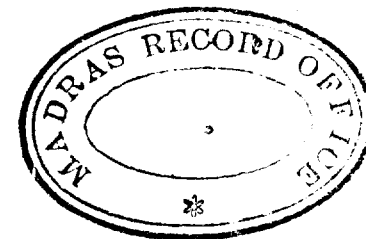


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CALCUTTA REVIEW.

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October 1908.

No man who hath tested learning but will confess the many ways of profiting by those who, not contained with stale receipts, are able to manage and set forth new positions to the world; and were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

Calcutta:

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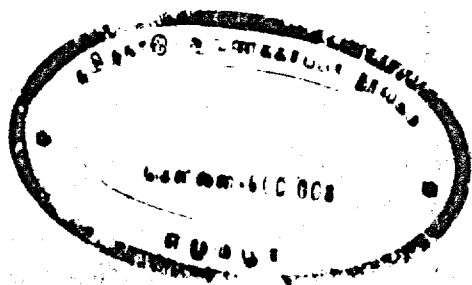
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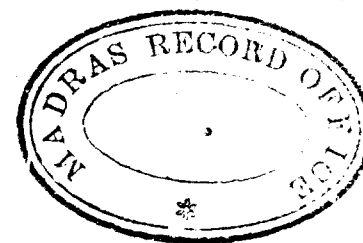
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No. CCLIV.

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THE CALCUTTA REVIEW.

No. 254.—OCTOBER 1908.

Art. I.—THE QUARTER.

THE history of the third quarter of 1908 is that of the aftermath of anarchism and sedition. The revelations of Norendra Nath Goswami, the approver in the Alipore trial, stimulated police activity, and domiciliary visits resulting frequently in the capture of incriminating documents, arms, and materials for the manufacture of infernal machines, as well as the apprehension of persons whose loyalty was supposed to be above suspicion, were the daily theme of the newspapers in Bengal, Madras, and Bombay. The preliminary enquiry in the Magistrate's Court at Alipore was unduly prolonged, with disastrous consequence. Arabindo Ghose and his fellow anarchists were detained in the Alipore Jail, and as time went on and public interest waned in the monotonous tale of their misdoings, the precautions of the jailors were relaxed and the prisoners were allowed an extraordinary amount of freedom. The more daring among them caught the chance to complete a plot for the murder of the approver. Their friends outside succeeded in smuggling into the jail hospital some revolvers and ammunition which were entrusted to Kanai Lall Dutt, an undergraduate of the Calcutta University, and Satyendra Nath Bose, a fanatic

Aftermath of
Anarchism.

from Midnapore. On Monday, 30th August, Calcutta was startled by the report that Goswami had been shot dead. He had been induced to visit the hospital on the excuse that Kanai Lall Dutt had a confession to make, and was then ruthlessly murdered in spite of a brave effort by two European convict warders, Higgins and Linton, to save him. Kanai Lall and Satyendra were tried at the Alipore Sessions, the former being convicted of murder, but the latter acquitted. Mr. Roe, the Sessions Judge, declined to accept the verdict as regards the second accused and referred the matter to the High Court. The prisoners are still awaiting their doom. The death of the approver is likely to prove a serious embarrassment to the prosecution in the coming trial at the Alipore Sessions of Arabindo Ghose and his accomplices; he was not cross-examined at the preliminary enquiry, and his *ex parte* testimony is naturally suspect.

Khudiram Bose, the miscreant of the Mozufferpore outrage, tried every device of the law to escape the rope, but without success. He finally appealed to the Viceroy's clemency making a most abject recantation, but much to the relief of all loyalists in India the appeal was rejected and he was duly hanged at Mozufferpore. He used his last days to write an autobiography which has not yet been allowed to see the light.

