

# India

FOR THE

WEEK ENDING FRIDAY, SEPTEMBER 1, 1899.

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## NOTES AND NEWS.

MR. ALFRED WEBB writes:—Consulting some Indian statistics lately, I came upon the fact that of late years as many as 15,000 per annum of our Indian fellow-subjects are subjected to the lash—inevitably to but a small degree regulated by the fellow-feeling and publicity with which such punishments were ever meted out in these countries, and such punishments here are now generally condemned. Travelling a few years ago in Tasmania, where corporal punishment was once universally employed, and which is now with corporal punishment abolished one of the most crimeless countries in the world, it was remarked to me by an old police official: "In proportion as we have humanised punishment, we have lessened crime." Must it not tend to lessen Indian self-respect, and European respect for Indians, to have applied to Indians punishments which for like offences would not be employed towards Europeans? What is thought on the subject by thoughtful men in India and sympathetic friends of India here?

A correspondent of the *Bengalee* reports a curious case from Karimganj which shows that tea-planters can be even more overbearing in their conduct than other Anglo-Indians. A Mr. Bultul, a tea-planter, was defendant in a case which came before the Munsiff, of Karimganj. The evidence of the plaintiff and his witnesses occupied the whole day. At six in the evening, after the pleadings on each side had left the Court, and when the Munsiff was on the point of retiring, Mr. Bultul appeared and requested that his deposition should be taken then and there. The Munsiff refused, the case having been adjourned and the pleadings having retired; but the defendant insisted, and finally threatened to report the Munsiff to the Chief Commissioner. We may leave Mr. Cotton to deal with the report. But where, save in India, would a litigant venture to treat a judge in such a manner? To the arrogance of Anglo-Indians there would seem to be no end.

The *Champion* returns to the case of Mr. Hardevram Haridas in order to ask, "what are the Government going to do with Rao Saheb Motilal Hirabhai, the city police inspector of Surat?" It will be remembered that when Mr. Hardevram, a well-known barrister, went with a colleague to offer bail for a prisoner, the police-inspector virtually put them under arrest. In the subsequent proceedings the policeman apologised handsomely and the case against him was withdrawn. But the *Champion* insists that in the interests of the public the Government should take notice of the matter. The police officer declared in his apology that he acted "on the impulse of the moment." But an officer who acts thus seems to our contemporary to be out of place in his present position. Attention is also drawn to the conduct of the city magistrate of Surat who refused to interfere because the matter was not important—two lawyers having been arrested in the performance of their professional duties—and because it was the dead of night. Yet it has been held that "a magistrate is always on duty."

The two great safeguards, we are told, of the purity and  
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efficiency of municipal life in India, when undetermined by the innate wickedness of the Indians, are the active intervention of the European citizens and the effective control of an official chairman. The Rangoon Municipality lately gave us an example of how broken a reed the former would prove if relied upon, for it was, as we noted at the time, difficult to get together a sufficient number of European ratepayers to make a nomination to that body. The same municipality has now given us reason to doubt the benefit of an official chairman. The post is paid at the rate of Rs. 2,000 per month; but as the occupants have been changed three times in three months, the Commissioners doubt if they get much value for their money, as it takes many months for the chairman to get a real knowledge of his work. The *Pioneer* says:—

It does seem monstrous that the interests of the chief city of the Provinces should be treated as of subordinate consequence to the consideration of whether an individual officer should receive a hundred or two extra by going off to officiate in some other appointment.

"There are crimes committed in the name of sanitation as well as in that of liberty." This is not a quotation from an Indian journal commenting on measures of plague prevention; nor is it likely to become the subject of a prosecution for sedition. It is taken from an approving notice of a recent circular of the Chief Commissioner of the Central Provinces, and it appeared in that leading Anglo-Indian organ, the *Pioneer*. Yet it is not so very long ago since it was deemed seditious to suggest that in matters of sanitation zeal might outrun discretion. The circular is addressed to District Officers and gives several cases in which zeal for village sanitation has been carried to an absurd extent. In one case the villagers were ordered to remove their manure heaps to a piece of common land, which was not only difficult of access, but where it was impossible to separate and protect the heaps effectually and where, owing to exposure to the sun, all the fertilising properties of the manure were lost. In another case a general order was given to the police "to have all village sites cleaned." The Chief Commissioner remarks that it would be impossible to conceive a more ill-advised order than this. As the *Pioneer* observes, "it was a virtual invitation to interference and extortion addressed to the rank and file of a force which is always on the look-out for such opportunities."

The Chief Commissioner points out that moral suasion may effect much in such matters as protecting the water supply. On the other hand he is very clear that

any attempt to impose upon the people by main force a general cleanliness and orderliness which is foreign to their habits and ideas, on the ground that it will improve the health of the village—an assertion they do not believe—is worse than useless, since the interference is followed by a speedy relapse into the old ways, while it leaves behind it a feeling of intense irritation in the minds of those who have been subjected to it.

In regard to the removal of manure heaps the Chief Commissioner reminds his District officers that the place for the dunghill even in an English farm is the farmyard and not a distant common. In fact we seem to be approaching an era of common sense even in sanitation.

A correspondent of the *Times*, with the confidence of large professional experience, sets forth a very simple mode of prevention of plague—simple if it could only be carried out in places most liable to an attack. The specific is merely plenty of open air. The writer states that he was "the sole European officer for a time in charge of the Bijapur district, where he saw hundreds of cases, inoculated over 2,000 people, had charge of segregation camps, disinfected houses, and in various other ways combated plague." But he soon gave up disinfection and quarantine as useless. He says:—

Three things are necessary before one can reproduce any seed—viz., climate, seed, and soil. The seed of plague came from China,

the soil of Bombay and the air-tight hovels supplied the two latter, so the result is an abundant crop. Laboratory experiment has conclusively proved that exposure for a comparatively short time to the sunlight and fresh air destroys the pest bacillus, and the non-infection of hospital attendants and Europeans can be explained on no other hypothesis than the fresh air theory.

In any case, fresh air and sunlight are good prophylactics. The fact may reassure people who live in cleanly and open surroundings. The difficulty is to let fresh air into the slums and dens of cities and bazaars. Yet the task will have to be faced.

The *Amrita Bazar Patrika*, in an article advocating the separation of judicial and executive functions, thinks that it is only from the officials who are in possession of this twofold power that opposition need be feared:—

They are rulers in a foreign country, and, in the opinion of most of them, despotism is as necessary to them as water is to a fish. The officials in India have been trained from the very beginning of their official career to think that the only way to secure the cause of good government is to strengthen their hands and to protect them even when they commit a wrong.

Some may be inclined to dismiss this as the partial statement of a declared opponent; but our contemporary goes on to say that this evil training has even affected the Indian deputy-magistrates, and it can hardly be accused of holding a brief against them. It adds: "The training is so bad that it is a wonder that the officials are yet so good."

The *Spectator* of Saturday last contains a letter from Professor Dicey reviewing Mr. Morison's book on "Imperial Rule in India." It is only a first instalment and is chiefly occupied with a summary of Mr. Morison's conclusions, with which Mr. Dicey is in general agreement. Like Mr. Morison, he says:—

There is in the nature of things no earthly reason to suppose that the rule of England can at the present moment be otherwise than unpopular in India.

Further he infers a probability of failure in India, if the government be carried on in the present fashion, from the admitted failure in Ireland. But we cannot help thinking that Mr. Dicey overrates, if not the knowledge, at least the impartiality of Mr. Morison. Aligarh College is a peculiar institution, and there is much in the book to show that its author has viewed Indian affairs through Aligarh spectacles. However, after the severe criticism to which the book has been submitted in the Press, and not least by the Anglo-Indian journals, Mr. Dicey's good opinion may be comforting.

Whatever other effects Sir W. Wedderburn's recent speech on the Indian Budget may have had it has certainly aroused a vivid interest in his constituency in Indian affairs. The *Banffshire Journal*, the "Unionist" organ, has a vicious article on his speech, while the *Banffshire Advertiser* has two friendly articles, one of which is reproduced on another page. The articles in the *Banffshire Advertiser* are written with a wonderful insight into Indian matters. Apparently Sir W. Wedderburn's political opponents in Banffshire are endeavouring to make party capital by the argument that he devotes too much time and thought to India. For instance, in order to be present in the House of Commons during the debate on the Indian Budget he had to absent himself from an extremely important gathering in his constituency. Complaints of this kind are a pretty commentary upon the *dictum* that all members of Parliament are "members for India," and they indicate some of the penalties which a politician has to pay for daring not to neglect the largest part of the Empire.

Professor E. S. Beesly writes in the *Positivist Review* for September:—

On many occasions we have protested against the policy of extending our Indian Empire, which, after being discouraged by wise Viceroys, was resumed by Darnall and Lytton, and has been repeatedly pursued by the military party who have of late years been in the ascendant. It is, therefore, with sincere satisfaction that I draw attention to its suspension, if not its abandonment, by Lord Curzon. The disastrous attempt to conquer the tribes on the North-Western frontier, by pouring a huge army into the highlands where they have preserved their freedom from time immemorial, is not to be repeated. Their occasional and insignificant raids into our territory—the insincere pretext for our late invasion—are to be provided against by a militia raised among the tribes themselves and officered by Englishmen. The plans already adopted for extensive fortifications and imposing garrisons are abandoned. The saving of expense is expected to be considerable. Lord Curzon has till now been an expansionist

of the most pronounced type. It is all the more to his credit that he should have learnt wisdom by experience, and have had the courage to act upon his new convictions in opposition to the military party.

Lord George Hamilton is not only Secretary of State for India, he is also Captain of Deal Castle—a very much more ancient office. The other day, when he entered on possession, he received the formal congratulations of the Deal Corporation. His references to India were select and judicious. He spoke feelingly of the "great succession of difficulties and troubles in that country," like a good man struggling with adversity. He had not a word to say on the avoidableness of the more serious difficulties and troubles with which he is officially confronted. "He had hoped," he said, "that they were about to be launched into an unbroken epoch of prosperity and advancement in India"—a hope that nobody else has ever professed to share with him—a hope that he admittedly based on results shown by Mr. David Yule to be due to a chance coincidence that may not occur again in half a century. The drought in Western India gave him uneasiness: "it would require all the skill and intelligence possible to counteract its untoward effects." But he said nothing of the skill and intelligence of the handling of the last famine in the Central Provinces. "The weight and responsibility of public life" is steadily on the increase, for "owing to the immensity of our interests abroad, which were ever increasing, it became more and more necessary year by year to adopt an attitude of circumspection and presence in protecting those interests." It would indeed be gratifying to find Lord George Hamilton developing an attitude of circumspection and presence, under the invigorating air of Deal.

