Tell them O! how you forgot that old way (of yours).

(५०)	जेव्हां	घेउनियां	तुला,	करितसां	विक्री	वखारित	ती ।
(50)	Jevhāṅ	gheuniyaṅ	tulā,	karitasāṅ	vikrī	vakharinta	tī
	When	having taken	scales	made	sale	warehouse	that

When taking scales you made sales in the warehouse.

(५१)	होत्या	होत	बऱ्याच	वेळ	सफरी	बाजूस	माझ्या	त्या
(51)	Hotyā	hota	baryācha	vela	sapharī	bājūsa	mājhyā	tayā
	Were	being done	several	times	expeditions	to side	my	that

Several expeditions of mine were being undertaken in that direction.

(५२)	होतें	शक्य	तदां	फिरूनही	तुम्हा	देशास	लाववया !
(52)	Hoten	sākya	tadā	phīrūnahī	tuhmā	désāsa	lāvāvayā !
	Was	possible	then	again	you	to the country	turn

It was possible then to make you turn back to your country.

(५३)	हिंदूंचें	परि	शील	थोर	ह्यापुनी	तुम्हांस	म्यां	रक्षिलें
(53)	Hindūcheṅ	pari	śīla	thora	mhaṇunī	tuhmāṅsa	myāṅ	rakshilen
	Of Hindu	but	nature	magnanimous	therefore	you	I	protected

But I protected you because the Hindu is magnanimous by nature.

(५४)	नाही	का	उपकार	थोर	तुमच्या	माथी	असे	जाहले
(54)	Nāhin	ka	upakāra	thora	tumachyā	mathī	ase	jāhale
	Not	why	obligation	great	your	on head	thus	became

Have not you (your head) thus been laid under great obligations.

(५५)	दा,	दा,	सुख	तरी	प्रजेस	अपुल्या	माझीं	च	तीं	लेंकरें
(55)	Dyâ	dyâ	sûkha	tari	prajesa	apulya	majhîñ	cha	tîn	lenkareñ
	Give	give	happiness	therefore	subjects	yours	mine	but	they	children

Therefore give, do give happiness to your subjects. They are but my children.

(५६)	व्हावे	आज	कृतज्ञ	फेडुन	ऋणा	हैं	लौकिकाल	बरे
(56)	Vhâven	âja	kṛitajña	pheḍuna	ṛiṇâ	hen	lankikâlâ	barèñ
	Should	to-day	grateful	redeeming	debt	this	for reputation	good

You should be grateful by redeeming the debt to-day. It would be good for (your) reputation.

निशाणी भवानी तलवार.

NISÂÑI BHAVÂÑI TALAVÂRA

MARK BHAWANI SWORD.

(TRANSLATION OF SHIVAJI'S UTTERANCES.)

(Literal Translation.)

(Official Translation.)

- | | |
|--|--|
| 1. <u>Having destroyed</u> the wicked, I greatly
<u>lessened the burden of earth,</u> | (1) <u>By annihilating</u> the wicked I <u>lightened</u>
the great <u>weight</u> on the <u>terraqeous globe.</u> |
| 2. I <u>raised up</u> the country by establishing
<u>my kingdom</u> and <u>preserving</u> (my) religion, | (2) I <u>delivered</u> the country by establishing
<u>swarajya</u> (a) (and) by <u>saving</u> religion. |
| 3. Great <u>fatigue</u> <u>overtook</u> me, to <u>drive</u> which
I betook myself <u>to the heavenly world,</u> | (3) I betook myself <u>to heaven</u> (b) to <u>shake off</u>
the great <u>exhaustion</u> which <u>had come upon</u> me. |
| 4. Why, <u>O dear ones!</u> you awakened me
while I was asleep. | (4) I was asleep, why then did you,
<u>my darlings,</u> awaken me? |
| 5. <u>Well-founded</u> <u>high morality,</u> that valour
on the field like Karna, | (5—8) I had planted upon this soil the
<u>virtues,</u> that may be <u>likened</u> to the <u>Kalpa-</u> |
| 6. <u>Pride of one's country,</u> <u>true enterprise,</u>
that excellent unity, | <u>kikshay,</u> (c) of <u>sublime policy</u> (ca) based on a
<u>strong foundation</u> valour in the battle-field |

(a) Literally, one's own Government native rule.

(b) The text of heaven literally means the paradise of Indra.

(c) One of the five trees of Indra's heaven which yields whatever may be desired.

(cc) May also mean morality.

7. Such qualities were planted in this land, like that of Karna^(d) patriotism, genuine
 as if so many wish-fulfilling trees ; dauntlessness (and) unity the best of all.

8. I hoped you would show me now the Perhaps you now wish to show me the delicious
sweet fruits of these. fruits of these.

9. Alas! What is this! The fort appears to (9) Alas! What is this! I see a fort has
be crumbled down, crumbled down.

10. By fate I get a broken slab to sit upon. (10) Through (mis) fortune I get a broken
stone to sit upon.

11. Why does not this heart of mine break (11) Then why does not my heart break
to-day in the same way, like that this day ?

12. O Shiv, Shiv! I see now with my eyes (12) Alas! Alas! I now see with (my own)
the ruin of the country. eyes the ruin of (my) country.

13. O! to build which I spent money like (13—16) These forts of mine to build which
rain, I expended money like rain, to acquire which

14. (And) to acquire which fresh hot blood fresh (and) fiery blood was spilled there,
was spilt, from which I sallied forth roaring like a lion

15. From which I issued forth through the through the ravines, have crumbled down ;
valleys roaring like a lion, what a desolation is this!

16. Those forts of mine have toppled down!
What ruin is this!

17. The foreigners teasingly and forcibly (17) Foreigners are dragging out Lakhs mi^(e)
drag away Laxami by the hand, violently by the hand (f) by (means of)
persecution.^(f)

(d) The name of the half-brother to the Pandav Princes, famed for munificence.

(e) The goddess of wealth.

(f) There being a pun upon the word "Kara" which means both the hand and 'taxes,' the second meaning of this sentence may be got at by substituting by (levying) 'taxes' for by the 'hand.'

18. With her, Plenty has run away and Health has followed,
40 47
19. This Adversity roams over the whole country with scarcity,
48 49 50
20. Merciless Death stalks through the land spreading epidemic diseases.
51 52
21. Those whose blood dropped instantly where my sweat fell,
54 55
22. Say where are those expert Mavalas who were my second life,
53
23. They eat bread only once, but that too does not suffice them,
56
24. They pass on hard times with difficulty by tying folds of cloth on their bellies.
57 58 59
25. Those who in time of peace lived preserving their own religion.
60 61 62
26. Who, at times having abandoned Darbha in hand, took weapon in hand,
63 64
27. Those Brahmins who were my good preceptors and teachers of religion and whom I protected,
65
28. To them imprisonment having been awarded in a sacred place O people! how you endured it!
62 61 60
- (18) Along with her plenty has fled (and) after (that) health also.
46 47
- (19) This wicked Akabaya^(g) stalks with famine through the whole country.
48 49 50
- (20) Relentless death moves about spreading epidemics of diseases
51 52
- (21—24) Say ye, where are those splendid Mavalas, my second lives,^(h) who promptly shed their blood on the spot where my perspiration fell? They eat bread once⁽ⁱ⁾ (in a day) but not enough of that even They toil though hard times by tying up their stomachs (to appease the pang of hunger).
53 54 55 56 57 58 59
- (25—28) Oh people! how did you tolerate, in the Khetra,^(j) incarceration of those good preceptors, those religious teachers of mine, the Brahmins whom I protected (and) who, while they abided by their own religion in times of peace forsook the Darbha^(k) in (their) hands for arms which they bore when occasion required.
60 61 62 63 64 65 66

(g) The elder sister of fortune, Misfortune personified.

(h) Second lives, i.e., "beloved."

(i) Meaning they take only one meal a day.

(j) A sacred place, presumably an allusion to the Wai Kshetra.

(k) A sacred grass used in sacrifices, &c.

29. Who is foster-mother to children when their (natural) mother leaves them ?
67

30. Who is the main support of the cultiva-
68 69
tor and the great strength-giver of the people?

31. The cow whom protecting beyond my life I worshipped as if (she was) my mother.

32. She is daily carried to the slaughter-house and slaughtered.
70 71

33. "He, of himself, came running exactly within the range of the gun,"
72

34. "He appeared a bear to me," "O their spleens are daily enlarged,"

35. How white men escape having pleaded groundless excuses like these,
73 74 75

36. Now there appears much injustice in the temples of justice.
76 77

37. What was the significance if any one could look with improper eyes at another's wife ?
78 79 80

38. That moment a thousand sharp swords came out of the scabbards,
81 82

39. Now seeing an opportunity women are dragged by hand in railway carriages,
83

40. O cowards ! How you endure it ! Get a representation of this (your) injury made !
84 85 86

(29—32) The cow, the foster-mother of babes when (their) mother leaves (them)
67 behind, the mainstay of the agriculturists, the
68 69
imparter of strength to many people, which I worshipped as my mother and protected more than (my) life is taken daily to the slaughter-house and ruthlessly slaughtered (there.)
70 71

33. "He himself came running exactly within the line of fire of (my) gun."
72

34. "I thought (him to be) a bear!" "Their spleens are daily enlarged!"

35. How do the white men escape by urging these meaningless pleas !
73 74 75

36. This great injustice seems to prevail in these days in the tribunals of justice.
76 77

37. Could any man have dared to cast an improper glance(1) at the wife of another ?
78 79 80

38. A thousand sharp swords (would have) leapt out of (their) scabbards instantly.
81 82

39. Now (however) opportunities are availed of in railway carriages and women are dragged by the hand.
83

40. You cowards ! how do you brook this ? Get that redressed !
84 85 86

(1) The text of these words literally means oblique vision.

41. "He is mad, lift him and send him to a pilgrimage,"

42. "That (other) is pleasure-seeking, take his powers, telling that they are taken away temporarily,"

43. Now families of chiefs are thus handled, the misfortune has fallen (upon us).

44. How all chiefs have become only womanish like (kings) on chess-board,

45. How can I at all see such a heart-rending sight?

46. I turn my sight towards another place after having told a short message,

47. Over whose vast kingdom the sun never sets,

48. Give (my) compliments to those rulers, who are (also) my good friends.

49. Tell them "O how you forgot that old way (of yours),"

50. When taking scales you made sales in the warehouse,

51. Several expeditions of mine were being undertaken in that direction,

52. It was possible then to make you turn back to your country,

41. "He is mad. Lift him up and send him at once on a pilgrimage."

42. "He is fond of pleasure. Deprive him of his powers, saying that it would be for a time only."

43. This is the way in which royal families are being handled now. What misfortune has overtaken (the land)!

44. How have all these kings become quite effeminate, like those on the chess-board!

45—48. How can I bear to see this heart-rending sight! I turn (my) glance in another direction after telling (i. e. leaving with you) a brief message. Give my compliments to my good friends, your rulers, over whose vast dominions the sun never sets!

49. Tell them, "how have you forgotten that old way of yours."

50. When with scales in hand you used to sell (your goods) in (your) warehouses.

51. As my expeditions in that direction were frequent.

52. It was at that time possible (for me) to drive you back to (your own) country.

53. But I protected you because the Hindu is magnanimous by nature,

54. Have not you (your heads) thus been laid under great obligations?
103

55. Therefore give, do give happiness to your subjects. They are but my children,
104

56. You should be grateful by redeeming the debt to-day. It would be good for (your) reputation.
105 106

Mark BHAVANI SWORD.

53. The Hindu, however, being magnanimous by nature, I protected you.

54. Have you not thus been laid under deep obligations?
103

55. Make, then, your subjects who are my own children, happy.
104

56. It will be good for (your) reputation if you show your gratitude now by discharging this debt (of obligation).
106

Mark of the BHAVANI SWORD.

We shall first offer some general remarks on the verses headed "Shivaji's Utterances" so as to show their general drift and scope, and then offer detailed criticism on the same to show the errors and exaggerations of the official translation. These verses give expression to certain grievances and suggest at the end the remedy for the removal of these grievances. It is in fact a statement of grievances with the remedy suggested, but expressed in a poetical form. Shivaji is here supposed to have awakened from his sleep, and surprised and grieved at the sight of men and things he saw whom he expected to find prospering. As counsel is aware this sort of poetical expression of grievances is not uncommon in English poetry. Burns in a fragment on "Liberty" asks Wallace not to hear in his bed of death the cries of his (Burn's) generation.

"Thee, Caledonia, thy wild heaths among,
 "Thee famed for martial deed and sacred song.
 "To thee, I turn with swimming eyes ;
 "Where is that soul of freedom fled ?
 "Immingled with the mighty dead !
 "Beneath the hallowed turf where Wallace lies !
 "Hear it not Wallace in thy bed of death !
 "Ye babbling winds in silence sleep
 "Disturb not ye the heroes' sleep
 "Nor give the coward secret breath."

In the present case Shivaji is supposed to be awakened from his sleep and being disappointed at the sight he saw, deploras his children's sufferings and gives them a piece of advice.

The first verse simply states that he was suddenly awakened from his sleep, and the second states what he expected to see. Grant Duff at the end of Chapter IX of his History of the Marathas observes, "The territory and treasures, however, which Shivaji acquired were not so formidable to the Mahomedans as the example he had set, the system and habits he had introduced, and the spirit he had infused into a large portion of the Maratha people." This is exactly what is expressed in the second verse, and Shivaji expected to find these qualities developed. The third verse describes the crumbled down fort which he made the Capital of his Kingdom. That these forts were acquired with "blood and treasure" is acknowledged by historians and by James Douglas in his book above cited. A similar expression of regret at the sight of delapidated domes will be found in Burns' address to Edinburgh.

"With awe-struck thought and pitying tears,
 "I view that noble stately dome,
 "Where Scotia's Kings of other years,

" Famed heroes had their royal home,
 " Alas ! how changed the times to come,
 " Their Royal name low in the dust,
 " Their helpless race wild wandering roam,
 " Tho' rigid law cries out ' 'twas just.'

The following lines on viewing Stirling Castle are conceived in a similar spirit.—

" Here Stuarts once in glory reigned,
 " And laws for Scotland's weal ordained,
 " But now unroofed their palaces stand,
 " Their sceptre swayed by other hands,
 " The injured Stuart line is gone,
 " A race outlandish fills their throne,
 " An idiot race to honor lost,
 " Who know them best despise them most."

The sentiments in verses three and four are exactly similar to, and far more moderate than, these. Verse five describes the general impoverished state of the country. Verse six, the condition of the Mavalas, a class of people who formed the back-bone of Shivaji's infantry. Verse seven describes the state of the Brahmins and their imprisonment at Wai which was commented upon very severely at the time in the newspapers (vide *Maratha*, 30th September 1894). Verse eight deprecates cow-slaughter. Verse nine sets out how white men sometimes escape on unfounded excuses when charged with serious offences. The tenth refers to the insulting treatment given now with impunity to women in Railways, whereas such treatment was immediately taken due notice of in old times. The phrase 'thousand swords leaping out of their scabbards' is taken from Burke who uses it in reference to the execution of Marie Antoinette in the French Revolution and is only a poetical flight. The eleventh verse speaks of the reduced and helpless state of the Native Chiefs who are condemned without public trial as in the case of Zallawar. This completes the present description of men and things as seen by Shivaji awakened from his sleep. He is greatly grieved at the heart-rending scene, and advises his children (the people of the Maharashtra) to take to their present rulers his message pleading for justice and kindness to the people, and thereby to make them happy. This message is contained in the last two verses, 13th and 14th.

With reference to the position of the English at the time of Shivaji, the *Bombay Gazetteer* for Kolaba, page 365 says :—

" The English had lately suffered severely at the hands of Shivaji. In 1664 their courage had saved themselves and their neighbours during the sack of Surat. But their factory in Karwar was plundered in 1665 and their

factory in Rajapur and Ratnagiri in 1670.....Shivaji, though in course of his raids might rob their factories, was not unfriendly to the English." And further on at page 367, the English Ambassador is said to have been told that "Shivaji embraced the friendship of the English with satisfaction and looked for profit to himself and his people from English settlement and English trade." It is this sentiment which is expressed in the last verse, and on its strength Shivaji's request for the kind treatment of his people is based. As regards the mark of "Bhaváni Talwár" it should be remembered that it is put in the place of the signature, for, according to Grant Duff, Chapter IV, page 57 (Bombay edition), "Shivaji could never write his name but he was a good archer and marksman, skilled in the use of the spear and of the various swords and daggers common in the Deccan." According to the common practice in the Deccan, the mark of his favourite sword Bhaváni is therefore here used for his sign-manual.