The trial of Bal Gungadhar Tilak, the hierophant of the Extremist doctrines, under the reformed Press Act attracted the attention of the whole civilised world. The Judge was a Parsee, Mr. Davar, and there was a mixed jury. The prisoner defended himself with marked ability, but he

was found guilty by a majority of the jury and sentenced to six years' transportation. He was incarcerated at Ahmedabad, but after a month Sir George Clarke, the Governor of Bombay, converted imprisonment into honourable exile, and the old Maharatta agitator was sent to Burma where he is being treated like a political prisoner. The action of the Governor was adversely criticised by a powerful section of the Anglo-Indian Press, but gave much satisfaction to the natives.

Similar clemency was extended by the Governor of Madras, Sir Arthur Lawley, to Mr. G. Subramania Iyer. G. Subramania Iyer, a veteran Madras journalist, at one time editor of the *Hindu*, who published sedition in a paper called *Swadesa Metran*. He apologised amply and took the pledge against sedition. In consideration of his age and physical feebleness he was let off with a caution.

Convictions for the publication of sedition were frequent during the quarter and quite half a dozen journalists in different parts of the country were placed in durance for studied recalcitrancy. A trial which greatly exercised Bengalee opinion as the quarter was closing was that of the Rajah of Narajole and several others at Midnapore for complicity in anarchism. It is not easy at the time of writing to put the situation in its true perspective, but it may fairly be said that the repressive legislation of the previous quarter has had the desired effect of taking the heart out of the propagandists of sedition.

The protestations of loyalty as a counterpoise to the demonstrations of sedition were numerous and widespread. To reassure the public mind the Viceroy in August issued a

communiqué in which he stated that the Government of India had been anxiously watching the progress of events in this country. It must now be admitted that the situation has considerably improved and the passing of the Explosives and Press Acts has actually contributed to it. The tone of the Indian newspapers has improved and practically the Press of Bengal—with one or two notorious exceptions—is free from violent writing. The Press in the Bombay Presidency and even the extreme section of the Maharathi Press are indulging in more reasonable criticisms. The newspapers in Madras and the Punjab have also improved their tone.

The Lieutenant-Governors of Bengal, Ebasam
Tours of L-G's. and the United Provinces made extensive tours and were met everywhere with addresses of loyalty and fealty to the Crown. Only in the city of Bombay was there any overt defiance of authority. The sentence on Tilak was used as a pretext by mischievous agitators to incense the light-headed *ghatee* mill hands to riot. The Police, however, acted promptly and a little blood-letting had the desired effect to restore the health of the constitution.

On 1st July Lord Curzon raised a memorable
Opinion in England. debate in the House of Lords on the situation in India. After condemning the Anglo-Russian Convention, he defended the Partition and rated Lord Morley for throwing Sir Bampfylde Fuller to the wolves. He also declared that the recent repressive legislation was inadequate and the proposed reforms untimely. He was supported by Lord Cromer who referred in scathing terms to the Native Press. Lord Morley defended Lord Minto

who was prepared to maintain law and order at all hazards. Three weeks later, Mr. Buchanan, the Under-Secretary for India introduced the Indian Budget to the House of Commons with a significant speech. Dealing with the political unrest and the recent outrages, he referred to the daily receipt of assurances of support from all sections of the population in stamping out the hateful political diseases. The Government, he declared, would do that by any and every means at their command. We had to recognise the new spirit and political outlook on the part of many educated Indians, and the success of our rule would depend upon whether we were able to attract them to our side. To those loyally accepting our rule, we wanted to offer an active and real interest in the concerns in their own people. It was not a simple problem. If we convince them of the sincerity of our desire for a solution, we shall have the assistance of all Moderates. He did not share the view that all would be well if the partition of Bengal were reversed. What was at present obligatory on them, particularly in Bengal, was to endeavour to improve the work of the administration, and to remove the soreness which had undoubtedly been caused by the manner in which the partition was carried out. Proceeding, Mr. Buchanan said that the object of the Government was to advance fearlessly along the line of constitutional progress, so as to meet as far as possible, in the words of Lord Minto the political aspirations of honest reformers. The final draft of the Reformed Councils scheme on which Sir Herbert Risley was engaged for several months was despatched to Lord Morley by the last mail in September. A statement will probably be made when Parliament reassembles.

The official who gained the applause of the whole country during the quarter was Sir John Hewett, the Lieutenant-Governor of the United Provinces.