Commenting on the Telegraphic Press Messages Bill the *New Age* writes (August 31):—"The obvious result will be right in the opposite direction from the professed intention of the Government, for it is only through the existing system that 'a first-rate service of telegraphic news' can reach promptly and efficiently 'the Indian public.' As a rule, the stoppage does not practically signify; but any day there may arise an occasion when the rapid communication of a telegram to 'the Indian public' may be incalculably important to the Indian Government. It is sheer nonsense to tell people that 'it is undoubted that enterprise in that direction (telegraphic Press messages) is being checked' by the 'systematic piracy' of the Native journals. Let the Government produce its evidence. The Indian dailies and Reuter, we venture to say, do not suffer to the extent of a single pie; nor will they slacken in their enterprise one single iota if this Bill is thrown into the Government waste basket. The allegation is preposterous, and insulting to the meanest intelligence. The only conclusion that one can draw is simply this, that the Government is providing at the risk of the public interests a *quid pro quo* for the Anglo-Indian dailies and Reuter. Under a show of anxiety for the prompt and accurate information of 'the Indian public,' it is deliberately, and under penalties, postponing by a couple of days the information of 'the Indian public,' on grounds that are palpably untenable. One can only hope that it may reserve the Bill for final consideration in Calcutta, as the Bombay Presidency Association urges. At Simla it is out of touch with the country."

One result of the G.I.P. Railway signallers' strike has been to throw nearly 700 men out of employment, and thus out of the means of support. A strong effort is being made to raise a fund to save the men and their families from starvation. The treasurers are Mr. Dinshaw Edalji Wacha, Dr. Ismail Jan Mahomed, Mr. Dwarhadass Dharamsi, Mr. Manmohandass Ramji, and Sundernath Dinanath Khote, and in their names an account has been opened at the Bank of Bombay. We trust that the public will make a generous response. The men were undoubtedly treated with insufferable highhandedness. Their successive petitions through two years were contemptuously ignored. When the crisis of resignation came the Agent of the Company refused to see Mr. P. M. Mehta and Mr. J. N. Tata, who expressed a desire to meet him and discuss the men's grievances with a view to an accommodation. In settling accounts, the Company is said to have "withheld a considerable portion of the Provident Fund"; and, more than that, "it has also forfeited a sum equal to a month's salary of each man." We are not in a position to

pronounce on the legality of the last two points, but the Company's action is extremely shabby and heartless. It is even vindictive, for the men's certificates are marked, in cases at least, "dismissed for misconduct"—an injurious misrepresentation which prevents men from obtaining work elsewhere, and which, we should imagine, lays the Company open to an action for damages. We hope the public will mark their sense of the conduct of the Company by getting the men into fresh positions and contributing meantime to their decent support.

At the meeting of the Viceroy's Legislative Council on August 25, the Financial Member moved for leave to postpone the introduction of the Indian Coinage Bill. The ground of the motion was that the draft of the proclamation, which must be issued under the Coinage Act of 1870, in order to constitute the Indian mints a branch of the Royal mint for the purpose of coining sovereigns, had not yet arrived from London. There is nothing remarkable in the fact at all; what is noteworthy is the comment of the Simla correspondent of the *Times* :

The plain English of this is that, as the Government officials in England are holiday-making, India must wait, and public opinion here is pretty sure to hold that, at a time when the Native community is full of apprehensions regarding the possible famine and its financial consequences, some effort might have been made to frame such a purely technical proclamation so as to allow the new currency policy of India to be entered upon as expeditiously as possible.

This is how the cares of Empire disturb the holiday repose of the Captain of Deal Castle. The fiery expedition of Simla officialdom no doubt despises holidays.

The Ripon Hospital at Simla was founded solely for the benefit of Indians and was for that reason placed close to the main bazaar. But in India everything must give way to the needs of the Anglo-Indians, which indeed in this case were sufficiently urgent. There being no hospital for Europeans, four special wards were set apart for their use. This being found insufficient, "these wards have been extended, in the only way possible, at the expense of the room available for Natives." And as the *Pioneer* goes on to say :—

This is unfair to the latter for whom the building was originally meant, and for whose benefit the funds were originally subscribed, while the position of the hospital near the bazaar rendered it unsuitable for European patients. Though this has long been obvious the expensiveness of sites at Simla prevented anything being done; but the difficulty has now been solved by the munificence of Mr. James Walker, who has offered his house, Gorton Castle, for a private hospital. It reflects little credit on the European community at Simla that they should have for so long trespassed on the space of the Ripon Hospital.

The *Statesman* deals in a trenchant article with what it calls "a flagrant scandal"—the recent Lucknow settlement. The result of the settlement is to add a lakh and a-half of rupees to the annual revenues of the North-West Provinces and Oudh. Our contemporary admits that "there is nothing to suggest that the rise of the average rate of assessment from Rs. 2 7a. to Rs. 2 13a. is excessive;" but this, it argues, "is no guarantee that it is even tolerably just in detail, and the conditions under which the new settlement has admittedly been conducted are such as to render it highly probable that this is the case."\* The settlement in fact "has been conducted with extraordinary want of care." The deputy-commissioner was overburdened with the additional duties of settlement officer, and the district officers were far too few. Further :

The North-Western Provinces Board of Revenue state in their review that "they are unable to regard with any satisfaction methods of assessment in which fair standard rentals play no part." The Settlement Commissioner of Oudh complains that no explanation is given of what he describes as "the numerous mistakes and discrepancies which impair the value of the statistical tables of which the Report chiefly consists." Finally the Chief Secretary to the North-West Provinces' Government, writing on behalf of Sir Antony MacDonnell upon the subject, observes: "The Report, as the Board observe, is lacking in fulness and the statistics are inaccurate." The fact is, as the Government resolution attached to the Report admits, "it is impossible nowadays for a single officer to administer the multifarious business of a district charge and at the same time to control efficiently the revision of a settlement."

Yet this is just what has been attempted at Lucknow; the thing has been done badly, and the badness of it all is officially acknowledged.

But now just see what follows. The additional revenue of a lakh and a-half of rupees will be collected on precisely the same terms as if the settlement had been carried out in the most deliberate, full, and accurate manner humanly possible. The injustice that has been done in particular cases will be no bar to the collection, nor excuse to the unfortunate rayat that has to pay. How far such injustices may extend no one can now say, but that they extend far and wide must be inferred from the Report itself. If several rayats, harassed by the taxation, lay their heads together to complain or if the dissatisfaction stir the whole community affected, is it to be supposed that such results will be taken home by the Government to itself? On the contrary, shall we not hear of the ingratitude of the people, and of appeals to the strong hand to uphold law and order? We commend this exhibition of official zeal to the people that rave in superlatives about the fine things our incomparable civilians are doing for the benighted Indians. We commend to them also the final comments of the *Statesman* :—

The truth is that the settlement under notice is yet another example of the penny-wise-and-pound-foolish policy, which has gone on too long, of undermining the Civil Service and of starving the internal administration of the country to pay for extravagance on the North-West frontier.

With reference to this matter a correspondent writes :—*The Friend of India* describes the Lucknow Settlement, which has just been carried out, as "a flagrant scandal." It is not affirmed that the general conclusions on which the Settlement is based, are wrong, but it is argued that sufficient care has not been taken in applying these general conclusions to individual cases. The Report states that the proprietors as a body are "involved in debt." The smaller landholders "have lost much of their property since the last Settlement," the tendency being for the small estates to be transferred "to wealthy landowners, or else to money-lenders and lawyers." But so far from the Settlement having been therefore made with extra care, we have Mr. Gray, who is Deputy Commissioner and Settlement Officer at the same time, saying :—

A Settlement so quickly brought to a conclusion may contain the elements of failure. For the first few years it will require delicate handling, especially in the tracts along the Gumbi.

With the Report thus hurriedly made the North-West Provinces Board of Revenue and the Settlement Commissioner of Oudh are dissatisfied and the Chief-Secretary of the Provincial Government observes that it "is lacking in fulness and the statistics are inaccurate."

What then (our correspondent asks) is the reason for this result, which is certain to entail misery on thousands? The Government Resolution attached to the report declares :—

It is impossible nowadays for a single officer to administer the multifarious business of a district charge and at the same time to control efficiently the revision of a settlement.

Why then did the Government of Sir Antony MacDonnell attempt the impossible? *The Friend of India* sees in this a result of the policy "of starving the internal administration of the country to pay for extravagance on the North-West frontier." Is it not also a result of the grudging admission of Indians to the public service? Would not their admission in larger numbers and in association with Anglo-Indians render that service at once cheaper and more efficient? The European civilian is, no doubt, an excellent article, but he is so expensive that he has to be taken in small numbers; as a consequence he is overworked and his efficiency is impaired. A greater number of Indians, working alongside of European colleagues, even if individually less able, which one is far from admitting, would collectively do the work better.

The *Daily Chronicle* wrote yesterday (Thursday) :—

Yet another record by the Indian cricketer, who has lived to beat Englishmen at the national game. Yesterday, at Portsmouth, in the match Sussex v. Hants, K. S. Ranjitsinhji made his 3,000th run in one season's first-class cricket—a feat never before achieved by any cricketer in the world. The Indian prince has now made 3,036 runs and the end is not yet. The nearest approach to this colossal total was his own 2,780, made in 1897, and W. G. Grace's 2,739, made in 1876. There is this much, however, to be borne in mind in comparing the figures of the English and Indian champions, and that is that a batsman has far more opportunities now than when Grace was in his prime. Thus in 1876, Grace went to the wickets forty times in his runs, and had an average of 78, while Ranji has been fifty-three times to the wickets this year, and has an average of 67.

## THE CALCUTTA MUNICIPALITY.

THE last mail from India has brought detailed accounts of two important discussions on the Calcutta Municipal Bill. One of these took place in the Legislative Council of Bengal on Mr. Surendranath Banerjea's amendment to the proposal again to refer the Bill to a Select Committee in order to consider the new plan suggested by the Government of India—the amendment having for its object to invite expressions of public opinion on what is practically a new Bill and to extend the time for its consideration. The other discussion arose in the doomed municipality itself, and was concerned with a proposal to address the Government on a charge of corruption against the Commissioners which appeared in the famous despatch of the Indian Government. Both debates throw some light on the present crisis in municipal self-government and will well repay attention.

The Bill in its present form is, as we have said, practically a new one. As it left the Bengal Legislative Council, its principal feature was a change in the executive, whereby eight members out of twelve were to be nominated, and only four chosen by the Corporation, but the Corporation itself remained unchanged. As the Bill has returned the executive is to remain as of old, but the Corporation is to be changed, the members elected by the ratepayers being reduced from 50 out of 75, to 25 out of 50. If then it was proper to invite expressions of public opinion on the former measure, it is at least as proper to invite them on the latter. If it was proper to hold a lengthy enquiry on the first Bill, the second should not be disposed of with undue haste. The opponents of the first Bill, indeed, believed that more time might well have been spent in its consideration; but the present measure is to have even less. A fortnight only is to be allowed for the Select Committee's investigation. And Mr. Banerjea's proposal to extend the time to six weeks was rejected by eleven votes to six.