From this it will be seen that there is nothing in the verses which is likely to excite disaffection in the sense that people would be thereby induced to disobey law or to subvert the lawful authority of Government. Exciting disaffection consists more in the means suggested to obtain redress than in the statement of grievances, and the means suggested in the above verses are at once constitutional and loyal. Not only is there no incitement to the people to take to arms, but the extent and glory of the English empire is described in the same terms in which it is ordinarily described by the most enthusiastic Englishmen, and the verses conclude with a prayer to the English rulers themselves to make their subjects happy. Where is the sedition? Not certainly in the express words used. But it may be urged that it consists in inuendoes and insinuations for which the official translation must be examined line by line. That translation is first of all high-flown, and secondly pure expressions of surprise or grief, have been rendered into so many interrogatories, thereby making the translation suggest what the original does not. In translating a passage, care must be taken to select words which will closely agree with the original both in denotation and in connotation. Where this rule is not observed, the translation may insinuate more than the original, and in such cases it is the translation and not the original which deserves to be blamed.

Detailed Criticism.

Verse I.

(a.) "Annihilating the wicked" is the official translation of "Dushtán Sanhuruni" Annihilate is a strong word

'Nirdalana' or 'Satyanása' would mean annihilation, but not Sanharana.

(b.) 'Terraqueous' globe is too high a phrase for "Bhuvíncha" which

simply means "of the earth."

(c.) "Bahut" (greatly) is an adverb of 'Kela', while it has been made an adjective of "Bhára" (burden).

In the second line 'Tároni' is more appropriately rendered by "preserving" than by "saving."

In the third line "to shake off the exhaustion" is high-sounding and in keeping with the rest of the official translation.

The fourth line is translated as "why then did you awaken me." This makes it a strong question suggesting that Shivaji is angry with the person who awakened him. The original is much milder and Shivaji is there represented as simply making an enquiry as to the purpose of his being awakened, and that sense should have been brought out in the official translation. The word "Ládkyáno" excludes any suggestion of irritation.

Verse II.

1st line—Páyá Shuddha = well-founded, and not strong founded.

In the second line—"Dosháchá Abhimána" is better rendered by 'pride of one's country' than by 'patriotism.'

In the same line—"Dhádas Kharen" is "true enterprise" and not "genuine dauntlessness," which gives no meaning.

There is nothing that calls for further remark in this.

Verse III.

There is very little for remark except the exclamations. In the fourth line the exclamation "Shiva, Shiva" is used to convey the sense of piety mixed with grief, which the secular expression used (Alas! alas!) does not. It may be rendered in English as "O God."

Verse IV.

"Fresh and fiery" should be "fresh and hot." In the last line "Vidhwansa" is not "desolation" but 'ruin.'

Verse V.

"By means of persecution," a strong word for 'Chhalūni' which means "teasing."

Verse VI.

'Splendid' is high-flown for "expert." (Durandhar) *Vide* Molesworth's Dictionary. 'They toil through hard times' is more idiomatic than literal.

Verse VII.

(See *Mahratha*, 30th September 1894).

This refers to the condition of Brahmins as the previous refers to the condition of Mávalis. Shivaji's avowed object was to protect the Brahmins and the cows, and this and the following verse refer to each of these objects of his special protection. Like Mávalis, Brahmins too are now reduced to a bad

condition. That is what the verse means, and the last line must be translated accordingly. The reference is to the imprisonment of certain Brahmins at Wái in the year 1894 which was at the time strongly criticised in the papers as unmerited. The latter part of the fourth line of the verse "Tumhi kasen sáhile" is wrongly rendered in the official translation as "how did you tolerate," and from this positively wrong translation an insinuation is made to be suggested that here is an excitement to the people to resent this injustice by possibly unlawful means. All this, however, is based upon a misapprehension. The word (Sáhile) in Marathi (Saha—bear K. K.) as well as in Sanskrit denotes nothing beyond passive endurance, and must be rendered by "to suffer, bear, endure" and not by "to tolerate" (*Vide* Molesworth's dictionary). In the original "Kasen Sahilen" is again an expression of surprise at the people's patience, and not a taunt or a question, the meaning being that "you exhibited great patience in bearing it" without any further insinuation of any kind whatever. It describes the meekness and patience of the people and does not convey an insinuation which the word "tolerate" suggests in English. In short, it is an expression of grief and not a question. The word 'tolerate' would be rendered into Marathi not by "Sáhane" but by a positive phrase as "Pratibandha kan náhi Kelà" "why did you not obstruct" or something like it.

It should also be remarked that in the original the sign of exclamation (!) and not of interrogation (?) is used after Sáhilen.

Verse VIII.

"Ruthlessly slaughtered" is unwarrantably strong. The original is "characharán chirane" and both these words taken together convey the idea of slaughtering only. "Characharán" is onomatopoeic, and qualifies the word "chirane," which means "to split, to cut."

Verse IX.

The pleas here given do not refer to particular case but are intended as generalizations of defences set up in such cases. "He appeared to be a bear to me" was the excuse successfully urged in a case in Satara where Mr. Fagan, the Forest Officer shot peasant woman in May 1892 (*vide Mahratha* 11th September 1892.) But as observed above the excuses are meant to be more or less general. Mr. Sanyal of Bengal has collected all such cases in a book. It will be seen that each verse simply makes a statement of a grievance with an expression of grief that it should exist. No remedy is suggested with reference to each but it is given once for all in the closing verses.

Verse X.

This verse refers to the insults sometimes given to women in Railway carriages. Here again the last line is wrongly translated. "How do you brook

this. "Get that redressed" is a wrong translation of the original. The first is not a question but an expression of grief. "How you endure it!" is a proper translation of the first part. "Saha" meaning passive endurance as in verse VII.

"Láuna ghyá dáda ti" is again entirely mistranslated. "Dada" is a Persian word and adopted into Marathi, and is used (1) with the verb दावणे or दागणे Lávane or Lágane, and (2) with the verb देण (dene). In the first case, that is when used with the verbs Lávane or Lágane, it means according to Molesworth "a complaint; a representation of an injury"—"dáda lávane" being thus equivalent to "making a representation of an injury." The difference between 'dáda lávane' and "dáda lavúna ghene" is simply this, that the second is the causal form of the first. So the words in the text "Lávun ghyá dáda ti" mean according to Molesworth "get (ghyá) a representation of this your injury made" and nothing more. "Dada dene" is a different thing. It means granting (dene) redress. And if the writer of the verses intended to convey the meaning that people should exact redress from the rulers, he would have used the words. "दाद दावयास जाव" dád dyáwayàs lává "and not "दाद दावून घ्या" "Dáda lávún ghyá." The official translation completely ignores this difference between दाद दावणे (dáda lávane) and दाद देणे (dáda dene), which is fully noticed in Molesworth. Thus the sentence means that people should make representations of their injury to Authorities for getting relief. The official translation is entirely misleading, and is unwarranted by the actual words used in the original "Eunuchs" is used in a secondary sense and should be rendered by "cowards." It may be urged that a reference to a thousand sharp swords is an indirect incitement to a resort to force. But this, too, is far-fetched. And again supposing that force is suggested to be used it is evidently to be used against the offender and not against the Government. It is no sedition to say that one should not suffer gross personal insults to women without in any way exercising the right of private defence or trying to prevent the offender from escaping.

Verse XI.

Refers to Zallawar and other cases where Chiefs were not granted a public judicial trial.

"Dalaye" is a word of contempt used of persons who are fit to do only a woman's work, viz., grinding (dalane).

Here, too, the last line is an expression of grief at the helpless condition of these Chiefs.

Verse XII.

And now comes the remedy. Shivaji is grieved at this sight and delivers a message to be taken to the rulers of the land; it is a prayer to make the people

happy by kind treatment accompanied by reference to the times when he treated the English in a friendly manner, a fact which can be proved by historical evidence.

Verses XIII and XIV are the concluding part of the message.

Nisháni :—Mr. Acworth on the cover of the book of 'Maratha ballads' which he has published and which is dedicated to Lord Harris has got embossed in gold the Bhawáni sword and the Vagnakhas (tiger's nails).

It has been stated above that Shivaji was unable to write, and no other fitter mark could have been devised for his sign manual.

We shall now deal with the 2nd of the impugned passages viz the report of the proceedings of the Shivaji festival, Ex. B 2. The differences between the official and private translations are not numerous, or material except in a few places which have been pointed out.

This passage gives a *short* report of the Shivaji commemoration festival celebrated on June 12th, 13th, 14th. The history of the Shivaji movement and of the commemoration festival has already been explained. It has been shown that neither the day of the celebration nor the subject chosen for the lecture and discussion had been selected with any special purpose. The festival was to be celebrated on the birthday of Shivaji which usually falls in April and was so celebrated last year. This year the birthday according to the native calendar fell on 3rd May 1897, but as the plague was then raging in the town of Poona and as many of the inhabitants had left the city in consequence, it was thought necessary by the Committee to put off the festival to the next appropriate day, viz., the coronation day which fell on the 13th June 1897. According to native ideas the commemoration festival can appropriately take place on the anniversary of birth, coronation, or death just as those of Rama, Krishna and other divine beings take place. In the present instance the anniversary of death comes first every year, then the anniversary of birth, and then the anniversary of coronation. When the anniversary of the birthday passed there only remained the anniversary of the coronation day for the celebration of the festival. It is necessary to lay some stress upon this point inasmuch as it may be urged by the prosecution that the date of these lectures and the date of the murders of Messrs, Rand and Ayerst are separated only by a week. The prosecution has given no evidence to connect the lecture with the murders, but what it cannot openly do might be done by a side-suggestion, and hence counsel is specially requested to note that the 12th, 13th and 14th of June were selected for the celebration of the festival in natural and ordinary course, and if something atrocious occurred soon after it is as absurd to connect it with what took place at the festival as with any other event, public or official that might have taken place on the day, on the *theory post hoc ergo propter hoc*.

As with dates so with the subject of the lecture. At the commemoration

festival naturally a subject connected with the life and deeds of Shivaji was selected. The first festival took place in April 1896. At that time the controversy about the moral responsibility of Shivaji for the murder of Afzulkhan was first started in the *Times of India*. Mr. Karkaria relying on Maratha bakhars asserted that Afzulkhan's intentions in seeking an interview with Shivaji were not pure and that Shivaji was not to blame if he went prepared to meet any contingency. A correspondent signing himself "M. J." attacked Mr. Karkaria's positions and his second letter appeared on the 7th of April 1896. There was evidently no time to reply to this criticism at the time of the festival of 1896 which was celebrated on the 15th of April. The discussion in the *Times of India* had not too come to an end; Mr. A. T. C. (Mr. Crawford, a former civilian and Commissioner of the Central Division) giving his opinion on the question so recently as March 5th 1897 in his contribution to the *Times of India*. In a certain sense the death of Afzulkhan and Shivaji's moral responsibility for the same was thus the topic of the year, and the Shivaji festival was the most appropriate occasion for replying to the criticism passed on the conduct of the hero of the festival in reference to the same. Nay, it was necessary to do so in order to justify the admiration for the national hero whose festival was being celebrated. If any body is therefore responsible for the selection of the subject it is the *Times of India*.

Let us now turn to the passage itself which is the report of the proceedings of the festival as summarised in the *Kesari* of the 15th June. It may be noted at the out-set that three days' proceedings are reported in two columns of the *Kesari*, and that therefore nothing but a bare enumeration of the points touched could possibly have been given in such a brief summary of the proceedings. There are in all four paragraphs under the heading "Editor's Miscellaneous Notes," describing the festival.

The first paragraph describes the first day's proceedings and gives a summary of Prof. Paránjpe's Purán. It may be here stated that the Utsava consists of Purán, Kirtan, songs, athletic games and lectures. A Puran is somewhat like a sermon. One who reads the Puran generally takes for his text a passage or passages from the great Indian epics, Mahabharata or Ramayana or some other Puran in Sanskrit, and hence this sermon itself is called Puran; and while he, reading the passage or passages, explains their meaning to the audience in Vernacular with occasional remarks and comments. A Kirtan is a different thing from this. In a Kirtan the person who narrates the story in prose and verse walks up and down before the audience, and explains to them the particular incident in the story which forms the theme of the Kirtan. The poems or verses are chanted on musical instruments and the whole is intended to produce a melodious effect on the hearers. The Puran and the Kirtan are the old ways of sermonising to native audi-

ences ; and on the occasion of every religious or social festival the Purana or the Kirtan always takes place. The Shivaji festival being arranged on the model of the old religious festivals, a day is set apart for Purána or Kirtan or both as convenient, and on another day a lecture in the modern fashion is delivered on some subject taken from the Mahratta history. According to this arrangement the first day in the festival under consideration was set apart for Prof. Pranjpe's Purána and Mr. Matunge's Kirtan. On the second day Prof. Bhanu delivered his lecture and on the third Prof. Jinsivale summed up and closed the proceedings in a long speech. These proceedings are briefly summarised in the *Kesari* under these three heads in different paragraphs and we shall discuss them in the order in which they are found in the *Kesari*.

PROF. PARANJPE'S PURANA,

Purana as above explained means reading and explaining a passage or passages from some Hindu epics or mythological works. Prof. Paranjpe took up for his text three or four Chapters beginning with 47th Adhyaya in the Sabha Parva *i. e.*, the second of the 18 parts in which the Mahabharata is divided. In order to properly understand the bearing of the Purana it is necessary to give the context. It is well known that Mahabharata relates the incidents of a struggle between the Pandavas and their cousins the Kauravas. The Pandavas are represented as noble, virtuous, and valorous, while the Kauravas are described as filled with jealousy and other bad passions. The final victory rests with the Pandavas, and who ever reads the Mahabharata has always his sympathies enlisted on the side of the Pandavas. The story runs thus. The Pandavas and Kauravas were cousins, and both of them had hereditary right to the throne of Delhi then called Hastinapur. At first things went on smoothly. The Pándavas (they were five brothers) were from their childhood known for their valour and prowess and were the favourites of God Krishna who figures as their supporter and friend in the Mahábhárata. We may pass over minor incidents and petty quarrels among the cousins. The Pandavas when they came of age were naturally recognised as representing the eldest line, as the actual rulers, but the family was somewhat like an undivided family. The Pándavás by their valour conquered the surrounding princes, and aspiring after imperial dignity began to perform the Rájasyua sacrifice as ordained in the Shástrás. This Rajasuya sacrifice is, according to the Shastras, to be performed by one who has subjugated all his contemporaries—the latter helping him in the performance of the sacrifice. It was a very risky sacrifice, for there was always the danger of some one of the contemporary kings standing up and challenging the authority of the sacrificer. Such an incident occurred at this sacrifice, for when the Pandavas gave the honor of first worship to Krishna, Shishupala, the king of the Eheddis got enraged and he was killed on the spot by Krishna

This is narrated in the first part of the Sabha Parva. The Pandava's Rajasuya sacrifice was, however, brought to a successful termination and Krishna left for Dwarka. It was here that Prof. Paranjpe took up the story. Duryodhana the chief of the Kauravas who was naturally jealous and vicious felt uneasy at this prosperity of the Pandavas. And he began to plan dark devices for depriving the Pandavas of their power. In order to put on good colour on his conduct he described the character of a Kshatriya king—as the idea which he wanted to reach. Though really moved by jealousy he wanted to show that he was fired by ambition, and in his conversation with Shakuni and his father दृतराष्ट्र he expatiated on the necessity of a king fixing his aspiration always very high. But while reading this portion Prof. Paranjpe actually warned his audience that they should not mistake the passage as a defence of Duryodhana's conduct. Duryodhana deserved no sympathy for he was actuated by low motives, but still as a description of an ambitious character the passage was remarkable; for a parallel we might take Milton's description of Satan. There are some good sentiments put in the mouth of Satan, but for that reason no one who reads the Paradise Lost evinces any sympathy for him. Ultimately Duryodhana and Sakuni decided to draw the Pandavas into a dice-gambling match, and by dexterous and dishonest juggling to win the dice thereby causing the Pandavas to lose everything they had including their wife. The intended gambling was not approved by Vidur and other advisers of Duryodhana, but bad counsels prevailed, and the ruined Pandavas ultimately avenged themselves by destroying in open battle all the Kauras on the field of Kurukshetra (Panipat). These later incidents were not touched upon by Prof. Paranjpe for want of time. The passages which he read were these in which Duryodhan described how and why ambition was necessary in a king and it is chiefly with these that we are here concerned.