Famine in the United Provinces.

His greatest achievement was the successful conquest of a dire famine which threatened to devastate the fairest portion of his domain. The following telegram was sent to the Government of India by Sir John Hewett on the 10th September:—"I have much gratification in informing the Government of India that all famine relief operations have been practically closed in the United Provinces. Valdictory doles were given to the few workers remaining on the 29th August and all works closed. Similar doles have also been given to the largely reduced numbers in poor-houses and in receipt of gratuitous village relief. All such doles will have been exhausted by 16th September and the only work remaining will be the disposal of a few unclaimed orphans." The Government of India replied on 11th September:—"The Governor-General in Council has heard with much satisfaction that the position in the United Provinces has now so much improved that you are able to bring famine relief operations to a close and trusts that favourable seasons will now ensure to the people who have suffered so much a rapid recovery from the calamity of the past year. His Excellency has from the outset followed with much interest and sympathy the progress of the relief operations, and desires to congratulate yourself, your officers and your coadjutors amongst the public on the foresight displayed at each stage, on the promptitude and efficiency of the action taken, and on the success which attended it."

Believing that sanitation is as important for the regeneration of India as industry and agriculture, Sir John Hewett

The Sanitary Conference.

called a Conference at Naini Tal in September. He made an excellent speech when opening it, part of which deserves to be quoted:—"We may pour out money," he said, "like water on sanitary improvements, all to no purpose, if we do not get the people to realize that they are for their good. Let us not forget that such success as has been attained in England is due to the general readiness of the people to believe that sanitary regulations, irksome though they may appear, are designed for their good and must be obeyed. By what means can we best lead the people of this province to understand this first principle of all sanitary progress? Instruction of the young at schools and colleges will not be without its effect, but what is really needed more than anything, is that educated members of the community should bring home to the poorer classes the merits of practical hygiene. That has been well defined to aim at 'rendering growth more perfect, decay less rapid, life more vigorous, death more remote' In season and out of season those who have learnt the lesson that without sanitation there can be no moral or material progress, should preach to the public on the text that health means happiness. With stronger sinews the daily toil of a generation reared under more favourable conditions than those of the past will become more easy. So shall the earth be led more readily to bring forth her increase. Here we may surely hope lies the road towards industrial progress throughout the land. The goal may appear to be far away and indeed it is, but let us make a start on the road towards it. I feel sure that we could put no nobler aim before us."

The long expected appointment of Sir Guy Fleetwood Wilson to succeed Sir Edward Baker as Finance Member of the Viceroy's Council was made by the King in August. The delay in announcing the appointment was due to difficulties attendant on Sir G. F. Wilson's service in the Home Civil Service—difficulties which now appear to have been overcome. In the meantime and till November, when the new man will arrive in India, the Hon'ble Mr. Meston will continue to act sub. *pro tempore* as Finance Member.

Sir Harold Deane, the officer Lord Curzon, with his usual judgment of character, selected to be the first Chief Commissioner of the North-West Frontier Province, died in London in August last of paralysis. He went home very ill a few weeks before, anticipating his regular leave, and there was even then very little hope of his recovery among his intimate friends. Like Sir Denzil Ibbetson he was a martyr to duty, and his name will be long revered by the wild Pathans as that of a strong but sympathetic ruler: a master of men. He was born on 1st April 1854.

An event of the quarter was the appearance of the *Indian Daily News* in August as a two-pice paper. The *Bengal Harkara*, the progenitor of the British Indian Street journal, was the first daily paper to be published in India; it was fitting that the descendant should by a step as bold uphold a great tradition for enterprise. The new ha'penny, as it is called, is printed on a rotary machine, the second to be set up in Calcutta.

Art. II.—THE MORALITY OF KALIDASA.