It does not, however, follow that the discussion was entirely useless. Two admissions were made by the defenders of the Bill that do much to justify the opposition with which it has been received. It has been a favourite defence to urge that the new measure is copied from the municipality of Bombay; and that, as the opponents of the old Bill had referred to the example of that city, they ought therefore to receive the new constitution of Calcutta with open arms. Thus Lord George Hamilton in the recent debate in the House of Commons said:—

Among the variety of suggestions a scheme similar to that which had worked well in Bombay found favour, and this Lord Curzon adopted.

It has since been shown in this journal that in one point of cardinal importance—the proportion of members representing the Government and the European community to the whole—there exists no similarity. This is now admitted by so staunch an adherent as Mr. Baker, who at the Council table said that

The Government of India had been misunderstood with regard to the introduction of the Bombay system. It was never proposed to introduce that system in its entirety. Only those provisions in it which had been found by experience to have worked well were sought to be utilised in the new Calcutta Municipal Bill.

So that, far from the two plans being similar, the new Constitution of Calcutta contains only some provisions of that of Bombay, and the very provisions that secure the popular character of the one municipality are omitted in the new scheme for the other.

The second admission was contained in the speech with which the Lieutenant-Governor closed the debate. When the scheme of Lord Curzon was first promulgated, there were those who thought that the defenders of the present municipality were going too far in asserting that the new Bill was worse than the old, that it went further in the restriction of popular control, and that it was still more favourable to the European as distinguished from the Indian community. But we now have high authority for thinking that these views were no exaggeration of the truth, for the conclusion which the President considers must be drawn from the substitution of the new Bill for the old "is, not that Sir A. Mackenzie's Bill went too far, but that it did not go far enough." In other words, the President admits, or rather proclaims, that the present Bill goes beyond its predecessor in the direction of restriction.

There is another point in the same speech which deserves some attention, if only as a fallacy. Here is the passage:—

The judgment has been that for efficient administration a change in the constitution of the Corporation must be made, and that we must go still further than we proposed in the amendment of the constitution. That conclusion is, of course, a disappointment; but I think all reasonable men will admit that it is a conclusion which we must now accept without further demur. A dissatisfied party appeals from the High Court to the Privy Council. But if the Privy Council decides against him, he may personally consider the decision wrong, but there is no more to be said or done. That is the case here. There has been an appeal to a tribunal whose impartiality none can impugn, and that tribunal, with a courtesy and consideration which only illustrate the strength of its opinion, has given its judgment. To that judgment we must conform.

The analogy is surely bad in every way. In the first place what similarity is there between an appeal from one Court to a higher, both professedly bound by the same law, and the revision of a measure by a second political body, where both bodies are guided not by an accepted code but by considerations of expediency based on disputed facts. Secondly, a litigant might well feel aggrieved, if the Court decided that neither his contention nor that of his opponent was sound, but that a third view of the case was the right one, although that third view had never been put forward before, and although he had had no opportunity of arguing against it. It is as if two claimants of an estate found that by the decision of the Court it was given to a third party, whose rights had never been discussed or even mentioned. Thirdly, in what sense can the Council of the Governor-General be considered "a tribunal whose impartiality none can impugn?" Not only is it not a tribunal, but it is not impartial in the sense in which a court of law is impartial. It is a political body governed by political motives. The European members are in a majority, the official members are in a majority, and this body had to decide a question between the Indian and European inhabitants of Calcutta on data furnished by officials and impugned by non-officials, and it had to come to its decision not by the application of strict law but by considerations of expediency. Certainly, this reflects no discredit on the Council, which from its very nature is a political body that must act according to its lights, due regard being had to public opinion and every other element that may contribute to the success or failure of its policy. But like every other political body it must expect its use of power to be criticised and as far as is constitutionally possible opposed by those who think it mistaken. Where is the sense of speaking of such a body as "an impartial tribunal," or deprecating opposition on that ground?

The discussion in the Corporation was on this occasion much narrower in its scope, being indeed confined to one point—the charge of corruption brought against some unnamed members of the Corporation. In the despatch of the Government of India, dated June 17 last, which has been already referred to, there was mentioned among the reasons put forward by Sir A. Mackenzie for introducing his Bill:—

The growth of party spirit and the appearance among the elected Commissioners of a class of professional, and in some cases, corrupt politicians.

This serious charge, after remaining secret for two years, has now been published without any public enquiry having been made, and without the elected Commissioners having been given any opportunity of explanation or defence. It was therefore moved by Mr. Kally Nath Mitter that they might ask to be furnished with the information on which this charge was based, and the motion was carried with only three dissentients. Mr. Mitter pointed out that this charge could not be found in the public speeches of Sir A. Mackenzie on the Calcutta Municipality; nor would the new scheme of the Government exclude corrupt politicians if they remained unknown. For every reason both of justice and expediency, of fairness to the innocent and of protection to the public from the guilty, it was necessary that the Government should make known the information on which this charge of corruption rested and the persons to whom it referred. Mr. Oldham, who at the Legislative Council declared that "personally he would never join in the indictment against the Commissioners," led the opposition. He asked, according to one report why they should mind being accused of having some black sheep when such were found in almost all Corporations everywhere. But the natural

answer to this was that in other bodies the existence of a few black sheep was not made a reason for extinction; not to speak of the desire to defend themselves against a secret accusation. Whether it be true, as Sir John Woodburn affirms, that all further opposition to the Bill is useless, that the present Corporation has already been tried and found wanting, and that the wishes of the great majority of the people of Calcutta are to be set at naught, or whether even at the eleventh hour a spirit of compromise and good feeling may arise, in either case it is surely important that no unnecessary ill-will should be aroused, that a sense of private injustice should not be added to that of public defeat, and that the Government of India should not be guilty of secret accusation and of the condemnation of those who have been given no opportunity of defence.

#### THE TELEGRAPHIC PRESS MESSAGES BILL.

THE representation addressed by the President and Secretaries of the Council of the Bombay Presidency Association to the Viceroy in Council on the subject of the Telegraphic Press Messages Bill, to which we referred last week, was directed to two points: "(1) that the Bill in question should not be dealt with at Simla, but should be reserved for the consideration of a full gathering" of the Legislative Council, and "(2) that the proposed legislation should be abandoned." Both points were effectively supported by concise argument. The first is a simple application of a principle that has been in regular operation ever since the time of Lord Ripon's Viceroyalty, namely, "not to proceed at Simla, beyond mere introduction, with any measures that affect the commercial interests of the country or are of a controversial character." The Bill in question, as we have seen, is of the most controversial character; and the amplest proof of the fact was furnished by the pile of extracts from five Anglo-Indian and twenty-seven Indian newspapers which were submitted with the representation on behalf of the Bombay Presidency Association. As to the principle itself, the Council cite the case of the Presidency Small Cause Court Amendment Bill in July, 1894, to show how scrupulously it has been respected. That Bill had been introduced and finally discussed in Calcutta, and Sir Alexander Miller, who admitted that "according to ordinary practice no Bill of a commercial or a controversial character ought to be passed except at Calcutta," proposed to proceed with the Bill at Simla, as all that remained to be done was "the mere formal passing" of it. But the Bengal Chamber of Commerce interposed with a protest, which Sir Antony MacDonnell recommended the Viceroy's Council to respect, and which the Council did respect, deferring the consideration of the measure till the Calcutta session. As the Council of the Association point out, "there are infinitely greater reasons for deferring, till his Excellency's Council meet in Calcutta, the further consideration of the present measure, which has been for the first time introduced at Simla, and which has, during the very short time it has been before the public, excited strong opposition." Nor can it be brought under the exception of urgency, for the subject has admittedly been pending for seven and twenty years without appreciable harm to any conceivable public interest.

The Bill had been only three weeks before the country when the Council of the Association was able to send to Simla extracts from thirty-two journals—five of them Anglo-Indian—condemning the new-fangled policy. The Council, with subacid humour, expressly refrains from estimating "what weight may be attached to the almost unanimous opinion of the Native Press on this question." It only goes so far as to "venture to trust that the opinion of that Press which was considered and accepted when it happened to be on the side of some recent important legislation, will not on the present occasion be rejected as worthless." A strong buttress to this trust is the obvious absence of the most powerful ground of bias; "for, as a matter of fact, most of the Native papers are not directly concerned in publishing foreign news at the earliest moment." Still the official feeling undoubtedly is that the Native journalist is always "agin' the Government," except when there is some weighty cause of deflection. As the Council points out, the Government made the most of the journalistic support given to the Sugar Duty Bill. But then the Native opinion was largely in favour of the

Government policy; now, when it is adverse, it will be discounted. If the strategy of this course is plain enough, there is not a little difficulty in discerning the statesmanship of it. The Native journals are reinforced by the decided opinion of five Anglo-Indian contemporaries—the *Capital*, the *Indian Daily News*, the *Statesman*, the *Advocate of India*, and the *Champion*—which represent important interests, and are conspicuous for independence and large views of the good of the country. The selfish cry of the *Times of India* for a still more stringent Bill is shamed by the honourable attitude of the *Statesman*. "There is no newspaper in India," says the *Statesman*, "that is more deeply interested in the protection of foreign Press telegrams against piracy than our own." Yet, it says, "we have emphatically demurred, and still emphatically demur, to the conclusion that these facts justify the proposed legislation, or any similar legislation."

Let the *Statesman* set forth in its own words the main general ground of its firm conclusion:—

Not because we have any doubt that the proposed legislation is likely to result in the Indian public obtaining a better telegraphic service than they at present possess, as well as in considerable benefit to such newspaper proprietors as choose to take advantage of it, but because we think the preservation to the public intact of the right of unfettered use and criticism of published facts to be of far greater importance than any telegraphic service however excellent, or than the interest of any newspaper proprietor or body of newspaper proprietors, and because the proposed legislation overrides this right, as indeed any legislation to be effective for the purpose aimed at must do. So strongly indeed do we feel this, and so indefensible does the anomaly which the passing of the Bill will create seem to us to be, that we do not hesitate to say that, with rare exceptions, it is better that the public should remain in ignorance of facts than that public criticism of them should be prohibited.