It will be seen from the official translation that the translator has missed the spirit of the whole passages altogether and the translation is absolutely unmeaning and mischievous. In the paragraph in the *Kesari* two Sanskrit quotations are given stating that they form the burden of the Purana. They are

असंतोषः	श्रियो	मूलम् ।
Asantoshas	Shriyo	Mulam.
Non-satiety	of prosperity	root (is).

संतोषस्तु	श्रियं	हन्ति ।
Santoshatu	shriyam	hanti.
Satiety prosperity destroys.		

Both these sentences have been wrongly translated by the official translator as “Discontent is the root of prosperity” and “contentment destroys prosperity”;

suggesting thereby that unless the people are discontented they would not prosper. This is, however, totally wrong. Duryodhan in whose mouth these sentences are placed, does not speak of the subjects of a King, but of a King himself. He has nothing to do with the subjects. They may or may not be happy. What he wants to say is that a King must never be contented with what he may have obtained, but should always aspire higher; and unless he does so he and his subjects would come to grief. The same meaning is also given by the commentator of the Mahabharata. Commenting upon the verse "Santosho Vai Shriyam hanti," he observes :—

संतोष ऐश्वर्ये अलं ।

बुद्धिः श्रियं विचामाना मपि ॥

हन्तीति संतुष्टस्य प्रजाः ।

क्लेशं प्राप्नु वा नयेवे त्यर्थः ॥

“santosha means a sense or sentiment of being satisfied with the present prosperity. This sense destroys even the present wealth and the subjects of such a king come to grief.” This makes clear what the meaning of Duryodhan and the verse is, and the translation “discontent is the root of prosperity” is meaningless unless discontent is understood in the sense above given. The whole verse is

असंतोषः श्रियो मूलं तस्मात्तं कामयाम्यहम् ।

Meaning “Since Asantosh is the root of prosperity I desire it for myself.” This is said by Duryodhan of himself, and if Asantosh is rendered by ‘discontent’ as ordinarily understood in recent political language, we shall have to be absurd enough to talk not of discontented people but of discontented kings. Any one who has some knowledge of Sanskrit would at once perceive the mistake of the official translator, for it is a common saying in Sanskrit that unsatiated Brahmins are ruined and satiated kings are ruined. This maxim occurs in Hitopadesh III., verse 62

असंतुष्टाः द्विजा नष्टाः ।

संतुष्टाः पार्थिवास्तथा ॥

सलज्जा गणिका नष्टा ।

निर्लज्जास्तु कुलस्त्रियः ॥

- 1 Unsatiated Brahmins are ruined.
- 2 Satiated kings are so.
- 3 Modesty ruins public women.
- 4 Immodesty ruins gentlewomen.

Every school boy knows this verse, and it is a wonder how the passages in the *Kesari* should be so grossly mistranslated in spite of the explanations

given in the same paragraph. Prof. Paranjpe very clearly impressed upon his audience the point in Duryodhan's speech, warning them at the same time that the Duryodhan's conduct was on no account to be approved. The point was that every king must have some ambition and that was what Prof. Paranjpe asked the audience to note in the passages read by him. His intention was to show that Shivaji had such ambition; but Prof. Jinsivale who spoke after the Puran, drew a further distinction and remarked that Shivaji was not only actuated by ambition like Cæsar or Napoleon or Duryodhan, but he was prompted by higher feelings of patriotism and love of his country. Ambition, Prof. Jinsivale suggested, was not merely enough, but it was necessary to have it combined with higher virtues. Thus the whole discussion turned upon whether ambition was necessary in a king or not, and that when there is no nobler impulse to guide it, a man like Duryodhan descends to questionable means for selfish purposes. There is certainly nothing that can be called seditious or objectionable in this Purana, unless first the passages are mistranslated by a man who knows neither Sanskrit nor the story, and secondly unwarranted inferences drawn from such mistranslations. 'Santosha' literally is the state of being satisfied, but to translate 'Asantosh' by 'discontent' and then to suppose, firstly that it means political discontent, and secondly that it refers to the people, is surely riding one's hobby with a vengeance. In fact the sentiment really intended may be compared with law on the physical and material world by saying that restlessness or ceaseless activity or motion is the root of all progress, as stagnation or a condition of being stationary is inimical to all progress. And it inculcates the necessity of constant ambition to rise and to excel. In fact, the context itself not only shows but plainly mentions that what was intended was a recommendation to entertain ambition to rise as the root of prosperity. The lines really are epigrammatic, and must be construed as an epigram. All this must be clearly explained to the jury, who are not expected to know the context or the Sanskrit passages quoted in the summary of the Purana given in the *Kesari*; and when this is explained to them they would be able to see that the whole Purana was, as remarked by Prof. Paranjpe himself; but a philosophical discussion as to whether a king should be high-aspiring or not. In fact that is the moral which Prof. Paranjpe asked his audience to draw from the speech of Duryodhan, though he himself did not bear a good character in the Mahabharata.

PROFESSOR BHANU'S LECTURE.

The next points made by the prosecution is about the concluding portion of Prof. Bhanu's lecture. Here, again, there is a clear misunderstanding, to clear which some explanation is necessary. Poona intelligent public and Poona people generally are split into several parties owing to differences of opinion on social

and religious matters. There are ultra-reformers and moderate reformers, conservatives and the orthodox. There are again others who would steer clear of either party. The whole society is divided in this way, and these party differences are very often carried into matters which have nothing to do with party subjects. Prof. Bhanu belongs to the reform party, and was the only lecturer from the reform party who consented to lecture at the Shivaji commemoration festival. Himself a student of Maratha history, he thoroughly sympathises with the Shivaji movement, and at the close of his lecture on Afzulkhan's death he took the opportunity to exhort the audience to forget their internal social difference and to unite on an occasion of general interest as the Shivaji commemoration festival. There are two paragraphs in the *Kesari* devoted to giving a summary of Bhanu's lecture. The first paragraph summarises the historical portion of the lecturer and the second appeals to the citizens to forget and forgive the past, and to unite at least for the moment on occasions of general interest like the Shivajee festival. That the lecture was divided into two parts, must be first of all clearly explained to the jury, otherwise the concluding portion is likely to be misunderstood. The first part of Bhanu's lecture is mainly a reproduction of the lecture delivered at the Deccan College under the presidency of Professor Bain in March 1896, and there is nothing objectionable in it even according to the prosecution. It is the latter part of his lecture in which as stated above he refers to the social and personal differences among the people, that is alleged to be objectionable. But a closer examination of the passage will show that there is nothing in it which can be called seditious, or in any way calculated to excite the people to subvert the lawful authority of Government. In the first place it cannot be too often urged that Bhanu's remarks in the concluding portion of the lecture refer only and solely to the differences and quarrels of the Poona people *inter se*, and not to any matter between Government and the people. This itself divests any of all political significance or importance, or seditious character, which the prosecution is trying to fasten upon it. Take the very first sentence: Prof. Bhanu says: "That every Hindu, every Maratha to whatever party he may belong must rejoice at this festival." Here is a distinct reference to the parties in which the society is divided and refers only to the Maratha people, and the whole of what follows confirms the same view. The next sentence is, "We are all striving to regain the lost independence and this terrible load is to be uplifted by us all in combination. It will never be proper to place obstacles in the way of any person who with a true mind follows the fall of uplifting this burden in the manner he deems fit Our mutual dissensions impede our progress greatly. If any one be crushing down the country from above cut him off. But don't put impediments in the

way of others. Let by-gones be by-gones ; let us forget them and forgive one another for them. Have we not had enough of that strife which will have the same value in the estimates of great men as a fight among rats and cats. All occasions like the present festival which tend to write the whole country must be welcome." It is these sentences of Bhanu that are considered objectionable, and it is proposed therefore to examine them in greater detail here.

It has been already observed that these concluding observations of Prof Bhanu refer to the dissensions of the Poona people *inter se*, and not any matter between Government and the people. What Mr. Bhanu meant to say was that all of us had to perform the heavy duty of the regeneration of our country, and unless all of us united and ceased to interfere with the honest work of others working in the same cause according to his own light there was no hope for this fallen country. If some one honestly thought that the regeneration of the country was possibly effecting social or industrial reform, he should be allowed to have his own way except when any one by using the weight of his position or his learning tried to repress others and so ruin the national cause out of entirely selfish motives or motive of self aggrandisement. In such cases the man who would repress us in this way should be "cut off," *i.e.* set aside or severely left alone, but other people should not be disturbed in their honest work. In short Prof. Bhanu preached the principle of "forget and forgive" as regards the past and of reasonable toleration in future. It is indeed surprising to find that the remark made in such a conciliatory spirit and having reference entirely to the internal social dissensions of the Poona people should be misunderstood as in any way inflammatory or seditious. The fault lies partly in the translation and partly in misreading the lines. "Political regeneration," "Home Rule," "self Government" "political emancipation" are new ideas in Marathi, and as yet we have not been able to fix upon adequate words to represent these ideas in vernacular. They are, therefore, expressed sometimes in a round-about way and sometimes by using words which signify more than the corresponding English-phrasers. Take for instance "self Government" or the "local self-Government" Word for word self-Government is correctly rendered by स्वराज्य "swarajya" in Marathi and local self-Government is accordingly rendered by "sthánika," (local) Swarajya not only in the newspaper literature of the day but even by the late Mr. Justice Telang in his translation of Chalmer's work on self-Government. But in the old Marathi literature स्वराज्य means 'native rule,' the rule of the Marathas as contrasted with that of Mahomedans. The word स्वराज्य literally means "one's own kingdom" and the meaning assigned to it in old Bakhars is etymologically correct. But new exigencies require new notions to be adopted and new words provided for them and in this process several new words are coined every day, or

old words used in a new sense are adapted to new ideas. For instance अगम 'Agama' means the Vedá, but in a recent book on Marathi it is used for 'induction.' The same is the history of the word स्वातंत्र्य Swátantrya. Its literal meaning is स्व one's own तंत्र control, self-control or as an abstract noun from it denoting the state of being under one's control. Fifteen years ago it was used for 'independence,' but now it has gradually come to be used for such rights and privileges as confer upon individual or individuals the right managing his or their affairs ; in other words it has come to be used in the same sense as 'Home Rule' is used in English. Professor Bhanu's phrase "regaining lost independence (swatantrya) is therefore intended to express the idea of political regeneration or the acquisition of 'Home Rule' for India. A few sentences further on Professor Bhanu speaks of "impediments to progress" and there he uses the words "Pragati" merely in the same sense in which he uses the words "regaining lost independence." That this was Professor Bhanu's meaning is further evident from a letter which he wrote to the *Times of India* on July 5th, 1897, and which is published in the issue of 8th July of that journal. There, referring to the lecture summarised in the *Kesari*, he says : "The work of raising the intellectual and moral status of our continental country is hard, heavy, and tedious requiring the hearty co-operation of all parties from all sides, for we suffer not from one malady alone but from several. Let us therefore allow everyone to work every one in his own way, only taking care to see that his work and his motives are honest and not calculated to injure directly or indirectly the immediate as well as the prospective interest of our country. Advancement in matters religious, social and industrial, must precede or at any rate go hand in hand with political progress. The work of regenerating a fallen—and every way fallen nation is long and tedious." Here is what Professor Bhanu himself says of his lecture and meaning, and any one who knows how inadequately these notions can be rendered into Marathi at present will not lay any stress on the phrase "regaining lost independence" which occurs in the *Kesari* and which in its vernacular form denotes nothing more than the acquisition of a sort of "Home Rule or political emancipation." It is important to note that not only did Professor Bhanu uses the words in that sense but his hearers understood the words in that sense also, for Mr. Tilak who as President made remarks on both the parts of Professor Bhanu's speech in referring to the concluding portion, said "a nation should never hope to rise that does not come together at least on a few occasions". This clearly shows that Mr. Tilak understood Professor Bhanu as speaking about the progress, rise and regeneration of the country and the necessity of forgetting internal differences at least in cases of common interest. It is clear, therefore, that not only did Mr. Bhanu

use the words "regaining lost independence" in the sense of regeneration of the country, but that his hearers understood him in the same sense. And it is highly unfair now to put a vicious construction on it altogether, and convert an innocent phrase into inflammatory words. The same may be said of the phrase "cutting off any one who presses from above" if we remember that this refers to internal quarrels. It is impossible to misunderstand it as applying to Government or any of its officers "Cutting off" is not again murdering or anything of the kind, but simply pushing aside or severely letting alone a man who tries to force his views upon others and so cause a national injury. The two sentences which have been considered objectionable by the prosecution can thus be very satisfactorily explained.

It may be here further noticed that Mr. Tilak is responsible for Paranjpe's and Bhanu's words only as a reporter. Mr. Tilak's responsibility regarding his own speech is greater, and if the latter is not found to be objectionable it would be improper, though technically correct, to hold him responsible for any supposed mistakes of other speakers at the commemoration meeting.

MR. TILAK'S SPEECH.

There are two points in Mr. Tilak's presidential remarks on Professor Bhanu's speech which require some explanation. The first is that the Penal Code is not to be applied in judging of the acts of great men; but that a higher and a wider view must be taken. It may be urged that this disregard for the Penal Code preached by Mr. Tilak may indirectly lead people to think that they should not even in their ordinary life be deterred from doing wrong by the fear of the Penal Code. But this is a gratuitous assumption. Mr. Tilak never wanted to say that ordinary persons should set aside the Penal Code; on the contrary he expressly told his audience that "the laws which bind society are for common men like yourself and myself." It was a historical question that he was discussing, and it is a settled principle of historical criticism that deeds of great men are not to be judged by ordinary moral standards. Lord Macaulay has thus defended Lord Clive in regard to his treachery with Amichand and other acts which it was impossible to vindicate "without attacking the authority of all the sacred laws which regulate the intercourse of individuals and of states." Says Lord Macaulay:—"Ordinary criminal justice knows nothing of set-off. The greatest desert cannot be pleaded in answer to a charge of the slightest transgression. If a man has sold beer on a Sunday morning, it is no defence that he has saved the life of a fellow creature at the risk of his own. If he has harnessed a Newfoundland dog to his little child's carriage,

it is no defence that he was wounded at Waterloo. But it is not in this way that we ought to deal with men who, raised far above ordinary restraints and tried by far more than ordinary temptations, are entitled to a more than ordinary indulgence. Such men should be judged by their contemporaries as they will be judged by their posterity. Their bad actions ought not indeed to be called good ; but their good and bad actions ought to fairly weigh ; and if on the whole the good preponderate, the sentence ought to be one not merely of acquittal but approbation. Not a single great ruler in history can be absolved by a judge who fixes his eye inexorably on one or two unjustifiable acts : Bruce the deliverer of Scotland, Morice the deliverer of Germany, William the deliverer of Holland, his great descendant the deliverer of England, Murray the good regent, Cosmo the father of his country, Henry the fourth of France, Peter the Great of Russia. How would the best of them pass such a scrutiny ? History takes wider views, and the best tribunal for great political cases is the tribunal which anticipates the verdict of history." Mr. Tilak has said nothing more than this ; nor has he enunciated any principle which is not contained in the above paragraph. All that he urged was, that Shivaji the deliverer of Maharashtra should not be judged by the law of ordinary criminal justice, but that higher principles of historical criticisms should be applied in judging of his conduct, This higher morality is contained in the Bhagwatgita, and Mr. Tilak referred to it as a recognised Hindu authority on such matters. The Bhagwatgita does not balance the bad actions against the good on the modern utilitarian principle, but lays down a still higher standard of morality, viz., that so long as a man is actuated by a sense of unselfish duty, he commits no wrong if in accomplishing his end he transgresses some of the social laws intended for ordinary beings. It is therefore nothing but perverse to distort Mr. Tilak's meaning and suppose that he was laying down a rule for ordinary men in ordinary affairs of life. The whole was an academical and moral discussion regarding the conduct of great men, and if Lord Macaulay or Carlyle who enunciate the same principle in his 'Hero-worship' is not blamed for stating that history takes wider views, it is unjust to charge a man with sedition because he tries to apply the same principles of historical criticism to the heroes of his country.