PROFESSOR DOWDEN, quoting Wordsworth's words that "every poet is a teacher and he who draws most largely from life and nature is the greatest of such teachers," remarks that "every eminent poet is a master in the formation of character: he trains his pupil in methods of looking at things; and perhaps there is no better mode of a great writer's sanctity and strength and breadth of mind than to observe what manner of man he helps to form." To none are these words more forcibly applicable than to Kalidasa, the greatest of the Indian dramatists. His name is revered as that of one who, by his creative genius, laid bare the pregnant possibilities of the Sanskrit literature whose well-known beauties were as yet a hidden treasure to the outer world. He impressed it with the stamp of his genius which created forms and images which astounded the world by their most lively exuberance and by their kaleidoscopic effects. A lasting place among the great poets of all nations is always assured to him as the master-painter of nature, and of those shades of emotions and feelings which agitate the human mind. "Tenderness in the expression of feeling or richness of creative fancy" is a feeble description of the lofty efforts of one who soars high by his own intuition, and inculcates lessons which for practical wisdom and ethical beauty are hardly surpassed in any literature. Goethe's admiration of *Sakuntala* is too well known. Mons. H. Fouche thinks that "there is nothing so perfect in the elgiac literature of Europe as the *Maghaduta* of Kalidasa." The *Raghuvamsa* too has equally earned the willing tribute that "it is a splendid monument of his genius and has been distinguished

for the beauty of its similes and the power of imagination displayed by the Indian Shakespeare, Kalidasa, who exemplifies in his writings the truth of Coleridge's remark that 'the great book of nature has been the music of gentle and pious men in all ages'."

We are not, however, concerned here with these broad characteristics of Kalidasa's genius as a dramatist and as a poet generally, but with the part he played as a great teacher, as the philosopher and guide who had human interests at heart and had conserved them by forcible utterances conveying great truths. He had no charm for "intellectual abstractions" and "doctrinaire theories" which have little bearing on the actual realities of life. He set to himself the task of revealing real life, having studied it in all its various subtleties and "searched through all its secret windings and cavernous abysses." It was far from him to contribute to unprofitable amusement or to tickle childish fancy, by jingle of words and elaborate word-painting, by which certain poets sought to create an impression. It will be our purpose here to examine and expound the ethical ideals presented by Kalidasa in his own inimitable manner. Such of those expressions, precepts and sayings which have an ethical significance and which are found scattered in his works will be culled out for the purpose of illustrating the kind of moral teaching aimed at by our great poet. The worldly wisdom which he conveyed in pithy generalizations and with rare force and persuasiveness is the best legacy that he had transmitted to posterity who gratefully remember him for it, in preference to the many subtleties of expression, figures of fancy, and flourishes of rhetoric with which his works are otherwise replete.

Humility is a virtue on which Kalidasa is not tired of expatiating at any length. He illustrated its practical application in his own case, when, in composing the *Raghuvamsa*, he was modest enough to compare his poetical efforts to the futile attempts of a pigmy who, in his greediness, stretches his dwarfish arms to pluck fruits which are within the reach of only tall men. (*Raghuvamsa*, I. 3.) His modesty is such that he lays down the golden rule that no knowledge of the arts deserves to be ranked high, till it passes through the crucible of the appreciation of the wise: for the learned are always diffident of their own powers, however highly developed they may be. (*Sakuntala*, Act I.) Pandita Kausiki, a female ascetic and companion of Queen Dharini, when she was nominated by the King Agnimitra as umpire to settle the dispute between two professors of music and dancing, in recognition of her critical proficiency in the fine arts, makes the modest observation that "while there are towns where precious stones can be examined, there is no use of taking them to villages." In other words, she felt strange that, when there was the assembly of learned men like the king and others of his court, she, comparatively an illiterate woman, should be entrusted with this responsible commission. (*Malavikagnimitra*, Act I.) It has been remarked that "it is a characteristic of Kalidasa's writings that they all begin with a charmingly modest introduction marked by great diffidence. The great poet never thinks that he has done well, until what he has done is pronounced good by the learned * * * Bhavabhuti and others, on the contrary, do not consider it at all inconsistent with modesty to give long descriptions of the genealogies and of their attainments. Some of them again, Bhavabhuti, for example, are defiant and challenge the public in their introductions."