And our contemporary goes on to develop its argument through a series of very able and instructive articles. To the same effect the Council of the Association argues "that the policy embodied in the present Bill is not one which can be justified either on grounds of principle or expediency." It dwells on the history of the question in England, and cites the views of Mr. Whorlow and the Newspaper Society as laid before the Select Committee of the House of Lords. "The establishment of an exclusive right for a stated period to disseminate views, possibly of great national importance," said Mr. Whorlow, "is contrary to public policy." The Council lay very great stress on this view; the importance of it "can scarcely be exaggerated in a country like India." No doubt Mr. Mehta and the Secretaries had before their minds such considerations as those which we referred to when we discussed the subject last week—considerations that ought never to be absent from the minds of those that are concerned in the administration or in the criticism of the government of India. The Council further points out that "it is doubtful if the public thus served will be the Native public," and "that it is equally doubtful, so far as can be judged by past experience, that the news transmitted will be in their interests." But, in any case, the Council justly concludes:—

The small advantage that may be gained by encouraging the transmission of news will be immensely counterbalanced by the prohibition of immediate comment involving in many cases a serious danger to vital public interests. It is easy to imagine many cases in which it would be disastrous to restrain immediate comment, criticism, explanation, or contradiction of news spread over the country. The little good that may be achieved, is, in the opinion of this Council, far outweighed by weighty considerations of public policy and expediency.

No wise Government would dare to proceed a single step without satisfying itself in the very fullest degree on this fundamental point.

Apart from this overwhelming practical consideration, the Council deals with the question in relation to the law on the subject of literary copyright. "One thing is undoubted," it points out: "that when a literary work is published and laid before the public, the public have the fullest right of commenting upon, criticising, exposing, contradicting, and challenging it and everything contained in it." This right is still more important in the case of telegraphic messages. It does seem odd that the Government should propose to fine newspaper proprietors for comment on, and even for the slightest reference to, news wired from abroad, however politically important. But there is another side to the case, even when the news is not in any way likely to stir the masses. The Council, as we have indicated, judges from past experience "that the news is likely to be picked out by bias and coloured by prejudice against the best interests of the Indian public."

By law, then, every misrepresentation will have a start of at least 36 hours, and it will be next to impossible for the truth to catch it up and demolish it. The Anglo-Indians that strive to blacken the faces of the Indians would seem to feel that they are getting the worst of the contest, and the Government is stepping in to lend them a hand against their opponents. For our own part we do not entertain a shadow of doubt that truth and justice will in any case eventually prevail. The struggle may be rendered more severe for a time by the artificial and arbitrary aids of an unconscionable officialism, but the final outcome is not for an instant doubtful. "The way of transgressors is hard."

## LORD GEORGE HAMILTON AND "INDIA."

### INCOMPLETE OFFICIAL REPORT.

Lord George Hamilton, as our readers are aware, in the course of his closing speech on the Indian Budget in the House of Commons on August 8, accused this journal of circulating "the grossest falsehoods." In support of this accusation he stated that we had falsely represented him as saying that India was a savage country.

In reply to this charge we placed again before our readers and our contemporaries the passage in which Lord George Hamilton, in an address to his constituents, appeared to refer to India as a savage, foreign country, together with our remarks upon the passage. Those of our contemporaries that commented upon the matter agreed in describing our remarks as fair.

The evidence which Lord George Hamilton offered in support of his sweeping accusation thus turned out to be futile; and we challenged him to produce a tittle of evidence to take its place. In the absence of such evidence we demanded from him a suitable apology for his inconviction.

More than three weeks have passed since Lord George Hamilton attacked us. We have taken pains to bring our challenge to his personal notice. But so far he has neither attempted to substantiate his charge nor apologised for it.

What has actually happened is something very different. The official ("Parliamentary Debates") report for August 8 has now been issued, and the report therein contained of the passage in which Lord G. Hamilton attacked us is as follows:—

The hon. baronet [Sir W. Wedderburn] complained that he was not a *persona grata* at the India Office. Why should he be? The hon. baronet—I do not say intentionally—and those with whom he worked do everything in their power to stir up bad feeling against the Indian Government. I consider the hon. baronet responsible for the fact that a paper called *India* circulated the grossest falsehoods, which are repeated a hundred-fold in the Native Press. So long as the hon. baronet associates with people who make that class of assertion, I decline to associate with him.

Here, it will be seen, there is not a word about a savage country. The specific—and exploded—allegation has disappeared, and what is left, as the permanent official record of the matter, is an accusation in general terms which in the nature of things it is impossible to meet.

We need only add that this official report of Lord George Hamilton's speech is marked with an asterisk—the recognised means of indicating that the report has been revised and corrected by the author of the speech.

We put it to our readers whether an honourable man, having brought so grave a charge under the shield of Parliamentary privilege, would not have been careful to see that his so-called "evidence" was reported, however grotesque it had been shown to be.

The *Leeds Mercury* (August 14) wrote:—

Sir William Wedderburn, the Member for Banffshire, is not the most tactful of politicians; but in his latest encounter with Lord George Hamilton it must be admitted that he scores at the expense of the Secretary for India. Sir William, although a retired member of the Indian Civil Service (he was for many years chief secretary to the Government of Bombay), deeply sympathises with the grievances of the people of the Dependency, and never loses an opportunity of advocating their cause. The form this advocacy takes is naturally not pleasing to the India Office; and, accordingly, in the debate on the Indian Budget last week, Lord George Hamilton attacked Sir William Wedderburn very severely, holding him responsible for a periodical called *INDIA*, which, he said, circulated "the grossest falsehoods," and which, amongst other things, recently accused Lord George of taking of India as a "savage country." The Secretary for India must now be sorry he spoke, for in the

last number of the periodical referred to a quotation is given from a speech delivered by Lord George in July of last year, in which he alludes to India as "a savage foreign country," whither English young men who join the Indian Civil Service are willing to go at the call of duty, "taking their lives in their hands." Doubtless, in future, the Secretary of State for India will pay more attention to the advice of his chief, Lord Salisbury, regarding the importance of verifying one's references.

The *New Age* (August 24) reprinted our reference to the matter in our issue of August 11, and said:—

For our part we regard the criticism of *INDIA* as calm and restrained under severe provocation. If Lord George Hamilton did not intend to indicate his opinion that India is "a savage foreign country," he ought to have taken care not to mislead his hearers by asking them expressly to turn with him "to the department for which he was responsible—*India*." If the inference of *INDIA* be wrong, why did not Lord George Hamilton at once repudiate it, either by direct communication with our contemporary or in some public manner? But this is Lord George's only case—and it turns out to be no case at all. Yet he speaks largely of "grossest falsehoods." Let him produce them. We have no doubt whatever that the Editor of *INDIA* will promptly deal with them, as he has dealt with the single "garbled reference." It has been our duty to watch *INDIA* with some vigilance, and we are bound to say that we have always regarded it as edited with the utmost care and circumspection. The Editor, we should apprehend, knows better than to deliver himself and his cause, bound hand and foot, to Lord George Hamilton by putting forward statements that he cannot substantiate. He challenges Lord George squarely, and it is for Lord George to reply in specific terms. In any case whatever line *INDIA* may take on any subject we fail to see how that can absolve Lord George from doing his duty as Indian Secretary when Sir William Wedderburn approaches him on Indian business.

## LETTER TO THE EDITOR.

### THE SUGAR INDUSTRY IN INDIA.

TO THE EDITOR OF "INDIA."

SIR,—We have still fresh in our memory the glowing and eloquent defence, by Lord George Hamilton in England and by Lord Curzon in India, of countervailing duties on European bounty-fed sugar. The legislation was to serve the industrial interests of India. That alone, they said, was the thing which actuated both of them to take the step. Relying on these professions one may fairly expect that any serious impediments which still cripple the sugar industry in India need only be brought to the notice of the Secretary of State for India and the Viceroy to be removed or redressed.

The processes of manufacturing sugar in India have been much discussed lately, and it has been found that Indians use refined as well as unrefined sugar. It has since been clearly pointed out that even before the introduction of European bounty-fed sugar into India the indigenous sugar industry of the country was decidedly on the decline. Unfortunately this fact escaped the notice of both parties who fought the battle for the countervailing duties in vain; for the real cause that injured the rising sugar industry originated in quite a different quarter.

In the manufacture of unrefined sugar, or *gool*, the manufacturer does not waste any substance, as the *gool* contains both the crystalline and the non-crystalline substances which a cane yields. But when the *gool* has to be turned into refined sugar, he can only utilise the crystalline portion of the *gool* and has to suffer a loss to the extent of the non-crystalline substance that is left behind, unless he is in a position to make use of this. Now this substance can best be utilised, and in all sugar-producing countries is utilised, to manufacture rum, which therefore is called a by-product of sugar. A few years ago a sugar refinery was started in Poona, but it could not work on account of the loss consequent on the waste of the non-crystalline substance, as a sugar-refiner, under the existing excise regulations of the Government of India, is prohibited from manufacturing rum or any other alcoholic spirit. The owner of another sugar refinery in the Madras Presidency, I am told, went all the way to Allahabad, from one end of the country to the other, praying for a concession from the Government to utilise the remains of his sugar factory in manufacturing rum, but the Government flatly refused any concession in the matter as it was against the standing rules of the excise department. It will thus be seen that the industry, notwithstanding the protection lately given to it, is sure to wither away.

Now if the sugar industry of India is, in the words of Lord George Hamilton, the only staple occupation in India, and if he thinks that a blow at this industry means the upsetting of the whole agriculture of India, will it be justifiable to hamper and subsequently ruin the industry for a profit in the excise revenue of the country? Will it not be wise and prudent to

disregard the paltry interest of the excise department in order to foster this industry which, as he says, is one of the most prominent industries of India, which employs several millions of people, and whose annual crop is estimated at twenty million sterling? The Government of India should, in this connexion, take a lesson from Mauritius, where the sugar industry is rapidly prospering. Why? "Because," in the words of one of the Mauritius correspondents, "the excise rules here admit of an elastic management permitting the cane producers to dispose of their non-crystalline products to liqueur makers, with a freedom possessed in the case of other products." Lord George Hamilton, we have every reason to hope, who so energetically tried to give a lift to the Indian sugar industry over the European bounties by levying countervailing duties, will not leave it still crippled by comparison with that of the West Indies. I think he is bound to do this much in order to keep consistency between his professions and deeds.

Lord Curzon also said: "If we regard it (the sugar industry) from the point of view of Native manufacturers what would be the meaning and value of the speeches which I have made since I came to India about the encouragement of Native enterprise if I were to acquiesce in the tacit suppression of this promising branch of indigenous industry?" "We ought," he added, "on the contrary, I think, to stimulate and encourage its development by every means in our power." Granting free licences to sugar refiners to dispose of their non-crystalline substances will simply be an honourable fulfilment of this laudable promise.—Yours, etc.,

A RECLUSE.

## NOTES FROM BOMBAY.

[FROM AN INDIAN CORRESPONDENT.]

BOMBAY, August 12.