The second point in Mr. Tilak's speech is about the use of the term *Mlenchhas* In urging that Shivaji acted as the deliverer of the country. Mr. Tilak observed " God has not conferred upon the *Mlenchhas* the grant inscribed on a copper-plate of the kingdom of Hindusthan. The Maharaja strove to drive them away from the land of his birth. He did not therefore commit the sin of coveting what belonged to others." It may be urged that *Mlenchhas* include all non-Hindu races and therefore the Christians, and that the passage therefore contains

an indirect suggestion that the English have no right to rule over India, and therefore it is seditious by implication. This reasoning is not only far-fetched but groundless and for the following reasons. First, supposing *Mlenchha* means all non-Hindu races, still the next sentence in which Shiváji is spoken of as driving *them, i.e., the Mlenchhas* out of his native land, removes all doubt as to the meaning of the term *Mlenchha* as here used *Mlenchhas* whom Shivaji drove out of his native land were and can be no other but Mahomedans. The context expressly negatives any presumption of the kind suggested by a correspondent of the *Times of India* and which may be urged now by the prosecution. Secondly, the word *Mlenchha* has nowhere been used in the Marathi literature to denote the English, who are styled Angrez, Feringhees, Topeewálás or támramubhás or Hunas. Professor Max Muller in his translation of the *Hitopadesha* Books II, III and IV translates the word as "barbarian" p. 84 The word *Mlenchha* is derived from the root *Mlenchha* which means to speak indistinctly and is a word which occurs in *Manu Bandhayan* and other older writers. There it seems to have been used for Yavanás presumably the Greeks, but after the establishment of the Mahomedan rule in India the word has been invariably used for the Mahomedans who were the only foreigners prominently before the eyes of the Hindus. In the *Bakhars* in *Gurucharitra* and in *Dásabodha* the word *Mlenchha* is used for Mahomedans; so also in विद्वाग्गुणादर्श and other modern Sanskrit works. The first idea suggested to the Hindu by the word is that of a Mussalman and not an Englishman. Lastly in the issue of the *Kesari* of the 22nd June, in reply to the criticism of the *Times'* correspondent, it is expressly stated, that Mussalman was the word actually used by Mr. Tilak though in the written summary मस्लिम is introduced inasmuch as the style of writing differs slightly from the style of speaking. Just as in English, Latin, and French phrases are used to give grace and force to the composition, polished and Sanskrit words are used for the same purpose in Marathi. It seems strange that Mr. Tilak who has all the columns of the *Kesari* at his command should choose to excite seditious feelings by a suggestion conveyed slyly by a single word in the report of a meeting. The three Jubilee articles which appear in the issues of the 8th, 15th and 22nd of June (*i.e.*) a week before and the week after the issue in which the alleyed seditious writings are contained, give a long and highly eulogistic summary of Mr. Tilak's views on the British administration and if these be read to the jury the latter can have no doubt left in their mind as to the intentions of the editor of *Kesari* and his views on the subject.

We shall now deal with the law applicable to the case, but before doing so it is necessary to refer to the very important issues involved in the case. It is an open secret that certain Anglo-Indian officials who are most intolerant of public criticism, and who have long advocated the imposition of severe restrictions on the native press, have seized this opportunity of carrying out their long-cherished object, and have been clamouring for the gagging of the press. The Anglo-Indian papers who derive their inspiration from Government house and bask in the sunshine of official favor, have taken up the cry, and are loudly clamouring to shackle the press. Certain persons in England who never looked with favor on the aspirations and the advancement of the natives of this country, and who resent their attempts to obtain greater political rights have joined this band, and altogether a most powerful combination has been formed for the purpose of restraining the liberty of the native press. The Secretary of State from his place in the House of Commons has made no secret of the fact that fresh legislation of a repressive character is under contemplation, and it is generally apprehended that a blow is about to be struck at the liberty so long enjoyed by the native press. Men like Mr. Bhowuggree who affect to be acquainted with the feelings and sentiments of the people of the country, have found the present state of affairs a fitting pretext for restraining the native papers, which have so relentlessly exposed his pretensions to pose as the Member for India. They do not seem to realise the inconsistency of their own position, for on the one hand they cry down the native press as an insignificant and utterly contemptible body, having the most wretched *clientele* and conducted by men of no education or principle and living upon blackmail, and on the other they raise up their hands in horror at the license said to be indulged in by these papers and their power to work mischief by propagating sedition and discontent. It is more than probable that the long contemplated idea of restraining the native press will be carried out as the result of the present prosecution, and we should not be surprised if as was done in the *Bangobasi* case counsel for the prosecution attempt to influence the verdict of the jury by holding out a threat that if the prosecution fails, it will be necessary for Government to resort to legislation sufficient to prevent the mischief supposed to be worked by the conductors of the native press. Unfortunately the Anglo-Indian press and officials are at present in a most excited frame of mind, and the people in England are being worked upon in the same direction by exaggerated and misleading telegrams of the prevalence of serious unrest and discontent among the people of the country, and counsel is requested earnestly to press this view of the case on the attention of the jury. It is well known that some of the greatest officials, men rising above local prejudice and class considerations, and endowed with the instincts of true statesmanship, have

strongly deprecated and resisted the attempts of the more sensitive and less foresighted officials to gag the native press. The Hon. Arthur Hobhouse, Q C., in his note on the native newspapers dated 10th August, 1876, makes some most sagacious observations, on the impolicy of curtailing the liberty of the press, and has forcibly pointed out that if any portion of the press requires to be controlled and curbed as likely to inflame the passions of the people by their furious denunciations of Government and Government measures, it is the English press which says the worst things of Government and says them most continuously. He further points out that the moment an attempt is made by Government to treat classes with more even handed justice than is customary, the English press raises a howl and indulges in menaces compared with which the utterances of the native press are gentle murmurs. He and his colleagues on that occasion when it was proposed to import into India the Irish Press Act pointed out, in forcible and eloquent terms, the uselessness and even the danger of a shackled and sycophant press, and they unanimously gave it as their opinion that no justification had been made out for imposing any such wholesale and reactionary restrictions on the native press as were then advocated by some of the more intolerant and bigotted Anglo-Indian officials. In dealing with the proposed distinction between the English and the Vernacular newspapers, Sir Arthur Hobhouse observed, "It seems to me absolutely impossible that such a distinction can stand the brunt of discussion. Whether looked at broadly and superficially, or examined minutely, whether treated by sentiment or by reason it would in my judgment be condemned. On the broad view, it is class legislation of the most striking and invidious description, at variance with the whole tenor of our policy, and only to be justified by the most cogent proofs of danger from the maltreated class. On a closer view, we should find that it is our own countrymen who say the worst things of the Government and say them most continuously. In my note of 18th May 1875, I stated my opinion that the English newspapers did more than the native ones to bring Government into contempt and odium. Since that time I have been careful to observe the official extracts from native newspapers which I imagine contain all the worst things that are said of us, and I have compared them with what is said by such papers as the *Englishman*, the *Friend of India*, and the *Statesman*. The result has been to confirm me in my former opinion * * * * Within the last few weeks I have read in the *Friend of India* articles copied from the *Statesman* charging us with taxing or rather plundering India for the benefit of England with a violence of language and appeals to divine and human wrath which certainly would incite rebellious feelings if anything of the kind could do so. * * * * Now, I would ask what can justify us in saying that offensive matter published in the *Statesman* shall not be punishable, but

that the same matter honestly translated in *Bengali* and published in the *Amrita Bazar Patrika* shall be punishable. Surely our only justification would be a clear and strong conviction that elements of danger are aroused by the use of one language which are not aroused by the use of the other. I cannot find any evidence for such a conviction and do not entertain it." He goes on to point out that, "in the feeble and childish whinings shout the short comings of Government in which native papers indulge, they appear to him merely to have followed the bad example of their English brethren who almost invariably prefer blaming to praising and like to assume that those in authority are wrong." These are most weighty and sagacious observations, and they are doubly valuable in an indictment like the present, for when Act 27 of 1870 by which section 124A of the Indian Penal Code under which this prosecution has been instituted became law was under discussion, the native associations complained of the vagueness of section 5 and asked how they were to know whether they were obeying the law or transgressing it. Mr. Stephens answered them to this effect. "Go to the English newspapers, whatever they say you may say. That anybody should want to be more offensive than they are is inconceivable," and yet Government is now so sensitive to native criticism that while it takes no notice of the most vicious and violent utterances of the English press, they have rushed into Court with the cry of 'Government in danger,' because a comparatively unimportant native newspaper has referred, perhaps in somewhat strong language in places, to what are undoubted abuses of administration, and given expression to the feelings of the native public, in reference thereto with the object of seeking redress, and with appeals to rulers to redress them and make their subjects happy. The Hon'ble Sir W. Robinson, K. C. S. I., in his minute on the native newspapers, dated 28th January 1878 similarly deprecated the proposal to limit a useful liberty which had been conceded with enormous balance of social and political advantage to the natives of India for well nigh half a century. Said he, "Inconvenient therefore, though the extravagance and occasional want of loyalty evinced by the Vernacular press may be, we possess in it a useful barometer of native feelings and sentiments, a barometer such as no menaced and sycophant press could possibly continue to be. There is an appreciable safety in knowing the worst that even our discontented subjects are thinking of our measures and administration, and the experience of other countries has shown that a restrictive press is no guarantee for the loyalty of their subject or dissatisfied nationalities. There are disadvantages, and grave ones in having existing discontent and hostile criticism formulated and circulated amongst the people, but on the whole I think the balance of political advantage is in favour of an unmenaced press even in India." His Grace the President in

his minute of 31st January 1878 on the same subject asks, "But is the disaffection always confined to Vernacular papers only; if it is, how happened it that some of the earliest warnings under Lord Canning's stringent temporary law had to be addressed to English Editors of English journals. I hold the Vernacular press to be a useful indication of the under currents which may be running through the mass of Indian population." The Hon'ble W. Hudleston in his minute dated 2nd February 1878, in giving his opinion against the proposed powers of summary repression of the native press, remarked, "Then what should we gain? External decency of expression possibly though that even is not assured, but certainly an amount of smouldering impatience, dissatisfaction, possibly disaffection, which would only gain strength and consistency by repression of its blaze."

Observations of further eminent statesmen of the same nature may be easily multiplied, and it is a matter of the most serious concern to the whole of the native public of the country that the authorities should have resolved upon a determined attack to undo what the sagacious and enlightened genius of Metcalf and Macaulay, supported by the liberal instincts of other noble Englishmen, achieved after a long and protracted struggle, and that the cherished privilege of the press should be taken away at the prompting of unreasoning clamour and as unreasoning panic. This is a view of the case which must be earnestly pressed on the attention of the jury. The impression prevails and not without reason that a serious blow is intended to be struck at the liberty of the native press by means of this prosecution, and it is this apprehension more than any personal considerations towards the accused that has awakened the interest and sympathy of the whole of the native community of the country and although there is reason to believe that the majority, if not the whole of the jury will consist of English officials and non-officials by no means in sympathy with "young India," it is quite probable that an earnest appeal to their instincts as English citizens dearly prizing the liberty of the press may have the desired effect. The question is so interwoven with the advantages of leaving the press free and independent, and the danger and impolicy of menacing and shackling it, that it is difficult to avoid frequent and copious references to this aspect of the case in counsel's address to the jury, and we feel certain that if the jury is properly worked upon on these lines the effect will be no less marked than what would be produced by discussion of the law and the evidence in the case. Counsel will remember that on the trial of the *Bangobasi* newspaper on the same charge, both the prosecution and the defence dealt at large with this part of the case without any interruption from the Court, and the views of the eminent statesmen who have from time to time taken part in the discussion relating to this matter

will have due weight with the jury. We are conscious of the serious difficulty under which the defence labours in this case, especially in consequence of the strong and determined efforts that have been made by the Anglo-Indian papers to excite race feeling and prejudice against the accused, and the belief prevails that Government will strain every nerve to procure a conviction. It is unfortunately but too true that the Government and the Anglo-Indian community of this place are at present in a frame of mind none too calm or judicial, the unfortunate murders on the Jubilee night at Poona and the failure of all efforts to discover the culprits having induced a strong feeling of resentment and indignation. And so far has this feeling warped the judgment of people otherwise sober and intelligent, that a large majority of the Anglo-Indian community of the city have jumped to the conclusion, on the merest speculation and surmise, that the first accused in this case has had some sort of connection with the murders, and knows more about the matter than he chooses to divulge. In spite of these grave disadvantages to which the defence is subject in this case, we are not without hope that if a proper appeal in a dignified and conciliatory manner is made to the honor and the sense of justice of the gentlemen of the jury, a great deal of the formidable prejudice which we have to overcome may be dispelled, and the case divested of feeling as far as it is possible to do so.

Before leaving this part of the case we may refer to two authoritative opinions upon the native press, the one expressed by Sir Richard Garth, Q. C., late Chief Justice of Bengal, in the *Law Magazine and Review* for February 1895, and the other by Sir William Markby in the *Spectator* of July 17th 1897. The learned Chief Justice observed, "I can only say I read native papers myself week after week and never see anything there at all approaching sedition or even disloyalty or disrespect to English rule. What I do find there and what I rejoice to find is thorough well deserved censure of the arbitrary conduct of many of the Government officials. I am afraid this is exactly what the Government would wish to repress. I consider it a most wholesome and salutary means of bringing the misconduct of Government officers to the notice not only of the Indian people but of the Courts of Justice."—And Sir William Markby wrote "I should like to add one word on behalf of the native Indian press which is I think just now getting more abuse than it deserves. I have for years read regularly extracts from a large number of native newspapers. The criticisms I have met with are sometimes severe but for the most part respectful. There is occasionally strong "disapprobation" but very rarely "disaffection."

Turning now to the law of the case, as counsel is aware the charge against the accused is laid under section 124A of the Indian Penal Code, which runs as

follows:—“Whoever by words either spoken or intended to be read or by signs or by visible representation or otherwise excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term to which fine may be added or with imprisonment for a term which may extend to 3 years to which fine may be added or with fine.” Explanation—Such disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of Government and to support the lawful authority of Government against unlawful attempts to subvert or resist that authority is not disaffection. Therefore the making of comments on the measures of the Government with the intention of exciting only this species of disapprobation is not an offence within this clause.”

It is well known that this explanation to the section has given rise to a wide divergence of opinion, it being asserted on the one hand that the section subject to the explanation is quite adequate to meet the requirements of every case, and provides a very necessary and important safeguard against harassing persecution of an offending paper by a too sensitive Government, and on the other that the explanation practically renders the section nugatory, and that the law as it stands is wholly inadequate to punish sedition and must be amended; and it is believed in some quarters usually well-informed, that this prosecution is to be treated as a test case intended to determine the adequacy or otherwise of the existing legislation on the subject, and that if the prosecution fails, the failure will be used as a strong argument for fresh legislation of a repressive character. Sec. 124A as it now stands did not find a place in the Penal Code as originally promulgated, and it was introduced into the Code several years afterwards by Section 5 of Act 27 of 1870. The section as also the explanation were embodied in the draft Code of Lord Macaulay as section 113. The only difference between the section as originally drafted and the form in which it ultimately found a place in the statute book consists of the substitution of the words “Government established by law in British India” instead of the words “Government established by law in the Territories of the East India Co.” and the omission of the words “among any class of people who live under that Government,” which appeared in the section as originally drafted. The original section by some oversight was dropped out of the Code as finally passed in 1860, and was adopted with the verbal alterations above indicated by Sir James Stephen, and added to the Code by Act 27 of 1870. It is important to bear in mind the remarks of the various speakers in the Legislative Council when the Act was under consideration, in as much as these remarks furnish a most important and valuable guide as to the intended meaning and scope of the section, and are most

useful in interpreting it. In the case of *Vomeshchander v. Hiramandal*, I. L. R. 17 Cal., p. 852, counsel desired to refer to Lord Macaulay's notes on the section then under consideration, which was objected to, but ultimately allowed, and reference was made in *re Mew vs. Thorne*, 31 L. J. Bankruptcy, 87, in which it was laid down that this could be done and the Lord Chancellor there referred to the Commissioners' Report and the speech of the Member in the House who introduced the Bill, and the Lord Chancellor stated that he did so for the purpose of deriving help in interpreting the words of the law, not that one would be warranted in giving to those words any different meaning from that which was consistent with their plain and ordinary signification, but at the same time might somewhat assist in interpreting those words and in ascertaining the object which they were directed. Norris J. thought that speeches of the Members of Parliament to show what the definition of a word in the section was could not be referred to, but Macpherson J. thought otherwise and Counsel was allowed to refer to the Commissioners' Report; and Reference was made to Maxwell on Statutes 2nd Ed., p. 30, and L. R. 4 Q. B. D., p. 525 (p. 549), and the head note to the Calcutta case above cited shows that for the purpose of construing a section of an Act and ascertaining the intention of the legislature, the report of Law Commissioners or a Select Committee appointed to consider a Bill might be referred to, following I. L. R., 14 Cal., p. 721, in which case their Lordships observe (p. 728), "but we thought it right from the proceedings of the Legislative Council at the time this measure was in preparation to obtain such light as they could throw on the intention and scope of the section in question. Such a course has been more than once taken here in recent times, and in a case of such difficulty and importance as this appears to be, we felt bound to adopt it." Counsel will remember, moreover, that in the *Bangobasi* case reference was freely made to the proceedings in the Legislative Council, when the Act by which Section 124A was introduced was under discussion. Sir James Stephen explained the section in the course of his speech in the Council in the following words: "Nothing could be further from the wish of the Government of India than to check in the least degree any criticism of their measures, however severe or hostile, nay however disingenuous, unfair and ill-informed it might be. So long as a writer or speaker, neither directly or indirectly suggested or intended to produce the use of force, he did not fall within the section. This, however, must be coupled with a warning. The question on trials on this section would always be as to the real intention of a speaker or writer and this intention would have to be inferred from the circumstances of the case. The most bitter and unfair criticism published by a newspaper in the common course of its business might be perfectly compatible with the absence

of any intention to advise any resistance to lawful authority. Language temperate in itself and justifiable as far as an express meaning of its terms went might, if addressed to an excited mob, be the clearest proof of an intent to produce forcible resistance to lawful authority," and in connection with this matter we may also refer to the statement made by Lord Lytton in the Viceregal Council during the discussion of the Vernacular Press Act of 1878, when His Lordship distinctly stated that "any disaffection not followed by actual rebellion cannot be established as sedition under this section."