When Maricha compliments Dushyanta on his success in vanquishing the Rakshasas, the inveterate enemies of Indra, and blesses him with "future glories in the two worlds," the King in his humility simply says "I shall try to achieve fame as far as it may lie in my power." (Sakuntala, Act VII.) Pururavas, being praised by the celestial damsels for the great valour displayed by him in rescuing Urvashi from a powerful demon, observes that "his success is due to the great mightiness of Indra, just as even the far-reaching echo of a lion in a remote cave is enough to frighten elephants." Chitradhara admires his modesty which he considers "an ornament of valour" (Vikramorvasi, Act I.) "While each of the three things in this world, *viz.*, wealth, youth and beauty is enough to turn the heads of some men, King Atithi was unswayed by them and was the same modest ruler." (Raghuvamsa, XVII. 43.) "Immense wealth does not make good men proud, just as trees bend with the weight of their fruits and clouds laden with water come down to the earth." "Though doing the most meritorious actions, he felt ashamed at any flattering language used towards himself." (Raghuvamsa, XVII. 73.) "The natural modesty of the princes of the solar race, improved by education and strict discipline, just as the natural splendour of the fire is augmented by the oblations of ghee." (Raghuvamsa X. 79.)

"Of great riches," says Bacon, "there is no real use, except it be in distribution. * * * Seek not proud riches, but such as thou mayst get justly, use soberly, distribute cheerfully, and leave contentedly." Similarly wealth was regarded by Kalidasa as a means to an end, that end being its distribution among the poor. (Purvamegha 57 and Raghuvamsa, IV. 86.) He also

thinks that "it should be acquired, because it gives one a position in society and makes the possessor an object of regard." (Raghuvamsa, XVII. 60.) His profound knowledge of the human nature is shown by this most shrewd observation. Can it be doubted that one important means of securing undoubted position in society is wealth, by which one's ambition can be gratified? It is the chief passport to recognition, fame and all that makes a man noble, philanthropic and patriotic in the eyes of the public.

Though Kalidasa's religious philosophy made him lean to the theory of renunciation as a means to salvation, he was still materialistic enough to admit the immense utility of mundane existence and the possibilities of good accruing from it. The performance of all duties, religious and social, depends upon the state of preservation of the human body. He here differed from those philosophers who hoped to attain bliss by severe penances and bodily mortification. Siva, in the disguise of a bachelor, interrogates Parvati as to whether her delicate body could stand the strain of the severe penance that she was undergoing and says that the fulfilment of the fourfold duties (Dharma, Artha, Kama and Moksha) is secured only so long as the health of the human body is preserved. (Kumarasambhava, V. 33.) "Dilipa's religious penances were free from self-inflicted sufferings." Early rising was a habit inculcated by Kalidasa, as conducive to the best health. The solar Kings were well known for their punctual rising (Raghuvamsa, I. 6.) He regards game-hunting as the best sport for Kings. "Hunting initiates one into the art of accurately aiming at moving objects, apprises one of the fear and ferocity of the game animals, and endows the body with the qualities of briskness, on

account of the necessity for overcoming fatigue." (Raghuvamsa, IX. 49.) That methodical habits conduced to health were variously expressed by him.

Kalidasa considers self-control as a great virtue in a man. "He only can be called resolute whose mind does not give way to temptation." "No trouble or difficulty can shake the resoluteness of those that have self-control." (Kumarasambhava, I. 59 and III. 40.) Dushyanta says that the minds of Pururavas could never be directed against objectionable purposes. When Sakuntala presents herself before the king, he tries to describe her to himself as she then appeared, but checks himself by saying that "it is wrong to look at another's wife." (Sakuntala, Act V.) Pururavas, on Urvasi taking leave of him in obedience to the commands of Indra, with great difficulty exercises control over himself and remarks that Indra's orders should be at once obeyed, even though they are calculated to immerse him in sorrow at her impending separation. Next to self-control, nothing can be more laudable in a virtuous man than self-continen^{ce}.