The most important news of the week is of the "new departure" said to be resolved upon by the Government of Lord Curzon in trans-frontier politics. It was announced with a great flourish of trumpets in the principal official organs; but no doubt we shall have more authentic particulars later when the despatch is published. I do not yet know the views of my countrymen in other parts of the country, but here the matter is not considered one for either regret or congratulation. It is not the policy of the Government beyond the borders, pursued since 1876, which has undergone any radical change. Chastened by the reverses of the disastrous Tirah campaign, and warned by the bitter financial embarrassments of the past, they have now tried to find a golden bridge across which to retire from the position in which the Chitral incident and its immediate issues placed them. The new departure is in the method of holding the positions acquired in the trans-frontier territories during the last few years by force and other questionable means. We are told that it will result in a saving of "lakhs"; but we are not informed of the approximate amount of the saving. That is left entirely to the imagination of the overburdened taxpayer. Regular troops are to be withdrawn. Their places are to be filled by local militias. These will serve as instruments of offence and defence. They will be bound to support the British in chastising their border enemies, and they will have the advantage of defending their own hearths and homes from marauding neighbours. For this service they will be liberally subsidised. The regular forces will be withdrawn, while light railways will be constructed to strategic centres.

All this is no reversal of the Forward policy. It is merely an altered method of safeguarding the trans-frontier territories already acquired. How the change will save "lakhs" to the empire is indeed a puzzle. Whatever saving by way of transport and commissariat charges, in excess of the ordinary, is made will, I fear, be more than neutralised by the liberal subsidies. And how will the construction of light strategic railways save "lakhs" to the Treasury when it is notorious that no State railway of this type has yet paid even the ordinary interest of  $\frac{3}{4}$  or 4 per cent. on its capital outlay.

And while the ostensible reason for the change may be what the courtier press has alleged, might not there be some other more tangible reason? As affairs stand in the Transvaal it would seem that the war crisis is not yet over. Troops after troops are sailing from England; while the reference to South African politics in the Queen's Speech is ominous enough, though it may be only a veiled threat to the President of the Boer Republic. We have heard of the Indian Government having long since received a mandate to hold 10,000 British troops in readiness in the case of an outbreak of hostilities. Where are those troops to come from? As it is they are said to

be not enough. Can it be that this "new departure" is connected with that particular purpose?

There is yet another aspect of the matter which needs to be examined. The tribal levies are to be raised and maintained on the principle introduced by the late Colonel Sandeman in Baluchistan. The system has been much eulogised by the admirers of that gallant officer. No doubt it was a more conciliatory way of dealing with the tribes. But it is a question whether what was good for the Baluchis is good for the border tribes in the North-West, who are not only independent but at eternal war with their neighbours. Internecine blood feuds and mutual raids are very common. The tribes are irreconcilable and uncompromising. Even the *Times of India*, which is a strong admirer of the Sandeman system, is doubtful on this point. Another set of critics of the frontier policy of the Government have not disguised their opinion. Illimitable subsidies also meant illimitable secret intrigue, which had for its object division in the friendly camp. At the proper time absorption or annexation became inevitable, and it was done. The history of the occupation of Quetta and that of the Khelat Khanate up to a recent date are clear evidence that the Sandeman system is not all that its admirers and apologists say.

In connexion with this "new departure" there is also talk of reorganising the so-called volunteer forces of the empire. The reorganisation is to produce a paid body of volunteers. But it is a contradiction in terms to speak of paid volunteers. And what after all is this volunteer force in India? It is an irregular number of troops scattered far and wide over the country, a force which is never constant, a force with absolutely no stake in the country. Those who have a permanent stake in the country are the natives of India. But they are proscribed from entering the force because of the mistaken policy of mistrust. The system is rotten. Very few first-class Europeans join the force. They have to press into the service Eurasians and members of other nationalities save the natives of India. Could such an unnatural scheme work? The force has now existed for thirty years. It has entailed an expenditure not at all commensurate with the work it is supposed to do. In fact, it is a needless burden on the taxpayers. An alien force, with no permanence, no vitality and no interest, is next to a mercenary one. It is unnatural and never can succeed. The Government know it. And because Government is aware of the inherent weakness of the volunteer force it is now offering a bait in the form of pay. This is precious volunteering indeed.

The Copyright Bill has evoked unanimous opposition in the Indian Press. Papers like the *Statesman*, the *Indian Daily News*, *Capital*, and the *Advocate of India*, which are all English, also condemn it. Yet in the teeth of this opposition Lord Curzon's Government is determined to pass the Bill at once. The Bombay Presidency Association, echoing the voice of the Indian people, prayed for the postponement of consideration of the Bill till the re-assembling of the Government in Calcutta. The petition has been based on the ground that no cogent reasons are shown for postponement, though if the Association will urge such reasons before the 15th the Government will give them careful consideration. The Association has taken up the challenge and is about to send a reasoned remonstrance in a day or two. Let us see how it fares. The fact is that the Indian Government, when it is bent upon hurrying through legislation of a controversial character, never cares for public opinion. It puts forth "the unanimity of public opinion" only when it finds that public opinion supports its case. Otherwise it is not slow to cast public opinion under such pretexts as the Imperial Secretariat may prompt. The present Bill, it is notorious, is put forth not in the public interest but in the interests of two or three private persons or proprietors of newspapers and other bodies which make gain by selling news.

The telegram touching the debate on the Indian Budget in Parliament is to hand. It tells us that Lord George Hamilton once more fell foul of Sir William Wedderburn. There is great indignation here among enlightened Indians. At the same time they think that such vile attacks, based and unfounded as they are, defeat their own object, and so far may be treated with contempt. It is the pure insolence of office, and the sympathy of all India is with that noble-minded and thoroughly disinterested Englishman who for many a year past has been almost single-handed in fighting their battle in Parliament regardless of party gibe and sneer, and undaunted by the unparliamentary and un-English attacks of the most incompetent Secretary of State that India has had the misfortune to put up with since the direct assumption of the Government of India by the Crown. The fact is that the worm has turned. We perceive in this a most hopeful sign of coming good. Lord George Hamilton is simply the instrument which echoes the malice and resentment of the India Office which is so inveterately hostile to all legitimate Indian agitation for reform. But the better government of India which the Congress party has persistently sought for these fifteen years is certain to be realised before many years are over in spite of the bureaucracy. Truth will triumph at last even though there be a dozen India Councils and a dozen Secretaries of State of the type we are now familiar with.

## THE TELEGRAPHIC PRESS MESSAGES BILL.

## MEMORIAL FROM THE BOMBAY PRESIDENCY ASSOCIATION.

We give below the text of a memorial addressed by the Bombay Presidency Association to the Government of India:—

Bombay Presidency Association,  
Apollo Bunder,  
Bombay, August 11, 1899.

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,  
Legislative Department, Simla.

Sir,—We are requested by the Council of the Bombay Presidency Association to submit, for the consideration of His Excellency the Governor General's Council for the purpose of making laws and regulations, the following representation about the Telegraphic Press Messages Bill, 1899.

2. The Council beg to submit that, for many years past, it has been the recognised rule of His Excellency the Governor General's Council not to proceed at Simla beyond mere introduction with any measures that affect the commercial interests of the country or are of a controversial character. The only exception made to this rule has been in the case of measures like the Currency and Tariff Legislation, that in their very nature require that all their stages must be immediately gone through, and are of such an urgent character as could not, in the public interest, be postponed till the Calcutta Sessions. In proposing to refer the Indian Penal Code and Act VI of 1894 Amendment Bill, Sir Alexander Miller said:—"This is a Bill which was introduced at Calcutta. . . I do not think it contains anything which is at all of a controversial nature, and it is unquestionably—at any rate so far as the part of it which refers to this international postal arrangement is concerned—of a very urgent character. I do not think, therefore, that any harm can be done by referring the Bill to a Select Committee." The Council beg further to invite attention to the proceedings of the Viceregal Legislative Council of July, 1894, on the Presidency Small Cause Court Amendment Bill as a very strong illustration of how this rule has been in the past scrupulously adhered to. In that case the Bill was introduced and assented to a Select Committee in Calcutta, the entire discussion on it had taken place in Calcutta, and, under the circumstances, Sir Alexander Miller, while admitting that "according to ordinary practice no Bill of a commercial or a controversial character ought to be passed except at Calcutta," attempted to persuade the Council to proceed with the Bill at Simla on the ground that the rule in question, as he said, had been substantially complied with by all the controversial points being discussed and settled in Calcutta, and all that remained to be done was "the mere formal passing of the Bill."

The Bengal Chamber of Commerce, however, had protested against the course proposed by Sir Alexander Miller. Sir Antony MacDonnell, during the debate on this matter to say that from Lord Ripon's time I believe that most measures affecting the commercial interests of the country, or of a controversial character, have been passed by this Council at Calcutta. As my hon. friend, Sir Alexander Miller has said, I was a member of the Select Committee on the Bill, the President of the Chamber of Commerce, Mr. Playfair, was also a member; and so was Sir Griffith Evans. The Bill was most carefully discussed, and my remembrance is that the conclusions came to were referred to the Chamber of Commerce with the view of procuring their assent to the arrangements come to, and we were informed in Select Committee that the arrangements or proposals made were acceptable to the Chamber of Commerce, and generally to the mercantile community of Calcutta; so that when my hon. friend Sir Alexander Miller the other day proposed to bring forward this Bill I made no objection, because I thought it would be passed through as a matter of course. Now, however, as objection has been raised to its being proceeded with in Simla by such an influential body as the Bengal Chamber of Commerce, it would, I think, be better if the Bill is submitted to the complete Council, and if your Excellency had the advantage of hearing a debate on the substantive provisions of the measure." The Council, including Sir Alexander Miller, ultimately agreed to defer the consideration of the measure till the Calcutta Session. The Council of the Association venture to submit that there are infinitely greater reasons for deferring, till his Excellency's Council meet in Calcutta, the further consideration of the present measure which has been for the first time introduced at Simla, and which has, during the very short time it has been before the public, excited strong opposition. It cannot fall into the exception made to the rule of not taking up controversial legislation at Simla for a measure that can wait, hanging as it has been ever since the year 1885, without any serious harm to the public interests, for a few months more, nor can it by any possibility be said to be of such a nature that if once introduced it is imperative on public grounds that all its stages must be immediately gone through. Under these circumstances, the Council of the Association respectfully submits that no case has been made out for departing, in the present instance, from the rule of not proceeding with controversial measures at the Simla Sessions where the non-official members are practically not invited to attend; and trusts that His Excellency's Council will be pleased to postpone any further consideration of the Bill for a full and complete meeting of the Council at Calcutta. The scope of the activity of non-official members is at its best very limited, and it would be still further curtailed if legislation of this character was carried out at a time when their presence was dispensed with.

3. The Council of the Association beg to invite the attention of His Excellency's Council to the fact that, although only about three weeks have elapsed since the Bill was first introduced, a strong body of opinion has declared itself against the measure. The almost unanimous voice of the Native Press, as will appear from the statement hereto appended, is strongly raised against the proposed legislation, and the same view has been taken by some Anglo-Indian

papers, among whom are the *Capital*, the *Indian Daily News*, the *Statesman*, the *Advocate of India*, and the *Champion*. The Council cannot say what weight may be attached to the almost unanimous opinion of the Native Press on this question; but it ventures to trust that the opinion of that press which was considered and accepted, when it happened to be on the side of some recent important legislation, will not, on the present occasion, be rejected as worthless. It is, the Council may point out, erroneous to suppose that the opinion of the Native Press on the question is biased by its interest; for, as a matter of fact, most of the Native papers are not directly concerned in publishing foreign news at the earliest moment.