We shall now refer to the English cases bearing on the law of seditious libel, only premising that the words of the Indian Section are limited to exciting or attempting to excite feelings of disaffection to the Government established by law in British India, and that "Government" as defined by Section 17 of the Code denotes "the person or persons authorised by law to administer executive Government in any part of British India, so that it is at least arguable whether severe criticism, for instance, on the administration of justice by Courts of Justice likely to expose such Courts to contempt will be an offence within the meaning of Section 124A of exciting disaffection against persons authorised by law to administer executive Government in any part of British India. We refer to this matter at this stage as it will appear later on, while analyzing the articles charged as seditious in this case, that one of the matters referred to in Ex. B. 1 relates to miscarriage of justice in our Courts in the case of European accused who often escape altogether or with a light punishment in cases of man-slaughter on the plea of enlarged spleen, cases of which are to be found in our Law Reports. The charge of Mr. Justice Fitzgerald to the Grand Jury in 1868 in the case of *Regina v. Sullivan and Piggot* 11, Cox. C. Cases p. 45 gives a clear and complete exposition of the law on the subject. In that case two Irish journalists were tried for seditious writings in furtherance of the Fenian conspiracy. He said, "Sedition is a crime against Society nearly allied to that of treason and it frequently precedes treason by a short interval. Sedition, in itself, is a comprehensive term and it embraces all those practices whether by word, deed, or writing which are calculated to disturb the tranquility of the State, and lead ignorant persons to subvert the Government and the laws of the empire. The objects of sedition generally are to produce discontent and insurrection, and stir up opposition to the Government, and bring the administration of justice into contempt, and the very tendency of sedition is to incite the people to insurrection and rebellion. Sedition has been described as disloyalty in action, and the law considers as sedition all those practices which have for their object to excite discontent or dissatisfaction, to create public disturbance or to lead to civil war, to bring into hatred or contempt the Sovereign or the Government,

the laws or the constitution of the realm, and generally all endeavours to promote public disorder. (See also *R. v. Burns* 16 Cox, p. 360 and 11 Clarke and F. p. 236 O'Connell's case and Russell on Crimes, pp. 197 to 203, 5th Edition 1877). Journalists are entitled to criticise the conduct and intentions of those entrusted with the administration of Government. They are entitled to canvass, and if necessary, censure either the acts or proceedings of the Government, and are entitled to point out any grievances under which the people labour. When a public writer exceeds his limit and uses his privilege to create discontent and disaffection he becomes guilty of what the law calls sedition.

* * * Governments and Courts may form the subjects of criticism and censure, but corrupt motives are not to be imputed. Yet juries are not to adhere to the letter of any definition of seditious libel, but to consider the surrounding circumstances. It might be the province of the press to call attention to their weakness or imbecility when it was done for the public good. It would also be its duty to complain of a grievance which the public good requires to be removed, though the very assertion of the grievance creates discontent to a certain extent. Such writings though trenching closely on sedition should receive the protection of the jury (pp. 44-45). * * * * The crime laid is the intent, and you can only find the bill against the accused when you can conscientiously come to the conclusion,—assuming that you find the articles to be seditious,—that they were published with the intent to excite disaffection and sedition amongst the Queen's subjects, or to excite hatred and contempt towards Her Majesty's Government and administration (p. 47). The law does not seek to put any narrow construction on the expressions used, and only interferes when plainly and deliberately the bounds are passed of frank, candid, and honest discussion (p. 50). * * * * In dealing with the question of intent, you will fairly consider the surrounding circumstances coupled with the state of the country and of the public mind when the publication took place, for these may be most material in considering the offence, *e.g.*, if the country was free from political excitement and disaffection, and was engaged in the peaceful pursuits of commerce and industry, the publication of such articles as are indicted might be free from danger and comparatively innocent, but in a time of political trouble and commotion, when the country has just emerged from an attempt at armed insurrection, and while it is still suffering from the machinations, and overrun by the emissaries of treasonable conspiracy, the systematic publication of articles advocating the views and objects of that conspiracy seems to admit but of one construction." In referring to the manner and spirit in which the indicted publication is to be regarded by the Jury, the learned Judge observed, "You should deal with the articles in a broad, and candid, and liberal spirit, and subject them to narrow and jealous criticism-

In considering them you should recollect that there is no sedition in censuring the servants of the Crown, and just criticism on the administration of law, or in seeking redress of grievances, or in the fair discussion of all party questions. You should remember that you are the guardians of the liberty and freedom of the press, and that it is your duty to put an innocent interpretation if you can. You should not pause upon an objectionable sentence here or a strong word there. It is not mere strong language such as "desecrated court of justice" or tall language or turgid language that should influence you. You should deal with the articles in a free, fair, and liberal spirit, and in a spirit of freedom, and not view them with the eye of narrow criticism. You must view the whole case in a bold, manly and generous spirit; in a broad and bold spirit, and giving it a liberal interpretation. (p. 59). * * *

The mere assertion of a grievance tends to create discontent which in a sense may be said to be seditious, but no jury if a real grievance is put forward and its redress *bona fide* sought, although the language used might be objected to, would find that to be seditious libel (p. 57). You are to consider not isolated passages, but the whole of the article complained of, and to constitute crime the criminal intent and the criminal act should concur, and in considering the intent you would regard all the surrounding circumstances, the state of the country and the state of the public opinion (p. 58).

Baron Deasy in charging the jury in Piggot's case, said (pp. 60-61) "public journalists are entitled to criticize the conduct and intentions of those entrusted with the administration of Government. They are entitled to point out any grievances under which the people labour, but they must not either covertly or openly devote the pages of their journal the overthrow of Government, nor spread discontent in the land, or inflame the minds of the people so that they may be more ready to join an insurrection. * * *

It would be better that a journalist should escape from the consequences of his act than that a writer should write under threat of punishment. Therefore, you should make every allowance for freedom of discussion, for excitement and passion, and if after making all these allowances you think the criminal intent ascribed is proved, it will be your duty to convict."

Among the articles charged as seditious before Fitzgerald J. in the case of the Irish journalists the following passage occurred : " Brothers and friends of Irish liberty, the persecution of centuries will soon be avenged, and by the force of our arms we will purge our native soil from the curse of British misrule. Then Ireland expects that every man will do his duty when the time of the glorious struggle arrives." This was a series of articles published at a time of intense political excitement and commotion, when the country, in

the words of His Lordship had just emerged from an attempt at armed insurrection, and while it was still suffering from the machinations and over-run by the emissaries of treasonable conspiracy.

Cave Justice in the case of *Regina v. Burns* (16 Cox. C. C. p. 365) thus describes what is seditious intention which is the essence of the offence charged. "A seditious intention is an intention to bring into hatred or contempt, or to excite disaffection against the Government or the administration of justice, or excite Her Majesty's subjects to attempt otherwise than by lawful means the alteration of any matter in State established by law, or to raise discontent or disaffection among Her Majesty's subjects; but an intention to point out errors or defects of Government with a view to their reformation, or to excite Her Majesty's subjects to attempt by lawful means the alteration of any matter in state, or to point out in order to their removal matters which are producing or have a tendency to produce feelings of hatred and ill will between classes of Her Majesty's subjects is not seditious intention." (Stephen's Digest of Criminal Law, pp. 55-56).

Littledale J. in the case reported at 9, *Carrington and Payne*, p. 456 observed, "It has to be considered whether what was meant was the regular mode of proceeding by petitions or publishing a declaration of grievances, or whether it was meant that the people should make use of physical force as their only resource to obtain justice and meant to excite the people to take the power into their own hands and to excite them to tumult and disorder."

The subject is also most lucidly dealt with by Lord Ellenborough in the case of *Rex. vs. Lambert and Perry* (2 Cam p. Reports 398), which was an action of sedition against the printer and proprietor of the *Morning Chronicle* newspaper, the article impugned being as follows: "What a crowd of blessings rush upon one's mind that might be bestowed upon the country in the event of a total change of system. Of all monarchs; indeed since the revolution the successor of George the III. will have the finest opportunity of becoming nobly popular." Lord Ellenborough in summing up to the Jury proceeded to say "the next and most important question is what is the fair, honest, candid construction to be put upon the words standing by themselves. * * * If you are satisfied by the application of your understandings honestly and fairly to the words complained of that the intention of the writer was to calumniate the person and character of our august Sovereign, you will find the defendants guilty, but if looking at the obnoxious paragraph by itself you are persuaded that it betrays no such intention, or if you infer that this was written without any purpose to calumniate the personal Government of His Majesty and render it odious to his people, you will find

the defendants not guilty. The question of intention is for your consideration. You will not distort the words, but give them their application and meaning as they impress your minds. If you consider it as meant to represent that the reign of His Majesty is the only thing interposed between the subjects of this country and the possession of great blessings which are likely to be enjoyed in the reign of his successor and thus to render His Majesty's administration of Government odious, it is a calumnious paragraph. If on the contrary you do not see that it means distinctly according to your reasoning to impute any purposed maladministration to His Majesty or those acting under him, but may be fairly construed as an expression of regret that an erroneous view has been taken of public affairs I am not prepared to say that it is a libel

* * There have been errors in the administration of most enlightened men

* * * The greatest monarchs who have ever reigned, monarchs who have felt the most anxious solicitude for the welfare of the country, and who have in some respects been the authors of the highest blessings to their subjects, have erred. But could a single expression of regret for any error they have committed, or an earnest wish to see that error corrected be considered as disparaging them or tending to endanger their Government? Gentlemen, apply your minds candidly and uprightly to the meaning of the passage in question. Distort no part of it for one purpose or another, and let your verdict be the result of your fair and deliberate judgment."

As to the question of tendency and intention of the impugned writing reference may be made to 10 Barnwell and Cresswell, p. 472 and 9 B. and C. p. 643.

Turning to the only Indian case which has been decided under the section charged, we have to refer to the *Bangobasi* case I. L. R. 19 Cal., p. 35, with which counsel is familiar. Counsel will find on comparing the articles charged as seditious in that case with the articles the subject of this prosecution that the former were by far the more violent of the two, and that in one place there was an incitement to physical force when it was said, "We are unable to rebel but we are not of those who say it would be improper to do so if we could." In opening the case for the Crown, Counsel charged that the articles held up the Government of the country to public execration as being destroyers and persecutors of the people, as having a settled design to destroy the religion of the people and as being the cause of famines and other calamities, and argued that such writings amounted to exciting feelings of disloyalty and 'disaffection' which had found vent in riots at Calcutta, Benares and elsewhere. In summing up to the jury the learned Chief Justice pointed out the difference between 'disaffection' and 'disapprobation,' the first word occurring

in the section and the second in the explanation, and explained that 'disaffection' meant dislike or hatred, while, 'disapprobation,' meant merely 'disapproval.' He went on to say that if a person uses either spoken or written words calculated to create in the minds of the persons to whom they are addressed a disposition not to obey the lawful authority of Government, or to subvert or resist that authority if and when occasion shall arise, and if he does so with the intention of creating such a disposition in his hearers or readers, he would be guilty of the offence of attempting to excite disaffection, though no disturbance is brought about by his words or any feeling of disaffection in fact produced by them. It is sufficient that the words are calculated to excite feelings of ill-will against the Government, and to hold it up to the hatred and contempt of the people, and that they were used with the intention of creating such feeling; that was the first question to decide, *viz.*, whether the articles were seditious, and the 2nd question was whether upon the evidence before the jury, they thought that the articles were calculated to create such feeling in the minds of the readers, and if so whether they were intended to create such feeling. After pointing out that the jury had to take into consideration the class of paper which was being prosecuted and the class of people among whom it was circulated, and the relations between the Government and the people, and the peculiar position of the Government, the Chief Justice explained that the crime consisted of the intention, and that the evidence of the intent could only be gathered from the articles, and he also charged the jury, as Lord Fitzgerald had done in the Irish case above-cited, not to look to single sentences or isolated expressions, but to take the article as a whole and give them full, free and generous consideration.

The only other Indian case to which we shall refer is the case of *Empress vs. Kanji* (I. L. R. 18 Bom. 758). The accused were charged under section 153 of the Penal Code with wantonly giving provocation with intent to cause riot. The facts shortly were that a riot took place in Bombay, in August, 1893, between Hindus and Mahomedan and within a fortnight after the suppression of the riot but before the excitement caused by the outbreak had subsided the accused wrote and published a poem in Gujarati entitled the Bombay Dreadful Riot and after extolling certain classes of the Hindu community for the brave resistance which they had offered to the Mahomedans, the poem continued, "you are not women but men, brave, brave are the Kamatis, fight again for country's good, why fear for dying, brother, sooner or later but only once the man has to die." He was convicted by the Magistrate, but on appeal the High Court reversed the conviction. Stress was mainly laid on the words "fight again" and "why fear to die" which the prosecution charged as incitement to renewed riot. Mr. Justice Jardine in

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an elaborate judgment reviewed the whole poem, and came to the conclusion that the offence charged had not been committed. Ranade J. thought that the poem did not go beyond the license allowed to ballad writers and rhapsodists. The whole judgment of Jardine J. is worth perusal, and we solicit counsel's attention to the same.

The law relating to the offence charged may therefore be thus summarized. To constitute sedition the writer or speaker must directly or indirectly suggest or intend to produce the use of force, or to advise unlawful resistance to lawful authority. The statements whether true or false, and whether or not grievances must be made use of as a means of exciting the subjects against the rulers. There must be significant words of advice, direction or persuasion tending to excite the persons addressed to a degree of disaffection incompatible with a disposition to render obedience to the lawful authority of Government, and used in circumstances indicating a design to cause disaffection. There must be direct incitement to disorder and violence. Journalists may and are indeed bound to criticize and even censure the acts and measures of Government, and to expose abuses and errors of administration, and to represent the grievances of the people to the rulers; and though the very assertion of a grievance creates certain discontent, the representation of grievances, if made *bona fide* and with the view to obtain redress by lawful means, is allowable. The whole of the articles or speeches charged as seditious must be taken into consideration, and not an isolated word or passage, and the whole should be construed in a liberal and generous spirit, and the jury ought to struggle to put an innocent construction, and to come to a contrary conclusion only if coerced by circumstances of the case, and on the criminal intent which is the essence of the crime being clearly proved.