Agnimitra is quite content with the genuine love of Malavika for him, though it might not be actually gratified: for he says "now that he has learned that Malavika is as anxious and love-sick as he himself, and that he is himself the object of her passion, he would not care even if he and his mistress should die without ever being joined in actual wedlock. For he had rather that two persons loving each other equally should never be able to marry, than that, if they are not really passionate of each other, but one of them indifferent and the other panting with love, they should come in contact and be married." (Malavikagnimitra, Act III.) Notwithstanding the polygamous character of

Kalidasa's heroes—which was a characteristic sign of the times—they never exceed the limits of decorum either in their expression of love or addresses to their sweethearts. Dushyanta thinks that when his mind, so steadfast and under control, is attracted by the charms of Sakuntala, there is no doubt that she is in a position to be married by a Kshatreya like himself, "because under conflicting circumstances, the minds of the good are the best guides." (*i.e.*) they do not lead them away from the path of righteousness (Sakuntala, Act. I.) Pururavas though love-sick at the sight of Urvasi, still deplores within himself that his mind should hanker after "unattainable object." (Vikramorvasi, Act I.) The princes of the solar race married only for progeny (Raghuvamsa, I. 7.) The evils of incontinence are nowhere more fully described than by Kalidasa. Agnivarma, though he for some time ruled his kingdom wisely, soon became devoted to amorous pleasures in the company of lewd women and was also addicted to wine. His excesses began to react upon his health. He would not take the advice of his physicians: "for the organs of sense when once they have tasted pleasures, are with difficulty restrained from pursuing them." (Raghuvamsa, XIX. 49.) At last a victim to consumption, he died in the prime of his life, unable to withstand the temptations of the sensual pleasures which had brought about his premature decay.

Where Bhavabhuti and other poets describe "nature and passions in their magnificence," Kalidasa is well known to excel in the description of those softer feelings such as love, which is so human in character as to be realized by all. Love—"new-born love"—is the theme of all his poetry. In the heyday of spring, when nature presents its gorgeous appearance, when, "sequestered

groves and flowery banks fanned by odorous winds, and watered by purling rivulets, when the hum of bees, and the notes of birds, proclaim the never-dying spring." Kalidasa sees the best occasion to depict those delicate phases of love to which moon-struck lovers become willing victims. But in the delineations of the delicate sentiment, he is never coarse, nor does he give unbridled rein to his flights of imagination in dealing with difficult situations. Love degenerates into carnal lust in other poets. But with Kalidasa it is a superior passion which can be indulged in without grossness or rudeness. Though consumed by his passion for Malavika, Agni-mitra's love is always pure. He never shows any desire for hasty or unlawful gratification of his passions. Dushyanta's passion for Sakuntala is always under restraint. When Sakuntala is gently forced to stay, she warns him that he should curb his passion and that though herself consumed by love for him, she can never act independently, till her foster-parent gives his consent to their union. When in a state of forgetfulness the King discards Sakuntala as his wife, Sarangarava, an ascetic attendant on Sakuntala, is provoked into remarking that "a secret friendship between two persons who do not know each other's minds, often results in misunderstanding." (Sakuntala, Act V.) When Siva, pleased with the trying penance of Parvati, manifests himself before her in his true form and says that he is her slave, having been purchased by her penance, she is modest enough to observe that she is entirely in the hands of her father who should be consulted on the subject of her marriage with him. (Kumarasambhava, VI. 1.) No amount of rebellious passion can make Kalidasa's heroes exceed the limits of decency. They are under prudential restraints, till they are united with the consent of their parent or

guardians. Kalidasa is unique in describing chastity of love and purity of passion in general. No grossness characterizes his description and no indecent haste mars the progress of true love.