4. But whether the Bill is finally dealt with at Simla or not, the Council will now submit that the policy embodied in the present Bill is not one which can be justified either on grounds of principle or expediency. No such legislation has yet found acceptance in England or so far as the Council is aware, in any other country except the little Crown Colony of Ceylon. It is alleged that some of the other English Colonies have under consideration measures for giving protection to telegraphic messages, but within the short time the Bill has been introduced, the Council have been unable to ascertain to what extent this has been done, and the speech of the honourable member who introduced the Bill has stopped short of stating how far those Colonies have actually carried out similar legislation. The history of this question, so far as England is concerned, is extremely instructive. A Select Committee of the House of Commons has been sitting for some time to consider a comprehensive Copyright Bill, and judging from the evidence given before it, public opinion in England has, the Council submit, strongly manifested itself against the proposal to give Copyright in news. Mr. Henry Whorlow, Secretary of the Newspaper Society, which has been in existence for over sixty years, and includes the proprietors of practically all the leading newspapers of the United Kingdom, had, at a sitting of the Select Committee, obtained a pledge that if he could show that "there was ground for believing that there was a preponderance of opinion among newspaper proprietors generally against the proposal to make news the subject of statutory Copyright, there was a probability that the clause dealing with the point will not remain in the Bill." At a subsequent sitting, Mr. Whorlow was able to produce the following resolution passed unanimously by the Committee of the Society:—"That the newspaper society having taken the opinion of its members is not favourable to any change in the present condition of the law with reference to Copyright in news, and especially disapproves of Clause 12 in the present Bill." The clause referred to corresponds to explanation one in Section 2 of the present Bill. One of the reasons stated by him for the above Resolution was, "that the establishment of an exclusive right for a stated period to disseminate news, possibly of great national importance, is contrary to public policy." This is a consideration of the importance of which can scarcely be exaggerated in a country like India. A telegram from the Berlin correspondent of an English newspaper states that "The draft of the new Copyright Bill, which will be laid before the Reichstag early next year, provides for the better protection of the Copyright of daily newspapers and of literature generally. No paper will be permitted to reprint articles without stating the source or to reproduce a scientific article from a journal without the special permission of the author. *Reproduction of the news of the day will be permitted on the source being acknowledged.*" Ceylon seems to be the only place where legislation on this subject is carried to the extent of the present measure. The Council respectfully venture to think that so distant a colony can hardly afford an example for similar legislation for a continent like India.

5. The Council observe that there is great misconception with regard to the merits of such legislation as is proposed in this Bill. Many people seem to imagine that copyright in news is a matter of right, and even of the right of private property. It is doubtful whether even in regard to literary copyright, there is any question of the right of private property. But one thing is undoubted that when a literary work is published and laid before the public, the public have the fullest right of commenting upon, criticising, exposing, contradicting, and challenging it and everything contained in it. If this is so with regard to literary copyright, it is infinitely more so with regard to news. A man may spend money in procuring and transmitting news which he desires to lay before the public for his own gain. But the Council submit that under no circumstances can that justify a claim on his part to deprive even temporarily the public of their inherent right of commenting and exchanging comments upon news so placed before them. It would be an extreme act on the part of the legislature to take away this right.

6. It is argued that the proposed legislation is in the interests of the public themselves, as the transmission of foreign news would be encouraged by protection. In the first place it is doubtful if the public thus served will be the Native public. In the second place it is equally doubtful, so far as can be judged by past experience, that the news transmitted will be in their interests. On the contrary, judging from the past, the news is likely to be picked out by bias and coloured by prejudice against their best interests. But however that may be, the only advantage arising from the proposed legislation, the transmission of news will be immensely overbalanced by the prohibition of immediate comment, involving in many cases serious danger to vital public interests. It is easy to imagine many cases in which it would be disastrous to restrain immediate comment, criticism, explanation, or contradiction of news spread over the country. The little good that may be achieved is, in the opinion of this Council, far outweighed by weighty considerations of public policy and expediency.

7. The arguments against the proposed legislation have been very clearly, forcibly, and exhaustively dealt with in the public press. They are herewith appended a list of the newspapers in which they have been expressed, and the Council also venture to place before the Legislative Council a collection of the articles written by them dealing with this subject. The Council trust that they will go to the satisfaction of His Excellency the Viceroy's Legislative Council that (1) the Bill in question should not be dealt with at Simla, but should be reserved



for consideration for a full gathering of its honourable members, and (2) that the proposed legislation should be abandoned.

We have the honour to be, Sir,  
Your most obedient servants,

PHEROZESHAH M. MEHTA, *President.*  
DINSHAW EDALJI WACHA, }  
N. G. CHANDAVARKAR, } *Honorary*  
ABEUBUDIN TYABJI, } *Secretaries.*

Letter of the Bombay Presidency Association to the Secretary, Government of India, Legislative Department, Simla, August 11, 1899, on the Telegraphic Press Message Bill.

Index to the Extracts from Anglo-Indian and Indian newspapers on the Bill:—

- ANGLO-INDIAN PAPERS.
1. *The Capital*, July 20, 27, August 3, 1899.
  2. *Indian Daily News*, July 24, 1899.
  3. *Advocate of India*, July 15, 31, August 7, 1899.
  4. *The Statesman*, June 25, August 4, 5, 6, 8 and 9, 1899.
  5. *Champion*, July 2, 9, 1899.
- INDIAN PAPERS.
6. *The Indian Nation*, July 24, 1899.
  7. *Advocate*, August 1, 1899.
  8. *Nyanj Prabash*, August 3, 1899.
  9. *The Gugarat Mitra*, and *Gugarat Darpan*, July 23, 1899.
  10. *The Gujarati*, July 30, August 6, 1899.
  11. *Rast Gofar*, July 23, 1899.
  12. *Amrita Basar Patrika*, July 23, 1899.
  13. *Indian Mirror*, July 20, 22, 25, August 6 and 8, 1899.
  14. *The Hindoo*, July 26, August 5 and 7, 1899.
  15. *Kaiser-i-Hind*, July 30, 1899.
  16. *The Madras Standard*, July 25, August 5 and 7, 1899.
  17. *The Indian Standard*, July 30, 1899.
  18. *Power and Guardian*, July 30 and August 6, 1899.
  19. *Tribune*, July 20, August 8, 1899.
  20. *Native Opinion*, July 6, 16, August 10, 1899.
  21. *The Mahabata*, August 9, 1899.
  22. *Prabhat*, July 29, 1899.
  23. *The Poona Bandhu*, July 23, 1899.
  24. *The Satya Vajya*, July 19, 1899.
  25. *Indian Spectator*, July 23, August 6, 1899.
  26. *The Indian Herald*, July 29, 1899.
  27. *Indu Pra'ash*, July 20, August 10, 1899.
  28. *Bombay Samachar*, June 1, July 4, 18, 27, 31, 1899.
  29. *Jans-Janshed*, July 1, 20, 1899.
  30. *Akhare Soudagar*.
  31. *Rast Gofar*, August 6, 1899.
  32. *Shree Sayaji Vajya*, July 27, 1899.
  33. *Akhare Soudagar*, July 20, August 4, 1899.

The *Morning Leader* (August 30) wrote:—

It looks as if India had come to be regarded as so much cheap material for political experiments. The Sugar Duty Act has been quickly followed by a Telegraphic Press Messages Bill, which gives copyright in British India to foreign telegrams for sixty hours after receipt or thirty-six hours after publication. In order to bring a telegram within the provisions of the Bill a newspaper needs only to employ the heading "by foreign telegraph" and to state the day and hour of its receipt. The news then becomes copyright and nobody else may publish it within the stated period under pain of a fine of one hundred rupees for the first and five hundred rupees for a subsequent offence. Moreover publication is defined in the Bill in peculiarly stringent terms. It includes not only the publication of any part or the substance of, but "any comment upon or any reference to," a message. The ostensible pretext for this drastic legislation is "the great importance to the Indian public of a first-rate service of telegraphic news," from which one gathers that in the opinion of the Government of India the "Indian public" means merely the readers of Anglo-Indian newspapers. Of course the Indian journals—and, let us add to their credit, some of the Anglo-Indian journals—are bitterly hostile to this legislation which is being, if it has not already been, hurried through on the heights of distant Simla. Apparently the ordinary service of foreign telegrams to India, being intended for the English garrison, has not much interest for Indian journals, even if they could conveniently afford to pay for it. But the Indian journals are greatly interested in the political portion of the telegrams, and it seems, to say the least of it, extremely dubious policy to prohibit Native comments on important political news for thirty-six or sixty hours. In the debate on the sugar legislation Lord George Hamilton professed to attach much value to Indian opinion, which on that occasion happened in a large degree to support Mr. Chamberlain's mandate. Indian opinion upon this extension of copyright law ought not to be ignored. Journalists at home would do well to look into the matter, especially as the Indian Bill is already being cited in the *Times* as a model for legislation here.

## THE NEW TRANS-FRONTIER POLICY.

### SOME OPINIONS OF THE PRESS IN INDIA.

#### THE "PIONEER."

Such are the arrangements which have already been sanctioned and are about to be put into operation along the entire length of the frontier from the Hindu Kush to Beluchistan. If they are closely examined it will appear that they are based upon certain common principles of policy and action which may be thus classified and defined. It is the desire of the Government of India in the first place to save the great expense and permanent subtraction from the offen-

sive strength of India that are caused by locking large numbers of the regular army in advanced fortified positions in the tribal country at a distance from our base. Secondly, inasmuch as retirements from these regions is in virtue of engagements entered into neither possible nor desirable, it is proposed to provide for their proper protection and at the same time to enlist the tribes in the defence of their own country by enrolling them in the local militia corps under British officers in varying degrees of organisation according to the requirements of the locality and the state of development of our relations with the tribes. The tribal corps will in fact represent more than one intervening stage between the primitive feudal levies of the Chitral Valley and the highly trained and semi-military organisation of the Khaiber Rifles. The third principle that may be elicited from the steps above described is the provision of adequate military security for the positions from which military garrisons are to be withdrawn by the maintenance of camps or movable columns at neighbouring points within or upon the administrative border of India. These cantonments will where possible be connected by light railways with the military bases of British India so that it should be possible to push forward almost at a moment's notice the forces that may be required for the suppression of disturbance or the support of the militia in the tribal area on this side of the Durand line. The result of these measures if successfully introduced will be a net annual saving of many lakhs of rupees to the Indian Exchequer, the restoration to offensive strength of the Indian Army of a very considerable quota now habitually lost to it by service in advanced garrisons, and the conciliation of the tribes by the offer of secure and well-paid employment in the defence of their own country. (August 11.)