Now applying these tests to the articles the subject of this prosecution; it is difficult to resist the conviction that the offence charged has not been committed, and that Government have certainly not been well advised in embarking on this prosecution. It must not be forgotten that the writings in question were published at a time of perfect tranquility, that the natives of India are not only meek and law-abiding, but are absolutely helpless, and in a condition of the most complete subjection; that the British Government in India is not only firmly established, but possesses resources so complete and powerful as to be able to crush to pieces the first attempts at any insurrection or violence; that the educated natives of India especially are loyal to the British Government, their very existence being inseparably interwoven with the stability and permanence of the British Government,

and that from motives of self-interest if from no other or higher considerations, they are bound to be faithful to the British Government and to pray for its continuance, and that none but a lunatic could expect to get up any armed resistance to the constituted authority of the land. The class of people to whom the speeches delivered at the Shivaji festival were addressed are intelligent and educated natives thoroughly alive at once to their own interests and their helplessness as against the power of Government; the readers of the *Kesari* in which "Shivaji's Utterances" appeared are likewise intelligent and educated persons who, whatever their feelings of reverence for their illustrious dead and however keen their sense of the wrongs under which they labour may be, fully realize the absolute madness of any attempt to resort to physical force, or to dream of subverting the British Government. It is true that they feel strongly on the grievances to which expression is given in the verses, and they, therefore, sometimes speak and write strongly on the subject, but that they intend sedition or desire or expect the overthrow of the present Government no one in his senses can for a moment dream. As regards the verses, there is one way of looking at them which we submit for the consideration of counsel, leaving it to counsel's discretion to make use of it as a line of argument for the defence or not as he may think fit. It is an article of religion with the Hindu nation, especially the more orthodox and religious portion, that whenever a country is afflicted with distress or misfortune, there is something amiss with the rulers, to whom accordingly a representation of their sufferings must be made to bring about a change and reform. This notion indeed is borne with them, and may be said to be a part and parcel of their very existence. Their sacred books and their national epics alike give expression and prominence to this sentiment. In the translation of Ramayen by Mr. Wilson the following lines occur :—

But folly wrought by that great king
 A plague upon the land shall bring ;
 No vain for many a year shall fall
 And grievous draught shall ruin all.
 The troubled king with many a prayer
 Shall bid the priests some cure declare :
 ' The love of Heaven 'tis yours to know,
 Nor are ye blind to things below :
 Declare, O holy men ; the way
 This plague to expiate and stay.'

Nor is it a feeling confined to the Hindus alone, the Jews, as counsel knows, entertaining a similar belief. Viewed in this light the verses are not only innocent but a natural and appropriate expression of the people's

feelings and grievances brought to the notice of the Government for redress, and what more natural than that Mr. Tilak, himself an orthodox Hindu and the exponent of conservative Hinduism, addressing himself to his religious brethren, should adopt the means enjoined by the Shastras to give expression to the people's grievances. In this view of the case the poem may be regarded as consisting of two parts as in fact it does, the first part describing the sufferings which have overtaken the country such as poverty, famine, plague and the like, and the second part describing the causes which according to their religious belief have brought about the country's woes, as for instance the ill-treatment of the sacred Brahmins, the slaughter of the more sacred cow, miscarriage of justice, outrage on female modesty and injustice to the native princes, the whole winding up by an appeal to the rulers to look into these grievances and to remove them, and thereby make their subjects happy. It is not necessary nor is it reasonable or prudent to actually attribute the evils which afflict the country to the sins or misdeeds of the rulers, but it is certainly permissible especially for orthodox Hindus to believe that a country's woes betoken defects in the administration, and this is indeed what has been done in these verses, and if there has been the poison, there has also been the antidote. The people are not advised to resort to force or other improper means to get their grievances redressed, but are told to turn to their rulers with a request to make them happy by attending to their grievances. It is well known that many eminent English officials and non-officials in sympathy with the natives of the country are persuaded that the foreign and costly Government in India is largely accountable for its general impoverishment, and Sir William Wedderburn only the other day moved an inquiry in the House of Commons as to the causes which have reduced the Indian people to a state unfitting them to withstand the first appearance of such misfortunes as the plague and the famine; and high authority indeed can be cited in support of the drain of the country's wealth, and the consequent impoverishment of people resulting from heavy taxation. The chronic state of starvation of by far the most numerous portion of the population of the country has formed the subject of many a discourse, not only by men like Mr. Dadabhai Naoroji who has made the subject peculiarly his own, but also by officials like the late Sir James Caird, Special Famine Commissioner, Sir Aucland Colvin and many others, and they have repeatedly and earnestly drawn the attention of the authorities in India and in England to the abject misery and poverty of the people, and the source of danger to Government therefrom. The reference in the poem to the poor of the country obtaining only one meal a day is indeed an echo of these statements official and unofficial,

supported by incontrovertible facts and figures, as also is the reference to the drain of the country's wealth by oppressive taxes and the consequent impoverishment of the country. Two distinguished Viceroys of India, Lord Mayo and Lord Northbrook, have also borne emphatic testimony to the oppressive character of taxation under which the people of the country suffer. A feeling of discontent and dissatisfaction wrote Lord Mayo in 1872 existed among every class both European and Native on account of the constant increase of taxation that had been going on and the continuance of that feeling was a political danger the magnitude of which could hardly be over-estimated. With this remark Lord Northbrook when examined before the Committee on Public Works entirely agreed adding India is a country in which it is very unwise to be constantly altering taxation; to be constantly imposing fresh taxation. The incarceration of sacred Brahmins, especially when it is supposed to be unjust, is likewise an object of great grief to the pious Hindus, and rightly or wrongly the Brahmins who were sentenced to imprisonment at Wai in the Satara Taluka by the Magistrate when Mr. Rand was the Collector of the District for marching in procession with music through the town, were supposed by the Hindus to have been unjustly condemned. As explained above the incident is referred to at once as one of the reasons for the country's present suffering, and of the meekness and resignation of the people under such unjust treatment. It is likewise well known that the feeling of the whole of the Hindu population of the country has been intensely excited over the question of the killing of cows, and many persons not Hindus have also deplored the wholesale slaughter of kine as undermining the mainstay of agricultural prosperity on which the welfare of the country so largely depends. It is therefore but natural that a Hindu writer appealing to a Hindu audience should draw prominent attention to such an important question, not with any suggestion or advice to put an end to the grievance by unlawful means, but more in sorrow than in anger, and with an appeal that this source of the people's irritation too might be removed. The reference to the miscarriage of justice is based on actual facts. The shooting of a peasant woman by a Forest officer who successfully pleaded the excuse that he mistook her for a bear is an undoubted event. The plea of enlarged spleen on which the killing of poor natives such as punkha-coolies has often been justified in Courts of law is not unknown to the people, and examples of this are recorded in our law-reports; and surely it is open to the public journalists to point out and even censure such defects in the administration of justice so long as no corrupt motive is imputed, and it cannot be said that any such motive is attributed in this enumeration of the public grievance. The reference to the insults offered native women in railway carriages is likewise based

on actual occurrences with which readers of newspapers are familiar, the latest instance being the outrage at the Khana Junction only very recently, and which was referred to in a late discussion in the House of Commons; and the writer was justified in drawing attention to and deploring the change which has come over the people of the country in the matter of avenging such insults. The reference to the thousand swords leaping from their scabbards in olden days is of course a poetical expression of the chivalry and sensitiveness which such an outrage would have caused in those times, as contrasted with the passiveness and indifference with which such ill-treatment is now endured, and moreover as has already been pointed out, there certainly is no exciting feelings of disaffection towards Government in the suggestion to those subjected to such outrage to punish the perpetrators of such indignity. But as a matter of fact the poem exhorts the victims of such outrages to approach the authorities with a representation of the grievance and seek redress. The next item in this list of grievances is the treatment of Native princes by the ruling powers, and the writer deplores that they should thus meekly bear such treatment instead of demanding a public and judicial inquiry. The concluding portion of the verses sufficiently shows that the writer's object was thoroughly loyal and constitutional, and that the end and aim was to appeal to the rulers to make their subjects happy. It might therefore be urged that the verses not only do not excite feelings of disaffection, but that they were not even intended to excite disapprobation of the measures of Government. They are in effect a declaration of the grievances under which the people are supposed to labour, and of the resultant misfortunes to the country, coupled with an expression of the people's patience and resignation in the midst of such sufferings, and a prayer for their redress as the means of securing happiness to the people. Looking at the case from another and more matter-of-fact view, it is submitted that the criticism embodied in the verses does not exceed the bounds allowable to a public writer, whose duty it is to interpret to the rulers the grievances of their subjects, with the view to their being redressed. As remarked by Lord Fitzgerald in the case of the Irish journalist, every assertion of the grievance, by the mere fact of such assertion amounts in a certain measure to discontent, but as was observed by the same learned Judge, such writing though trenching closely on sedition, should receive the protection of the jury. Indeed it is plain that Government so far from resenting such criticism ought in its own interest to welcome it as a means of acquainting itself with the people's wants and grievances. When one remembers the virulent writings in which some of the Anglo-Indian papers indulge, especially whenever their own class is touched or any attempt is made to deal out even-handed justice, or to interfere with their supposed rights and pri-

vileges, as for instance in the Fuller Case or the agitation over the imposition of the income tax or the Ilbert bill, one is amazed at the moderation of the native press, and it will be most invidious and impolitic to drag a native paper into court for sedition, while allowing the far more rabid and vicious writings of the English papers to go unnoticed. It must be remembered moreover that though it is a native paper that is thus in trouble now, the turn of the English papers may come next, and the jury, therefore, ought to be very careful to convict in a case like the present except on the honest and unavoidable conviction that the offence is committed, and counsel will doubtless impress on the jury the grave responsibility resting on them as the guardians of the liberty of the press. It is quite clear that the Government must be weak indeed and having a very feeble hold on the loyalty of the people if it finds necessary to rush to court for protection against such writings as the present, and we feel certain that on a liberal and generous construction of the writings taken as a whole, disregarding isolated words and expressions of possibly objectionable character, the jury will be forced to the conclusion that the writings are not seditious, and it has already been pointed out that it is the jury's duty to struggle for an innocent construction if the writings on a fair, candid and honest consideration are capable of such construction. It is, of course, ridiculous to suppose that the existence of the British Government in India can be endangered by such writings, or that the people could be excited to armed resistance by feeling appeals to keep alive the memory of their hero interspersed with ebullitions of youthful extravagance of language hero and there. Every expression of disapprobation of Government policy or Government measures must to a certain extent alienate the good will of the subject, but it is allowable to cause such a measure of disapprobation without incurring any legal penalty, so long as there is no evidence of the writer's or speaker's disloyalty or deliberate attempt to incite to violence. There is, of course, great difference between writing with deliberate intent to excite and spread sedition and causing disapprobation by use of strong language in the assertion of grievances. It is believed that the prosecution will tender certain other articles from the accused's paper with the view of showing that there has been a systematic publication of seditious matter, and that therefore the intention of the accused was seditious. We intend to make use also of other articles from the paper to show that the *Kesari* has again and again praised Government whenever it thought that praise was due, and to show the feelings and sentiments of loyalty and admiration for the British Government by which Mr. Tilak is actuated. We propose to put in especially certain articles bearing on the Diamond Jubilee which appeared in the very issue of the paper in which the alleged seditious article is published, and in

the issue of the previous and subsequent weeks. From the translations of these articles given in Appendix C it will be found that the Jubilee article in the issue of 8th June is a most cordial and enthusiastic writing, full of admiration and respect for the person and throne of the Queen-Empress ; the second article published in the *Kesari* of the 15th June is full of the most glowing panegyric of the advancement of the British Empire during Her Majesty's reign all along the line, and of the greatness, power, enterprise and wealth of the English nation, and the pinnacle of fame which they had achieved. The 3rd article which appeared a week later and is specially devoted to the condition of India is by no means so complimentary, and in the main seems intended to contrast the happiness and advancement of England under the Queen's reign with the condition of India, but in concluding the article the writer expresses a fervent hope that the Queen may long be spared to carry out all the pledges given by Her and Her Government for the welfare and prosperity of India, and that all the blessings which the people wished for may be compassed by herself and in her own lifetime. We are not sure that this article would very much help our case, but we leave it to counsel to use it or not as he may consider proper.

With these observations we leave the case in the hands of counsel.

APPENDIX A.

Note of a conversation with His Excellency on Plague Operations by Mr. B. G. Tilak.

To avoid all misunderstanding I think, I may at the outset state that we fully accept the policy laid down by His Excellency in his letter to General Getacre published in the *Bombay Dailies*, and so far as my knowledge goes I felt no hesitation in stating that everyone of the leading gentlemen in Poona will sincerely and cordially co-operate with Government in this matter. But co-operation means mutual trust and confidence and unless the leaders of the people are kept informed as to what is going to be done, and that their suggestions regarding the methods of execution will receive some consideration, co-operation of the kind described by His Excellency becomes very difficult, if not impossible. I am aware that the executive can get over any difficulties themselves, but in that case the work will not be done on popular lines. I don't think that the people and especially the higher class people in Poona are not intelligent enough to understand the advantages of segregation, and I am firmly of opinion that the whole scheme sketched on by His Excellency will be carried out by persuasion better than by force an unsympathetic work. Let the people be informed, first of all, what they have to do and that it is the desire of Government to carry out a certain scheme without causing, as His Excellency observes this afternoon, any unnecessary annoyance to the people or undue interference with their habits or comforts, and I am sure they will gladly help the executive in carrying it out. That being my view, I beg to make the following suggestions for the consideration of Government:—

- (1.) That one or two representatives of the people, say the President or the Chairman of the Municipality should be allowed to take part in the discussion of the methods of execution, and though they may have no vote, yet they may be permitted to make such suggestions for the consideration of the chief Executive Officer as they think fit. In other words they should act somewhat as assessors in a Court.
- (2.) That these gentlemen should be always informed as to what is to be done every day, so that they might in consultation with other leaders take steps to persuade the people to assist the executive as far as possible.
- (3.) That the scheme or the rules and programme of work should be authoritatively printed in Vernaculars, and copies distributed broadcast to remove all misapprehension among the people,

and that, if necessary; the Municipality should be asked to employ paid agents to explain the said rules, etc., to the people who will then know definitely what is required of them and will not leave their places in fright as they have been now doing in thousands.

(4.) That in house-to-house visitation, the leading gentlemen in each ward should be asked to go with the officers to allay the apprehension of the people and to help the officers. So far as I know several gentlemen in each ward are willing to assist the executive in this way.

(5) The instructions regarding the examination of women should be definite and should be strictly observed. His Excellency has been already pleased to indicate the line on which this work should be carried on.

(6.) Segregation of the healthy should be confined to people living in the same room and those coming in close contact with the sick. The principle has been already enunciated by the His Excellency but it should be incorporated in the rules and widely published.

(7.) The plan of disinfecting the town should be carried out on a certain system—say by dividing the city in blocks and that good provision should be made for these persons outside the town.

(8.) That adequate provision should be made for the protection of the property of the persons asked to vacate their houses or of those whose houses may be opened in their absence. In the latter case due notice may be given to the owner if his address is known or pasted on the door.

(9.) That in some cases, especially in the case of Gosha or high class Hindu women, segregation in the house may be allowed at the option of the party by asking other residents to leave the house.

(10.) That in cases where a person is almost on death-bed, segregation should not be enforced against the wishes of relatives; for it will always have the appearance of cruelty.

Such are the principal suggestions that I have to make. They are all on the line indicated by His Excellency. What is now wanted is that they should be recognised by the executive and published for the information of the people. Mr. Plunkett, the City Magistrate, would bear testimony to the fact of the cordial co-operation of the official and non-official gentlemen in Poona in a matter of famine arrangements and I feel confident that Poona leaders will do their duty equally in this matter, provided the whole

scheme is worked by taking them into confidence. There is no opposition to the Government scheme, but the leaders of the people cannot act as intermediaries unless they themselves are trusted with the information as regards the views and plans of the executive, and are assured that their suggestion will be welcome. If the work to be done is for the people, it is necessary and desirable that they should be persuaded to stay in the town. They have, however, now left the town but if the above suggestions be carried out they will I feel sure, again come back, and we shall succeed in considerably checking, if not quite stamping out, the plague as observed by His Excellency with the active co-operation of the people.

(Sd.) BALGANGADHAR TILAK.

Poona, 8th March 1897.

APPENDIX B.

Sir,—We beg to send to you the following suggestions regarding the Plague Operations as at present carried on in Poona, and hope that they will receive the consideration they deserve at the hands of the Plague Committee. Several of us have gone with the house-to-house searching parties, and have also other opportunities of knowing how and where the present operations work harshly on the people. If these hardships are removed, we feel sure, that the operations of the Committee would be carried on more smoothly and successfully than at present.

2. The object of the present arrangement is threefold—(1) to find out persons suffering from Plague and send them to a hospital; (2) to segregate the persons who may have come in close contact with him; and (3) to thoroughly disinfect the room or the house where a case has occurred and to destroy things that cannot be disinfected.