Kalidasa's chivalry and respect for women are illustrated everywhere in his writings. King Raghu, having first alighted from his chariot, helps his queen to alight. (Raghuvamsa, I. 54) When Sakuntala is continually pestered by a bee and cries for help, Dushyanta hastens forward, and asks "who can dare to molest you so long as Dushyanta is here to protect the helpless." (Sakuntala, Act I.) When the female companions of Urvasi cry for help when the latter was being carried away by a Rakshasa, Pururava most chivalrously offers his help in rescuing Urvasi from the demon and expresses his anxious solicitude till she recovered completely from her swoon. (Vikramorvasi, Act I.) Nothing can be more pathetically beautiful than the gentle warning of the banished Yaksha who sends message to his wife through the "Cloud-messenger" that "if he should at the time of his visit, find his wife asleep, he should wait there for three hours by sitting near her without making noise and then gently wake her by means of a breeze cooled by drops of thy water." (Uttaramegha 36.) When Malavika was secured in a prison-house by Queen Dharini at the instance of the jealous Iravati, the King's Mistress, the King was simply surprised at the unjustifiable wrath of his queen but never thinks of countermanding her orders out of respect for her. (Malavikagnimitra, Act IV.) Himalaya, on being approached by the seven Rishis with a request on behalf of Siva for the hand of Parvati, though he himself approved of the match, still awaited the consent of his wife, for "husbands see through the eyes of their wives in

the matter of the welfare of their daughters." (Kumara sambhava, VI. 85.)

The ideal character of housewives is most beautifully described by Kalidasa, reminding one of Tennyson's sentiments. "A housewife is a counsellor, companion in solitude, a beloved pupil in the fine arts." (Raghuvamsa, VIII. 67.) Kasyapa's words to Sakuntala on her leaving his Asrama for her husband's house are the most wholesome advice that was ever given to housewives. "Pay obeisance to and serve your elders; befriend your co-wives; never go against the wishes of your husband, though he may lose temper and chide you; be agreeable to your attendants and servants; let not your affluence make you proud, thus do women attain to the position of good housewives, those who behave differently are the curse and bane of the family." (Sakuntala, Act IV.) No nobler ideal was ever prescribed for the virtuous conduct of women. This is the quintessence of domestic morality that any moralist can teach. Everywhere in Kalidasa the blessing given to a housewife is that "she should win the esteem of her husband." Queens Dharini and Asurani, though they were offended with their husbands for their *liaison* with Malavika and Urvashi, take the earliest opportunity to obtain forgiveness and effect reconciliation. The wife of Himalaya was in perfect agreement with her husband when he proposed the marriage of Parvati with Siva; "for chaste women do not transgress the will of their husbands." (Kumarasambhava, VI. 86.)

If these are the dicta enjoined on good women, the fidelity of husbands is spoken of in equally glowing terms. After the solemnization of the marriage ceremony, the priest pronounces the following blessing over the couple (Siva and Parvati) "This flame be witness of your

wedded life, be just, thou husband, and be true, thou wife." (Kumarasambhava.) Raghu, after the death of his most beloved wife, passed eight years with great difficulty during the minority of his son, though the dart of his grief broke his heart. He thus mourns the loss of his wife: "All love is at an end, pleasures are no more: music has ceased; the season is now without festivities; there is no use of my ornaments; and my bed has become vacant to-day." (Raghuvamsa, VIII. 92-95.) Rama, after he sent Sita to the forest, remained a widower, brooding over the separation. (Raghuvamsa, XIV. 87.) A wife, though discarded by her husband, must stay in her husband's house, for "that is the wish of her relations." To live apart from her husband, even during his displeasure, is blameworthy. When Dushyanta disclaims Sakuntala altogether, Saradvata, a pupil of Kasyapa, who accompanies her is satisfied that he has done his duty by leaving her in her husband's house. He simply reminds the King, "here is your wife; it is for you to turn her out or keep her; for it is but proper that a husband should have absolute control over his wife." When Sakuntala attempts to accompany him, he gently reprimands her, "why do you, jealous woman, act defiantly like this. If you are as represented by the King, of what use are you to your parents, who have thus transgressed all family etiquette? If you are able to realise what your future conduct is to be, menial servitude in your husband's house is preferable (to your stay at your parents' house)." (Sakuntala, Act V) Parvati, beautifully decorated as bride, was eagerly awaiting the arrival of her future husband, Siva, for "her decorations have for their object the admiration of her husband." (Kumarasambhava, VII. 22.) Rati, the wife of Manmatha, after his death, cursed her beauty, "for beauty of women has for its object the winning

admiration of their husbands." Yaksha's wife, after his banishment, changed considerably in appearance, "her eyes swollen on account of excessive weeping with lips deprived of their colour on account of the heat of the sighs and partly visible owing to the hair hanging loosely on it." (Uttaramegha 23.) Such is the life led by good women during their husband's absence from home.