#### THE "ENGLISHMAN."

The full details of the policy Lord Curzon proposes to pursue in future on the North-West frontier have now been published. It must be a matter for satisfaction to all interested in India that some means have at last been found of reducing not only the ordinary frontier expenses, but the chances of friction and conflict leading at irregular intervals to the outlay of vast sums which the country can ill afford. . . . There can be little doubt that the presence of bodies of British troops at isolated points across the frontier has been responsible to a large extent for the frequent risings of the clans. Of course, other factors have been at work—the Pathan's love of fighting and his fanatical religion—and it has been contended that were there no posts and forts across the frontier those within the frontier would be the objects of attack. This is true enough as far as it goes, but it should be remembered that the presence of foreign troops in what the tribesmen consider their territory must always be a source of irritation. Besides, there is the temptation of proximity. It is one thing to gather an armed force and make for a distant objective, and quite another to suddenly summon neighbours to attack an enemy settled in one's midst. For these reasons the new policy must have some good effect in settling the border. But the Government has gone further. By boldly enlisting a number of tribal levies, looking to the British for their pay, the younger bloods, who prefer a military life, will be attracted to the service of law and order. The system of subsidies, however well it has answered among the Beluchis, has not been very successful among Pathans, who are democratic and do not see why the money should stick in one or two hands. The new system will distribute it just among those who formerly were the least likely to get it, and have been ever the first in fomenting trouble. (August 8.)

#### THE "TIMES OF INDIA."

The scheme for the future control of the North-West frontier, published in our impression of yesterday, constitutes the most important work hitherto undertaken by Lord Curzon in the domain of Indian statesmanship. It is not an ideal settlement of the difficulty, nor can confident hopes of the avoidance of further trouble be built upon it. But perfection can never be attained on the frontier, and the utmost that the most capable administrator can aim at is the minimising of chances of strife. It remains to be seen how far Lord Curzon's scheme is an easily workable one. He has at least gone far towards pleasing all sides in an extremely embittered controversy. On the one hand, the advocates of a "strong" frontier policy will be gratified to know that there is no talk of retreat from Chitral, and that British influence will be maintained up to the political frontier line. On the other, the military critics of the Government will welcome the diminution of the Chitral garrison, and the substitution of a police corps for the garrisons on the Samana Range; while the economists will rejoice at the prospective reduction in frontier charges, and the frugal spirit in which the measures have been conceived. The danger of attempting to gain everyone's approval is proverbial; yet it is probable that in this matter Lord Curzon will not only enlist the support of all schools of frontier experts, but that he will do so without imperilling the success of his proposals. His very moderation will doubtless astonish those critics who hastily predicted that Lord Curzon's arrival in India would be the signal for the introduction of an aggressive policy in frontier matters. The new Viceroy was credited with aspiring to become a second Dalhousie. (Aug. 12.)

#### THE "MADRAS MAIL."

The kernel of the whole arrangement is the employment of the tribes "in the defence of their own country" by enrolling them in local militia corps, which will be distinguished from levy corps by being placed under British officers. The reduction of the number of regular corps in trans-frontier positions which this will render possible will be as welcome to the Indian army as it will be to the tribes themselves. It is the presence of regular troops in their midst which causes the most acute and constant feeling of hostility on the part of the tribes. Considering the splendid work done by Pathan Sepoys in the regular army, there is every reason to believe that the new militia corps will do very successful and will provide a considerable number of "young bloods" of Pathan manhood. (August 10.)

## THE "INDIAN BUDGET" DEBATE.

FROM THE "BANFESHIRE ADVERTISER."

Sir William Wedderburn found himself in a dilemma last week when he had to apologise to the Banfshire Liberal Association for his hasty return to London in time for the Parliamentary debate on the Indian Budget, which had been suddenly altered from Thursday to Tuesday. In this manner the hon. member was compelled to absent himself from the Keith show and the Liberal meeting, and return at the call of duty to the House of Commons. Occasional attempts have been made by Sir William's political opponents to sow discontent in the minds of his supporters on account of the hon. member's undoubted partiality for Indian affairs, and it may even be that such seeds would be apt to fertilise under the influence of Sir William's action in, as might mistakenly be supposed, placing Indian affairs before those of his own constituency. The Liberal Association, as is the most natural thing in the world, expects their member to be present at their annual meeting, not only to give him a word of encouragement, if need be, but also to confer on the best means to be taken to retain the seat in the Liberal interest. In view of the facts that a General Election cannot now be stayed for more than two years, and that a Unionist candidate had already put in an appearance in the field this year for the first time during the office of the present Government, the necessity for Sir William's presence was all the greater at this time. He is no doubt well aware that the Liberal organisation in Banfshire is probably the weakest part of the political game in the county, and that Liberalism would start as a poor chance if it were not for the aid of common sense and discrimination of the great bulk of the electorate impels voters to take a right view of things, and to record their votes accordingly. Still there are certain red tape forms to go through, and legal traps for electors to be steered clear of, and if these are not looked sharply after the Liberal cause is bound to be the loser thereby.

We confess that on a broad view of Sir William's action in deciding in favour of attending the Indian Budget debate in preference to remaining in his constituency—although the Unionist press find ground for cavil thereat—there is much to be said in his justification. The reading of the debate has, I plead his ample excuse, and while he would have escaped some rather hard words in the House of Commons by having left the debate to itself, yet we never knew our member to spare himself on that account. On Tuesday he fared worse than usual for exercising what the *Star* calls the old Liberal habit of saying what he thought. In addition to the difficult task of backing up a forlorn hope in face of the Government party, Sir Henry Fowler, the ex-Minister for India, felt foul of Sir William Wedderburn for saying that "in all other departments the ex-Minister takes the lead in criticising the doings of his successor on the Treasury Bench. But this is not the case as regards India. The ex-Minister during his term of office has become so thoroughly saturated with the spirit and traditions of the India Office that he cannot emancipate himself when he crosses to the Opposition side; so that when Indian complaints are under debate he seldom comes forward, and when he does it is generally to exchange compliments with his successor in office and denounce the independent member who has brought forward the grievance." Forthwith, as if in very proof of the truth of Sir William's assertion, Sir Henry Fowler made a glowing eulogy on the India Office methods in general, and the Secretary of State for India in particular, which the *Star* characterises as a "inducious farce," adding that "the spectacle of Sir Henry Fowler falling on Lord George Hamilton's neck in a paroxysm of mutual admiration is little too much for Liberals." As chairman of the Indian Parliamentary Committee, too, it would scarcely have looked well for our member to have absented himself from the chief debate of the Session, so far as Indian affairs are concerned. From Lord George Hamilton Sir William was no doubt prepared for hard words, but it seems to us that the controversial methods of Lord George are like those of the Heathen Chinee, peculiar. He did not reply to the assertions made by Sir William as to the conduct of Indian Secretaries in office, but launched into a tirade against the paper called *INDIA* because Sir William is a member of the Committee of which *INDIA* is the official organ. Upon the fact of Sir William having constituted himself, as Lord George termed it, "the leader of the opposition to the Indian Government," and the facts connected therewith, Lord George Hamilton said Sir William's failure to get the official ear to his claim for redress of Indian grievances—such as keeping Indians two years in prison without trial or a knowledge of what they were charged with—was due. This is a nice reason, truly, for serving out cavalier treatment by a Government Department to a qualified representative of a British constituency, and therefore also a representative of India. According to this doctrine of Lord George's nobody need make enquiries or complaints at the India Office but those who are free from such "facts" as connexion with "opposition to the Indian Government," and yet we have in the same debate the portentous utterance of Sir Henry Fowler, "I know no more effective control than the power of asking questions."

Lord George Hamilton said he "did not care how hard a man hit if he were only honest and straightforward," and in illustration of that article of faith he proceeded to libel *INDIA* as a paper which circulated the grossest falsehoods, which went out to India and were reprinted a hundredfold in the Native Press." In its Friday's issue *INDIA* challenges Lord George Hamilton "to produce a title of evidence in support of this cowardly accusation," and proceeds to shed some light upon the cause of Lord George's pique at the paper, which turns out to be a criticism of some remarks of his thirteen months ago, when *INDIA* caught Lord George tripping over the relations between the extension of the Indian Empire and the actions of the Indian Government. Upon the intrinsic merits of the amendment our views are well known. The truth of the matter respecting the Indian Budget surplus lies in that part played by a rise in the rate of the exchange value of the rupee, which has been eaten up by war and famine till this year. Had exchange remained at the level

at which it stood in 1894-5, and had revenue and expenditure in India remained just as at present, instead of a surplus of four millions there would be a deficit of nearly two millions. Yet just as many rupees would have been paid into the Indian treasuries. Regarding the treatment of Indian affairs we cannot do better than quote the *Manchester Guardian*, which says:—"There can scarcely be perfect supervision when the Indian Budget debate is, year after year, purposely postponed till the very last working day of the Session. Nor can we reconcile the theory that Parliament is incompetent to discuss Indian grievances with the ordinary view of its powers; presumably Parliament knows as much about India as it does about China or the Transvaal, whose affairs have been discussed fifty times as often during the past few Sessions as any question relating to India." (August 17.)

## SOME OPINIONS OF THE PRESS IN INDIA.

THE "TIMES OF INDIA."

It seems easier at Whitehall to take a cheerful view of the prospects of India than it does in the country itself. Perhaps when Lord George Hamilton made his Budget speech on Tuesday he had not as carefully studied the weather reports as we have done. If our rainfall up to date had been twice as great as it is we might have shared in the hopes of a period of exceptional prosperity. But even a good monsoon would not warrant jubilation over "the largest surplus since India was under British rule." The surplus of last year was, roughly speaking, four crores; the estimated surplus for the current year is about the same, and if it is realised we shall cover the deficits of a period of war and famine, leaving one crore to the good. No one would to-day speak confidently as to the realisation of the present estimates, except, perhaps, in terms of discouraging prophecy. If there was a surplus at all for Lord George Hamilton to speak about it was an estimated, but now highly problematical, surplus of a crore. The gold standard is to be established, it seems, come what may. We are doubtful, however, if the elements are to be as easily defied as the Secretary of State thinks, and a bad monsoon would be a much more formidable obstacle to the establishment of a fixed exchange than he is willing to allow. At all events we should derive some hope for the way consumption of the new currency policy of the Government of India from the setting in of a strong monsoon current in the Arabian Sea this week than from the most confident utterances of the Secretary of State. (August 12.)

THE "ADVOCATE OF INDIA."