3. The house-to-house search is undertaken for the first purpose. The work is done by British Soldiers who search every day one of the blocks into which the city is divided. Native gentlemen are requested to accompany them, but as these gentlemen have neither power to check excesses nor any recognised status in the Searching Parties many of them feel that their presence is not of much practical use, now that the people know what house-to-house search means. There have been again complaints regarding the disappearance of cash or other property, in the houses opened in the owner's absence and small boxes have been broken open in some cases. Cases have also occurred where soldiers have gone into Hindu temples or places of worship in spite of the remonstrances of the Hindu gentlemen accompanying the party. It also happens sometimes that persons, not suffering from plague, are unnecessarily taken to the Plague hospital. We need not point out that one such case—and the news travels fast in such cases—materially adds to the uneasiness of the people and that it is better not to interfere in such solitary and at best suspected cases than to remove them to the hospital and thereby aggravating the panic. We think that all these irregularities and annoyances may be put a stop to by:—

(a) forming Volunteers' Committees for each lane or block and authorising them to report any excesses committed during the search of the blocks assigned to them;

(b) publishing the rules according to which house-to-house search is carried on;

(c) providing that in cases where the owners are absent from Poona the house may properly be locked up and sealed by the Committee, so as to render its second search unnecessary;

(d) ordering all the Hindu public places of worship in a block will only be searched by Hindu gentlemen accompanying the search parties, and Mohamedan places by Mohamedans ;

(e) directing that where the owner of a house is ready to take the search party over the whole house several parties should not simultaneously enter the same house to the confusion of the owner ; and

(f) taking care to see that suspected cases are removed to the hospital only after full inquiry by the medical advisers of the Committee.

4. As regards the second object, viz., segregation of the healthy we are glad to state that some of the inconveniences are removed by the rules recently published, but still much requires to be done to make the arrangements comfortable to the people. For instance, little time is allowed to the people to make arrangements for the safe custody of their house-hold goods or cattle and for taking with them things that they may require in the Segregation Camp. To remove this and other inconveniences, we beg to suggest :—

(a) that before segregating any healthy person sufficient notice should be given to him to make arrangements for removal ;

(b) that if necessary the Committee should receive for safe custody sealed boxes containing valuable property ;

(c) that in large houses or where the property is very great or there is cattle to be looked after, a man should be allowed to stay in the house to take care of the property or the cattle ;

(d) that better arrangements regarding latrines, water-supply and provision-shops should be made at the Segregation Camp ;

(e) that Voluntary Committees of private gentlemen should be allowed to make arrangements to help the persons segregated, of course under the supervision of the Plague Committee or any officer appointed by it ;

(f) that the allowance of annas two should be increased to annas three per day ;

(g) that greater care should be taken to segregate only those who may have come in close contact with the sick or who may have been long in the same room with him. Exceptions may be made in the cases of pregnant women and decrepit person or persons who are ill from other causes, these being segregated, if necessary, in their own houses ;

5. Regarding the disinfecting of the houses and property you have already ordered that nothing except the bedding and clothing of the sick is to be destroyed except under medical direction. For the better carrying out of these orders and the removal of other grievances in this respect, we suggest :—

(a) that the officers, who destroy or burn any articles should be asked to report the articles destroyed or burnt ;

(b) that in cases where the owner is absent the Committee should remove the property to the ware-house before keeping the house open for disinfecting purposes ;

(c) that, as stated above, a man on behalf of the owner should be allowed to be present when the whole property is not removed or where only a room in a house is to be disinfected ;

(d) that greater care should be taken to verify the numbers of the houses to be disinfected so as to avoid causing unnecessary annoyance to other house owners.

6. These suggestions are made in a spirit of co-operation.. You may have noticed that there is no opposition to house-to-house search from the people; They only wish that it should be carried on, as His Excellency was pleased to observe, with the least annoyance to them or interference with their customs ; and we believe that, if the above suggestions are adopted, the object can be attained not only without impairing the efficacy of the present operations, but actually increasing it by securing the willing co-operation and support of the people.—We beg, &c.

(Sd.) B. R. VAIDYA.

„ G. K. GARDE.

„ V. N. PHATAK.

„ B. P. JOSHI.

„ B. G. TILAK.

APPENDIX C.

(Translation of the leading Marathi article appearing on p. 2 column, 4th and 5th of Kesari newspaper, dated the 8th of June 1897. (a)

GLORY TO HER MAJESTY THE QUEEN (EMPRESS.)

Every body is already aware of the intelligence that grand festivities on a large scale are to be held on the 21st and 22nd of June, wherever there is British rule, to celebrate the fact of her Majesty Queen Victoria, Queen of England and Empress of India having reigned continuously for sixty years. In England preparations are being made to celebrate this occasion on a very magnificent scale, and the festival in honour of the sixtieth anniversary of Her Majesty the Queen's coronation will be held in such a manner as to exhibit the glory of the English realm (*i. e.*, British nation), the extent and greatness of their dominion and the magnitude of the extensive commerce and wealth of the English people. None of the kings and Queens who have hitherto ascended the English throne reigned for so long a time. Of the (four) (Queens) Elizabeth, the two Marys and Anne, Queen Elizabeth alone reigned so long as forty-five years, while of the Kings none hitherto enjoyed a reign of more than sixty years. Hence it is quite true to say that Victoria is more fortunate than all of them. But there are many other reasons why Englishmen are specially proud of Queen Victoria and all those are at present made public (*i. e.* being explained) in their newspapers and monthly magazines. Amongst us a festival generally does not suggest to our minds any other sort of idea but the ordinary ones of eating (and) drinking, illumination (and) merry-making, &c. But the case is quite different with the commercial people of England. Although all the people are engrossed in this triumphal Jubilee of the Queen-Empress, still everybody asks himself the question how much their condition has improved under the Queen's rule, that is during the last sixty years, how much their commerce has increased, their dominions extended and their wealth augmented. In short every one thinks that this Jubilee celebration is only an occasion for reviewing how far the British nation and English people have advanced during the sixty years. And all manner of expressions of pride and joy on account of England's prosperity during sixty years are appearing in the newspapers and the speeches of statesmen. The most note-worthy thing of them all, however, is that the coming festival in honour of Her Majesty the Queen is as much (nay more but not less) a sort of exhibition of triumphal feeling entertained by Englishmen for the rise of the British nation during the last sixty years as it is indicative of the people's love and respect

(a) The foot note on page 4 of this issue as translated is as follows :—This newspaper was printed by Hari Narayan Gokhle Arya, Bhusan press in Budhwar (Peth) at Poona and published by Bal Gangedhar Tilak.) N. L. M.

for Her Majesty. Even readers of smaller English Histories can understand that there is much difference between the rule of the present Queen of England Victoria and that of the former Queens-Elizabeth, Mary and Anne, and that difference is much to the advantage of the British people. The notion that a king or a Queen is the chief authority in the kingdom that could act according to his or her sweet will without listening to any one else is so common and which prevailed even in England some years ago, has now disappeared in England and given place to the now-prevailing idea that the sovereign is the mouth-piece of the nation, or the functionary to carry out its will. Just as in this country we show respect to our gods, worship them, present offering to them, and celebrate their festivals with faith, similarly Englishmen of the present day treat their sovereign with love and loyalty. But the worshippers and the Guru was * on our side would not be happy if their idols ate the offerings presented to them; and the same is the case with English people. Although idol-worship might appear to some derogatory it may be said that there is indeed no other means like an image to explain to ordinary minds those notions which are imperceptible to the external senses. Looked at from this point of view, Englishmen appear to be celebrating the sixtieth anniversary of Her Majesty's coronation so joyfully, grandly and willingly only on the supposition that Queen-Victoria is the living embodiment of all the rise of the British kingdom, the prosperity of the English people, and foremost place which they have attained among all the nations of the world during the past sixty years. No one (however) should imagine from this that Her Majesty the Queen possesses no extraordinary qualities or capability. Although Her Majesty fully approves of the principle that the principal duty of a sovereign lies in executing the will of the nation as far as possible, her wisdom has often been manifested in the discussion of chief political questions with her Ministers and all her various Prime Ministers, such as Peal, Palmerston, Disrieli, Gladstone, Rosebury, and Salisbury, have praised Her Majesty's statesmanship and have held the opinion that Queen-Victoria is well-versed in the politics of England and other nations. Besides the private life of this fortunate Queen is so pure, straightforward (simple) and affectionate that whatever is sublime in English domestic life is fully realised in Her Majesty's private conduct, nay, it is the universal opinion that Her Majesty the Queen is the home of all these virtues. By the grace of God Her Majesty's dominions are at present dotted all over the globe, and generally speaking about a fourth of the population of the globe are at the present day directly or indirectly under

* A caste among Sudras or an individual of it. They are employed in the service of the temple and are worshippers of Shiva.

the rule of Her Majesty the Queen. The subject will be treated in detail later on ; but it is sufficient for the present to mention (here) that the British dominions had never attained to such dimensions before, nor had there been before a sovereign in England, who was so favourable to people's rights, and who reigned so long. The former rulers of England appointed or dismissed ministers at their pleasure or interfered with the administrations of the country in some other way. But the policy of her Majesty Queen-Victoria has been quite different from the beginning. She has never exercised her prerogatives arbitrarily like previous sovereigns. It is true that according to the British-constitution Her Majesty possesses some important prerogatives, but on no occasion has she asked for their high handed exercise. In a word not only has Queen -Victoria never done any thing to obstruct the rise or will of the British nation; on the contrary the English people have prospered in every way during the last sixty years. King George III reigned for about sixty years, but the state of the people at his death *i.e.* at the time when Queen Victoria was born, was entirely different from what it is at present. What have we gained in the sixty years is the most important question, and if the people of India or those of Maharastra could have answered it with as much joy, triumph and pride as Englishmen are doing to day, this Jubilee festival would have proved to all still sweeter like milk when sugar added to it. Well we shall consider this point when concluding the series of one or two articles which we are going to write on this subject. To-day's article is only by way of introduction, and in its (simply) to explain the real character of the present festival. The Jubilee of the sixtieth anniversary of Her Majesty's coronation is not a festival held merely to exalt one single individual, it is the triumphal expression of the exploits achieved or the power gained, the wealth amassed or of the progress made in commerce, arts, industries and domestic life by the British nation during more than half a century or to speak briefly of the success of the efforts made by them to occupy the highest position among the nations of the world. What these efforts are and how they were made, how owing to them England has risen to her present eminence and how her influence has to-day extended over the whole world, we shall briefly explain these (things) in the next issue and then we shall write about the state of our own country *i. e.*, consider how (our) Gracious Queen (Empress) by making (her) Indian subjects happy in a particular direction on the occasion of this Jubilee is likely to add in future to the strength and permanency of the extensive British Empire. A detailed account of the many events which happened in her Majesty's reign of sixty years will be found in history by any body but the recapitulation *i. e.*, a brief survey of the rise of the British Empire is far better accomplished at least in the eyes of the common people and makes great

impression on the popular mind on such occasions than in historical works. It is probably with this object in view that authors, statesmen and journalists in England have made the Jubilee an occasion for singing the greatness of the nation and with exactly the same object we also intend to make our readers somewhat familiar with it. We have already said above that no empire before was so extensive as that of England to-day. Naturally any nation under such circumstances would celebrate the glory of its rulers with great joy, love and fervour. The present Jubilee festival is of this kind, and the deity to be worshipped therein is also by the grace of God entirely worthy of such an occasion

A True translation

(Sd.) N. L. MANKER,

No. 98.

Sixth Translator.

*Translation of the leading Marathi article in Kesari (a) of 15th June 1897
p. 2, cos. 3, 4 and 5.*

GLORY TO HER MAJESTY THE QUEEN EMPRESS.

EXPANSION OF THE BRITISH EMPIRE.

It has been already stated last time that the present sixtieth anniversary festival of Her Majesty the Queen's coronation is as a matter of fact an indication of the prosperity of the British Empire, and that Englishmen are using it as an occasion to sing the glories of their progress made during the sixty years. It is quite proper that those who during sixty years have gained an unprecedented and extraordinary glory should manifest their pride and joy (for it) in such manner. A nation rarely gets such opportunities, and it is quite natural that our rulers should make much of the one they have obtained. Very well; we shall now consider the growth of the British Empire during the last sixty years. This growth has not been one-sided only; but during the reign of Her Majesty Queen-Victoria England has been advancing and has now attained the highest pinnacle in all things in the expansion of (her) dominion, in commerce, in political ascendancy, (and) in social and political institutions &c.,; so much so that even foreigners ought to feel wonderstruck for an instant at the sight. That the inhabitants of a small island in the West of Europe who nine hundred years ago were in quite a savage state should have thus in a short time attained to the foremost place among the dominant nations of the world is no small outcome of their intelligence, industry,

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energy and enterprise. If one takes up the map of the world and sees the extent of the British Empire, it will appear that the saying that the sun never sets on the Queen's dominions is literally true. Fifteen longitudinal degrees make the difference of an hour, but no such fifteen degrees can be found on the surface of the globe which do not contain at least one island under the English rule. The British Empire was already extensive before the Queen ascended the throne, but in the last sixty years it has expanded still further. In 1837 the extent of the British Empire was 75 lakhs of square mile with a population of about 21 crores. But now the extent of the dominion, measures 1 crore and 15 lakhs square miles while the population also has increased to more than 38 crores. This does not, however, include countries which though not directly under British rule are under British protection and so far as commerce is concerned, it is such latter countries that are most beneficial and important to the English people. When in 1776 America became independent and England thus lost a large portion of her Empire, it was feared that the tide of British rule would be on its ebb. But during the last century or a century and a quarter the English people have by their prowess acquired in the two countries of India and South Africa dominions even larger than the Free States, and attained to a glory higher than before. The Peshwas' rule in this country had come to an end before Her Majesty was born, or it may be said that Her Majesty's birth sounded the death-knell of Peshwa's government. Well, from that time to 1837 the Empire was constantly growing, but if we take the events in Her Majesty's reign alone, the suppression of the Mutiny of 1857, the war with the Sikhs, the invasion of Burma and the successes obtained in the petty frontier expeditions must all be included in the expansion of the (British) Empire during the last sixty years. But an expansion of the British dominions, even greater than this, is that in Africa. How the English have managed to keep Egypt in their hands is indeed well known; but the efforts carried on in South Africa are really even more profitable and important. The fertile regions on the banks of three great rivers, the Nile, the Zambezi and the Kongo, were discovered in Her Majesty's reign, and although almost all European nations have now put their fingers in this region, still, the English have a large part of it under their rule, and are steadily aiming to extend it. Besides this, hundreds of islands in the Mediterranean Sea, the Arabian Sea, the Pacific and the Atlantic Oceans, are in the possession of the British Government, so situated that they may well protect the buoy of gambling of their trade all over the world. It will not do to look only to the spread of (the British) rule. We must also see how British commerce has increased. The English people always take care to keep in their hands at least the trade of the country which they cannot conquer. The prosperity of England depends

much more on (her) commerce than upon the spread of (her) dominions ; and considered in this light, all countries in the Continent of Asia, (such as) India, China, Japan, Persia (and) Arabia, must be said to be over run by the English by means of their commerce. The English acquired the control of the Chinese trade by taking possession of Hongkong during the last sixty years. In the same period the total commerce of England has increased about ninefold. The population of the world has been calculated to be about fourteen hundred millions, out of which about three hundred and eighty millions are under British rule ; that is by a rough calculation about one-fourth or one-third of the total population of the world are under the rule of the Queen. But if we add to these the countries controlled by (British) commerce, it will be found that half the commerce of the world belongs to the English people. The commerce of England alone with other countries amounts at present to ninety crores of pounds annually, while sixty years ago it was eleven crores. This extraordinary increase in commerce is due to the watchfulness of the English people and the superiority of their navy over other countries. England receives about pounds forty-five crores worth of imports annually, for, twenty-two crores and a half of which she pays by exporting her own manufactures, while the rest remains in England as profit. The annual income of Great Britain has increased about three-fold or four-fold during the last sixty years ; and deducting expenditure it is calculated that the people there save from fifteen to twenty crores sterling annually. England has become extremely wealthy, through sources (of income) scattered over the world such as railway, telegraph, steamers and warships (and) gold-mines in Australia, &c. The population of England has increased two-fold but by appliance of machinery commerce has increased four times ; while this single nation has lent to other countries about three or four hundred crores of rupees. The interest on all this debt which other countries have to pay to England in the shape of commerce as well as the goods which they have to send to England in exchange of British manufactures have immensely increased the commerce of England. As all this commerce is carried on by means of British ships and steamers the freight also goes to England. There is no part of the world where an English merchant is not to be seen. Go any where you please, go to the many small and insignificant islands of the Pacific and the Atlantic Oceans, (or) go to the continents of Asia, Africa and America or into regions near the North and South Poles, the activity of the British merchant is continuously going on. In a word there is no country on the surface of the globe which has no connection with British commerce or British rule. Consider how the English people carry on and maintain all this vast business in their own interests with a

steady watchfulness, and no one can help being astonished at their world-wide activity. To regulate this world-wide commerce and empire the English people have of course the aid of telegraph, railways and steam lines, and without that aid their empire would never have become so boundless. The circumstance does not, however, in any way take away from their pluck, intelligence, courage, enterprise and other qualities, nay, we may with propriety say that the spread of the empire itself has contributed to bring these qualities into greater prominence. It is on account of these qualities that two or three lakhs of Europeans rule over thirty crores of Indian people. If there be any new scientific discovery, if it is likely to prove beneficial to them, the English are the first to utilize it at once. To whatever further extent the virtues of these people and the prosperity they have attained in consequence may reach in this way, for the present, at least it appears to have reached its climax. Not only does the telegraph wire encircle the globe like a Brahmin's sacred thread, but for the protection of British commerce they have established out-posts from Gibraltar through the Mediterranean and along Arabia, India, China, Canada, &c. To protect this world-wide empire there is in England, India and the colonies together, a British army of about six or seven lakhs of all descriptions. The native army in British India and the Native States amounts to about two and half lakhs, that is in the whole army of the empire there are two British soldiers to one native. The navy besides comprises one hundred thousand men, and the fleet is about four hundred strong and it is entirely in the hands of Englishmen. This huge expenditure on the navy is nothing when compared to the extent of the empire; but it is the largest in comparison to that of the other European nations, and so long as the supremacy over the sea acquired in this manner remains with the British, there is no danger to their world-wide empire and commerce. It is said by some that the present civilization and progress depend upon the two sources, *viz.* coal and iron, and even viewed from that stand-point, England possesses these means in abundance. Nearly half of the total out-put of coal in the world is obtained from mines in British territories. In short the whole world has been occupied by these English people. They have colonies in regions which are fit for colonisation and although the Government in the case of some of them is for the most part in the hands of the colonists, yet none of them has yet separated from England like the United States of America. They have conquered a country like India and kept some like Egypt under their control. Besides, the English people have the trade of Persia, China, Afghanistan and other countries into their own hands as much as possible. In consequence their brisk and ceaseless activity is felt all over world in the shape of colonisation, conquest, and commerce, or failing these as the last alternative, friendly

intercourse and consequently their power has now reached its zenith. The English people know full well where and how to use any of the above four means and, although there were many difficulties such as the Crimean War (and) the Mutiny of 1857 during Her Majesty's reign, still the English people have surmounted all of them, and not only sustained but have developed their progressive spirit.

In England itself progress in political, social and religious matters has kept pace with this expansion of the empire. The steady development of railways, telegraph (and) steamships since Her Majesty's accession to the throne has been already alluded to. The populations of the City of London itself which was twenty lakhs has grown to forty, while England has become as it were a big honeycomb of merchants and manufacturers. The English people seeing at once that agriculture as compared with industries being insignificant, people could not live unless corn was imported from foreign countries, they established free trade and have made corn cheap throughout England. Arrangement is being made for the education of artisans and labourers and especially for technical education. Owing to the excessive accumulation of wealth the state of things in England has become mostly like that in Lanka where four gold bricks had to be paid for shaving. However, the condition of lower classes has not much improved thereby. The real strength of the British nation lies in the commercial and middle classes. Various reforms are in progress amongst them and their means of happiness are gradually increasing. The social condition of these classes has almost been revolutionised, and had it not been for their anxiety to keep up the world-wide empire, these comforts may have perhaps acted prejudicially on their good qualities. The spread of education, sanitation, good houses and roads in towns, advancement of women, post, telegraph in these things so rapid a progress is being made that he who saw the state of England sixty years ago will notice a world of difference between the past and the present condition of England. The credit of abolishing the slave trade also belongs to Queen-Victoria's *regime*, and proves clearly that this commercial nation is also sometimes actuated by unselfish and sublime impulses. It is unnecessary here to describe minutely the domestic life of the English middle classes, but it may be safely said in general that there is now more of artificialness in it than before. This is manifestly the result of vast riches and plentiful means of comforts. Well. The festival which is being celebrated as an emblem of their prosperity by the people of a nation that has thus reached the height of wealth and power is quite appropriate from their point of view. We also participate in their joy as they are our rulers; only it cannot be said that we have prospered like them during the last

sixty years. We intend to conclude this series by presenting a picture of our condition to our readers in the next issue.

A True translation

(Sd.) N. L. MANKER.

Sixth Translator.

No. 99.

(Translation of the leading Marathi article in Kesari of 22nd June, 1897, p. 2, cl. 3, 4, and 5).*

GLORY TO HER MAJESTY THE QUEEN (EMPRESS).

CONDITION OF INDIA.

Our readers must have already from (our) preceding articles grasped the fact that the people of that nation whose empire has in the last sixty years grown in extent by three quarters, whose population has doubled in the same period, whose wealth has increased three fold and commerce nine times of what it was sixty years ago, and that has risen to the pinnacle of its power,—(the people of such a nation)—are holding a grand festival in honour of their own prosperity on the occasion of their Queen's Jubilee. Let us now see what change has taken place in the condition of India during the same period. There is a rule in our science of Rhetorics that when Ravana has been described at great length, there is no need of describing Ramchandra very much. To say merely that he conquered such and such an enemy does in itself give one an idea of the prowess of Ramchandra. The same rule applies in the present case. If after describing the vast dominions, commerce and the high position of England, it is told that India is one of the poor dependencies under the sovereignty of that people, intelligent readers will not require any more description of our condition. The only circumstance that gives us pleasure is that our rulers are very wise, watchful, intelligent and Lords of not only nine crores but nine hundred and nine crores. For the rest if one looks to the condition of India one is compelled to say that the present is the sixtieth celebration not so much of our prosperity as of our decline. Well, to-day we shall avail ourselves of this occasion to explain in some detail the two sides of this (question).

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Her Majesty the Queen was born in 1819 Anno Christi ; the Peshwas' Government had at that time just come to an end. Since that time till 1837, *i.e.*, Her Majesty's accession to the throne almost the whole of India had come under British rule. The wars of conquest that took place in India after Her Majesty's coronation were only the expeditions against the Sikhs in the Punjab and the Burmese in Burma. These extended the boundaries of the empire East and West, and the expeditions that took place against the large and small savage or semi-civilized tribes on the frontier also extended the boundaries of the empire in several places in the North and the North-West. Besides owing to the large native states which were annexed in India during Lord Dalhousie's *regime* or provinces like Birar being taken over for the expenses of the contingent (forces) the red-line of British rule advanced considerably even in the interior. Either as a consequence of this or some other events a big storm burst over the Queen's Indian Empire in 1857, but even that was dispelled and to-day the British empire is firmly established from the Himalayas to Cape Comorin and from the Khiber Pass to the eastern boundary of Burma. All are aware as to what change was brought about in the system and policy of Government by the Mutiny of 1857. It is also well-known in history that after that year Her Majesty the Queen took up the reins of government in India in her own hands, and by publishing a great proclamation in 1858 laid the foundation of the administrative policy to be followed in India. The first draft of this proclamation is said to have been quite worthless. of course, Her Majesty did not approve of it and it should be remembered that all the weightiness, the statemanship or the keen solicitude for the people's welfare observable in the present proclamation, are all due to the first draft having been altered in accordance with Her Majesty's orders. If Her Majesty's good wishes had been given effect to according to her command, to-day's Jubilee festival would have proved to the people of India as much an occasion for joy and pride as to the people of England; but unfortunate as we are things did not turn out accordingly. It must be admitted with the greatest reluctance that all the reforms in the administrative system that were effected from 1857 to 1897 had with some exceptions the tendency to put more and more power in the hands of the executive and to make the people completely disarmed and helpless. This policy reached its climax in 1877 when Her Majesty the Queen was declared the Empress of India. Those very princes whom the British Government formerly regarded as their allies now became subordinate allies; while along with other British subjects the condition of these princes also declined so that all of us have now become equally powerless and dispirited. In short the saying that the prosperity of one means, the adversity of another applies fully in this case

It will be seen on a little reflexion that the phenomenon which is observable in the science of astronomy is also observable in the science of politics viz. that the moon if in conjunction with the mid-day sun becomes invisible in his rays and if in her full glory she is in the nether world. The greatest glory of the moon shining in borrowed light at such a time is to please the people in the nether world, but the insignificance of this glory compared with that of the mid-day sun is evident from the fact of the fading away of her lustre in his immediate presence. Our India has to-day reached similar condition. Whatever be the reasons for the deterioration of this country none can deny the fact that a hundred years ago eminent warriors, statesmen, and politicians were born in this country and if anybody possessed vigour, learning or intelligence, there was then full scope to be obtained for their development. But now not only have all these qualities been rendered useless by superior lustre of the British rule but disuse is leading to their extinction, and we are becoming so weak and lifeless that anybody may lord it over us or terrinise over us all, or one might say we have already become so. Unfortunately we are having a daily experience of how the people of any country degenerate when continually pressed under the roller of foreign rule; and as it is the custom when praying to the God to say that he is omnipresent and omniscient while we (mortals) are little knowing and he is all just (*i.e.* He is the universal arbiter) while we are mere atoms, exactly the same language we have to use when we consider the relations between the two countries England and India. This is the secret why the Irish have remained indifferent on the present occasion, although they have got more rights than India. The Hindus being naturally of a different disposition are celebrating this festival according to their means, but no one should wrongly infer therefrom that their condition is better than that of Ireland.

Several English officials and writers say that the condition of India has vastly improved during the last sixty years. The commerce of India which has now grown up to about two hundred crores annually was only twenty one crores sixty years ago. Railways of which there were none extend now to twenty thousands of miles. The total debt is about three hundred crores of rupees and besides about the same amount is invested by English merchants in Indian trade. Of the two hundred crores of trade mentioned above, about one hundred and seventeen crores are exports, while eighty-three are imports that is to say, we have to pay thirty four crores of rupees as tribute for foreign rule. There are besides jute and cotton mills in India. Road and railways have stimulated com-

merce, population has been doubled owing to universal peace in the country. Large works of canals, bunds (drains or dykes) and bridges, &c. are always in progress and are diminishing the danger of (occasional) famines in future. Local self-Government has been established and people have also got their representation into the Legislative Councils. Western education is making great changes in popular prejudices and customs; and freedom of the press and liberty to express their own views at (public) meetings having been granted the people are fully enjoying the liberty of thought. The revenue of the Government of India which was twenty one crores in 1837 has now reached nearly ninety-seven crores and the English language has furnished (us) with a great means for the interchange of thoughts between all the (different) people of India. In short to sum up the whole two or four (i.e. a few) large provinces have been added to the British empire in India during the last sixty years ; population is doubled; commerce has increased ninefold and Government revenue nearly five times. Besides, India has been in continuous enjoyment of railway, telegraph and other appliances of western civilization and especially of peace what more progress can be accomplished in sixty years by a country like this ?

True ; but on closer consideration any one will see from these figures that the state of India has not improved. It is to dispell the wrong impression produced by these figures that the Indian National Congress has been working for the last twelve years, and the evidence given before the Welby Commission on behalf of the Congress and especially the evidence of Mr. Dadabhai Naoroji has satisfactorily shown how India is gradually becoming impoverished and helpless under the British rule. Breaches of peace did sometimes take place during our native rule, but the kind of courage and self-reliance which was kept up by these amongst the people has now entirely disappeared. It is true that Indian commerce was very insignificant before but that means that all the articles needed by us were manufactured by us here and the best products of local artizans were exported to foreign countries. Things have undergone a complete change during the last sixty years, and matters have now come to such a pass that we send agricultural produce to England and take in English manufactures. It is simply a delusion that our trade has increased. Let us suppose that a man had formerly an income of one hundred rupees and expenditure of fifty rupees so as to make up a total account of one hundred and fifty rupees, but that the same man has now an income of rupees five hundred and expenditure of eight hundred rupees thereby having to keep up an account of rupees thirteen hundred. Has his wealth increased or lessened thereby ? Of course it must be said that it is lessened, and the same is the case with India. Whatever be the increase in Indian commerce,

it must not be forgotten that we lose in it thirty-four crores of rupees annually. Appliances like railways, telegraph, and roads have increased but all this is like decorating another's wife. Not only do they not belong to us, but we have to suffer annually a heavy loss for interest (and) exchange* on their account. It is true that a country becomes rich by means of railways and telegraphs; but which? Certainly that which constructs its own railway. Take for instance Japan. Why is it that India has not prospered during the sixty years' reign of Her Majesty as much as Japan has done during the last thirty years? The rulers of Japan are not wiser than our rulers, nor are the people of Japan more intelligent or hardy than ourselves. Only Japan is self-Government so that any improvement that takes place there is made solely for the benefit and happiness of the people of that country, while on our side in anything that is undertaken the cream goes to Europeans while the whey remains to us. India will never prosper in this way. Anybody can now easily form an idea to what poverty India is reduced by noticing how one year's drought drives lakhs of people to starvation. The Europeans having retained in their hands all the different (principal) posts in all civil and military departments requiring (the exercise) of power (or authority) and skill, all intelligence and capability in us are decaying; peace has proved an incentive to over-population; the subject population having been disarmed have not been able to retain even the capacity of self-defence. Old industries and arts have almost died out; the little education that is given is quite unsubstantial and one-sided; military and technical education amounts to a big zero; administrative expenditure is growing out of all proportions so as to become an unbearable burden to the people. Formerly money-lenders alone used to tease the ryots; now both the money-lender and the Government equally trouble the cultivators while no industry has survived except the agricultural. As regards the Native States they also are being humiliated at every step and have fallen from the rank of allies of the British Government, to the position of subjugated people; and none appears to possess any sort of energy or vigour. In brief the country which had some activity a hundred years ago has now become completely helpless and poor. This year especially famine, plague and earthquake have reduced the people to the last extremities. To speak the truth none can help thinking that this is surely not the time for celebrating the Jubilee at least in India. It is true that we poor subjects ought also to glorify (*i.e.*, to celebrate the Jubilee of) our Queen Empress; but when? When there is some plenty. The orders of the Government of India are also somewhat of the same kind; but it is not

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*The text is Manoti which means a premium or bonus to a money lender above the stipulated interest.

advisable that owing to the excessive zeal of the subordinate officers the necessary burden should be cast upon the people in some places. We do not require any body to teach us that subject people should always pray for the welfare of (their) sovereigns as a duty owed by us to their rulers; but on the other hand like subjects, rulers also have a duty towards their subjects and in consequence of this (duty) not being properly discharged we have unfortunately not been able to make that progress in 60 years under the rule of our rulers as our neighbour Japan attained in the (last) thirty years. Hence on behalf of the people of India we pray to Her Majesty Queen-Empress Victoria that she should place her Indian subjects on the road to prosperity by giving them some more rights on the occasion of this great festival. The British Empire is vast and we are very glad and willing to live under the British rule, but then of course to whatever part of the empire we go we must have the same rights as those of Her Majesty's other subjects. If all of us are children of Her Majesty the Queen, we do not understand why the children in one part should be unfotrunate and poor and why those in other part should be rich and insolent. We are even being prevented from going into the British Colonies so long as this distinction lasts the British Empire will never be laid on a sound basis. That Her Majesty the Queen approves of this principle, is evidenced by her proclamation of 1858. Hence if after seeing how far the principles of that proclamation have been carried out in forty years, Her Majesty the Queen graciously orders a full execution of them on the occasion of this great festival, not only will she have the credit of laying the foundation of prosperity of thirty crores of people, but the British Empire will thereby gain more strength and permanency. May God grant (this) and inspire the Queen (Empress) with such a desire on the occasion of this great festival, and may Her Majesty be spared to carry it out with her own hand is the prayer of us all. If India has any hope it is this only and we pray to God that He may grant long life to the Queen (Empress) Victoria and she herself should fulfil our desire.

A True translation

(Sd.) N. L. MANKER,

6th Translator.