Sir Henry Fowler thought the occasion a suitable one for "strongly repelling the idea of Parliament exercising daily supervision over the affairs of India." He might just as well have strongly repelled the idea of altering the monarchical constitution of the country. Nobody dreams of inviting Parliament to exercise daily supervision over the affairs of India. Our modest request is that Parliament would discharge its statutory duty towards us. A conspicuous instance of its neglect to do this was hardly the time for a protest of the kind Sir Henry Fowler raised. He went on to say, as he has often said before, that he "will never consent to treat India as a party standpoint." This is a form of words without meaning. The good government of India is one of many vast responsibilities which the wisdom of our ancestors has taken out of the hands of authority responsible only to itself, and committed to the keeping of Parliament. The merits and demerits of the English system of party government in Parliament is a good theme for an academic essay, but the system has been the established system for generations. It must take effect for good or for evil over all the interests committed to the charge of Parliament. (August 11.)

THE "BOMBAY GAZETTE."

Every friend of India will rejoice that the proposals moved by Mr. James Caldwell that Parliament should intermeddle more than at present in Indian affairs, and more especially in the shaping of the Indian Budget, have been rejected by four to one in a House of one hundred and thirty-one members. The acquisition of Parliament in the administration of India would be as disastrous to every Indian interest, as was the other Inquisition to the prosperity and the self-respect of Spain. Did Mr. James Caldwell ever hear of the dictum of Mill, that India will only be lost on the floor of the House of Commons? If our countervailing duties, Cotton duties, and similar measures are to be revised, cancelled, or revoked by a scratch majority of a jaded House of Commons, wearied by accumulations of work it can never overtake, India may well pray to be delivered from cruel kindness of her friends. (August 12.)

## CHRISTIANITY AND THE EDUCATED HINDU.

Mr. A. Meff writes in the *Positivist Review* for September:—  
In the Government and non-missionary colleges in India, education is exclusively secular. The various missionary colleges carry on propaganda with dubious results. If a Hindu is asked what is the *sahib's* religion he will reply that the majority of *sahibs* go to the *lat sahib ka girja* (i.e., the lord *sahib's* church); some are Catholics, a few are Methodists, etc. The "lord *sahib's* church" is of course the Anglican Church which has all the prestige of being the official church. If the Hindu is gifted with the saving grace of humour, he must sometimes smile at the diversity of creeds offered for his acceptance, all of which claim to possess "the truth, the whole truth, and nothing but the truth." It is of course the case that there are enlightened missionaries who recognise that Christianity is only one of the world's religions, granted that it is the highest in development. There are also unenlightened missionaries who might employ Carlyle's ironic lense seriously, and say of the Creator that,

The plan He formed his worlds and seems by,  
Was heavens' law was *our* small nine and thirty Articles.

A course of Western science, such as is part of the curriculum of every Indian College, must gradually dispel the conceptions of Hindu and Mahometan mythology. Is it likely then that the keen Hindu intellect will cast aside indigenous mythology in order to embrace Christian mythology? Partly from early association and familiarity, the average Englishman does not look upon the plagues of Egypt, the exploits of Samson, or the pig-bedeviling performed by Christ as being fantastic, but to a detached intellect like that of the Hindu, these exploits can hardly seem very reasonable. We have been habituated to the methods of clerical disingenuousness so long that "the process by which anything can be made to mean anything" has ceased to excite our surprise. But to the impartial Hindu, who is so bold as to demand whether a 19th century Englishman actually believes in these remarkable feats, unnatural interpretations and forced exegeses must appear in their true light. My point is this, that so long as the Christian Church clings to the miraculous, the dogmas resting on the miraculous will never make the slightest impression on the educated Oriental. A whole theory of the Universe is built on the supposition that Christ was born of a Virgin. Your educated Hindu demands evidence for this. Nothing adequate is forthcoming. If the ethical side of Christianity is presented as one of the great world-religions, then it will receive due recognition as a factor in historic development. But so long as Christianity is presented with a huge incubus of mysteries and supernatural machinery, burdensome both to the intellect and to the heart, so long will mission work be a dead failure. I cheerfully admit that missionaries, especially medical, do much indirect good, but they add needlessly to their burdens by clinging to an effete and worn-out conception of the world. Hence the inevitable conflict in a missionary college; evolution and special creation side by side; uniformity of nature taught in the Physics class and interference with Nature taught in the Scripture class. This intellectual anarchy will continue until a frank admission is made by all connected with education—the impressive fact rapidly moulding our thought in all directions that Nature is a Unity, a Whole with which, as Huxley says, "nothing interferes."

## INDIAN LAW AT THE INNS OF COURT.

FROM THE "INDIAN SPECTATOR."

"INNER TEMPLE" writes to us as follows: I am glad to see that attention has been drawn by Mr. M. M. Murzban, barrister-at-law, to a long-standing complaint of the Indian student at the Inns of Court. It is a matter for some surprise why the complaint was not brought to the notice of the Council of Legal Education long before this, though a sort of half-hearted attempt was made in that direction some time ago. The complaint does not lie in the easy nature of the examination (though it is satisfactory to note that the Council has of late made the course of instruction a little wider), but in the inadequacy of the curriculum of studies set before Indian students at the Inns of Court. For the course of instruction does not include any of the branches of Indian law. We are supposed to know a certain amount of English and Roman law and read a certain number of books, for purposes of examination. This meagre course of reading an average Indian student finishes, or ought to finish, within eighteen months at the outside, and as the barrister's course extends over three years he passes the remaining eighteen months in indolence, enjoyment and "dinners." If it were ascertained it would be found that a very large percentage of Indian students going astray in the great metropolis were qualifying themselves for a "call to the Bar." One has not to go far to seek the cause of this mischief. Time hangs heavily on these irresponsible young students, and they generally make a bad use of it in London. Many have wrought their ruin there simply because they had finished their studies and had absolutely nothing to do but lead a fast life. Another evil result of the absence of instruction in Indian law is that newly-called Indian barristers on their return home do not know even the rudiments of the laws of their own country, where they intend to practice and expect to prosper. Their position here is at first one of great embarrassment, and at least a couple of years must elapse before these fully-fledged barristers can master all the intricacies of the Hindu and Mahometan law.

This inadequacy of the curriculum, which is arranged by the Council of Legal Education, is felt most keenly by Indian students; and it is only fair that they should be heard on their own behalf. There are several difficulties in the way, and perhaps the whole curriculum will have to be remodelled. Several suggestions have already been made to supply this long-felt need of the Indian student at the Inns of Court. Perhaps the most practicable of them is that put forward by Mr. Murzban in his letter to the *Times of India*, viz., that "Hindu and Mahometan law may be substituted for real and personal property as one of the voluntary subjects which an Indian, or any other student of an Inn of Court, may be allowed to take up." This suggestion, while not lowering the standard of a barrister's course of instruction, does not make it any stiffer, while it admirably serves the purpose. The best

reason why the law of real and personal property should be sacrificed for the Hindu and Mahometan law is because it is a subject of little importance and even less use to the Indian barrister in the course of his practice in India. By all means let this substitution be voluntary. But it is to be hoped that the Hindu and Mahometan law will be made one of the subjects for examination, and not merely for the purpose of providing lectures for the gratification of those students who care to attend them. It was just because the Council of Legal Education ignored this evident precaution that the previous experiment failed. Lectures were then delivered on the subject by a very able lecturer, and several Indian students actually put in appearance. But finding that there was neither any inducement nor compulsion they preferred politics—a of sort—to Indian law, and certainly derived greater fun, if less instruction, by attending petty political meetings in London. Let the Indian law students be examined in the Hindu and Mahometan law and they will leave politics severely alone.

But the system of legal education in England is inadequate not only for the Indian student, but also for the Egyptian. The case of the young Egyptian student was ably pleaded by the eminent jurist, Sir John Scott, Legal Adviser to the Khedive, in a very interesting paper read before the Indian Section of the Society of Arts on "Judicial Reforms in Egypt" last month. Sir John asked pertinently why Egyptian students went to France and Belgium for their legal qualifications? "Simply because," he said, "they are better provided in those countries than in England." On this very point, the Lord Chief Justice of England who was presiding on the occasion, spoke very feelingly afterwards and expressed his regret that the Council of Legal Education did not see its way clear to remove those difficulties. I may add here that Lord Russell of Killowen, one of the ablest lawyers in England, expressed an identical opinion [as to the teaching of Indian law], while speaking at one of the meetings of the Gray's Inn Debating Society. I am also glad to say that the subject has been recently handled by several English lawyers taking interest in India, among them, by Professor Murison; and I feel sure that if practicable suggestions are made to the proper authorities in England, something will be done to redress this grievance of the Indian student.

[On this paper, three remarks. (1) The writer probably lays too much stress on "fast life," but certainly the slackness of necessary work is demoralising. (2) We ourselves suggested the substitution of Hindu and Mahometan Law for the English Law of Real Property (INDIA, April 28, 1899, p. 209). (3) The power to make this substitution is expressly vested in the Council of Legal Education by Rule 43 of the "Consolidated Regulations." There ought, therefore, to be no difficulty in carrying out a satisfactory beginning of reform—always assuming that the High Courts are reasonable. But are they?—ED. INDIA.]

## A YOUNG BARRISTER'S EXPERIENCE.

The practical results of the existing system are vividly illustrated in the following account of the experiences of a new-fledged Indian barrister, who recently went home to practise in the capital city of one of the Presidencies. This writer was, to our personal knowledge, a very diligent student in London, and, after passing his final examination, he read in chambers with a barrister in the Temple for six months. At the conclusion of these preparations, he deliberately gave it as his opinion that he would have been better able to enter on the practice of his profession if he had exchanged all his studies, in lecture-rooms and in chambers, for a similar course of study in Indian Law. Now that he has come to actual practice, this is how he expresses himself in a letter to a friend, from which we are privileged to quote:—

"I have never before felt the grievance more bitterly than I at present do. Here I am, a full-fledged barrister, after three years' training in London, fit for absolutely nothing. I cannot even decide the best course I should pursue, until I know a little of Indian law. If an engagement is offered to me as a barrister, I cannot possibly accept it. My position is absurd; it is almost tantalising. Before I venture to take up a case, I must of course know something of the law administered in my own country. The study of the bare rudiments of the Hindu and Mahometan law will take me at least six months, and possibly a year, and this at a time when I should be making the most of my opportunities. Mine is by no means an exceptional case. All newly-called barristers suffer through the inadequacy of the curriculum of studies set before Indian students at the Inns of Court. How easily could we have learnt at least a few of the laws of this country. You will, perhaps, be glad to know that the matter has been taken up seriously by barristers who feel their good-for-nothing position as keenly as I do. But what are we to do, a handful of struggling, griefless barristers. It is to friends like you that we look for succour under these circumstances."

The practical good sense of the Council of Legal Education will soon, we doubt not, formulate a satisfactory remedy, at any rate, by way of a beginning—always assuming, however, that the High Court judges do not insist on the irrelevant English law of real property.

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