Kalidasa had the highest admiration for the talents and intellectual capacity of women. "It is worthy conduct that commends itself to the good, independently of sex considerations." (Kumarasambhava, VI. 12.) Agnimitra had a high regard for the attainments of Parivrajika, a female ascetic, whom he calls Pandita. He refers to her the settlement of a dispute between two professors of dancing. She shows her practical wisdom by remarking that her verdict by itself might not prove satisfactory, "because the individual opinion of one, however wise he or she may be, is not infallible." (Malavikagnimitra, Act I.) Kalidasa credits women with ready wit as their natural characteristic. When Goutami helps to refresh the memory of Sakuntala as she was recounting to the King certain reminiscences of their honeymoon life in the hermitage of Kanva, Dushyanta taunts Goutami with saying that she illustrates in her person the ordinary saying that "ready wit is a natural characteristic of women." (Sakuntala, Act V.) Siva requests Arundhati also to accompany the seven Rishis for negotiating his marriage with Parvati because "it is elderly ladies like Arundhati, that are the most eloquent pleaders in such matters." (Kumarasambhava, VI. 32.) The Queen Asurani, even when highly offended with the King whom she caught in the very act of searching for the letter of Urvasi, thinks that "she is not afraid to

disregard the supplication itself (of the King) (because she knows it is insincere,) but she is afraid her conscience will smite her for the hauteur with which she has spurned the King's supplication." (Vikramoroosi, Act II.)

The higher classes of women in Kalidasa are always refined and possess civilized manners. Agnimitra's daughter is engaged in ball-playing, which is also a favourite pastime with Parvati. (Kumarasambhava, I. 29.) In the royal household of Agnimitra, many were painters and singers. Vakulavalika, the attendant of Malavika, was a disciple in painting of the King who was well known for his proficiency in painting. Malavika, though not at first known as a royal princess, was taught music and dancing as befitting the position of a chambermaid of Queen Dharini.

Such are a few lessons in morality which we learn from Kalidasa. It is said that "the greatest men see the wide vision of life and as they gaze upon that vision, it calms them and satisfies them and they care not to boast or preach but only to say what they have seen." In a similar way, Kalidasa records what he sees around him and deduces his own lessons from his observation. In so doing he imparts practical wisdom with a view to enable one to steer clear of the rock of human misery by light-heartedness and contentment. His precepts are valuable as showing the right direction of conduct, which if followed, leads to true happiness. In the words of a great critic, "He instructs us before all else in the physiology of the passions, and under his influence, we come to feel that the wisdom of life resides less in mere prudence than in finding for them their right direction."

C. TIRUMALAYA NAIDU, M.R.A.S.

Art. III.—THE FOUNDATION OF VIRTUE.

THE source or basis of all morality rests on a belief in (a) the existence of God, (b) the immortality of the soul (the future state) and (c) the freedom of will.

According to Des Cartes, the father of modern philosophy, in order to know God as far as our nature admits, we have only to enquire respecting any attribute whether it possesses an element of perfection or of imperfection and to admit or reject it accordingly. This rule excludes from his nature all such mental conditions as doubt, inconstancy, sadness. And that our ideas of material things are not to be applied to him appears from this, that they are totally foreign to an intellectual nature and represent properties which could be combined with such a nature only by composition; and since composition is in itself an evidence of dependence and dependence is a mark of defect, God cannot be composed of two natures; but if there be in the world bodies or minds that are not perfect, they must depend upon His power so as to be unable without Him to subsist for an instant. Thus Des Cartes obtains his second certainty, the existence of God. This like the first (the consciousness of self as the subject of thought) he regards as immediately given or self-evident without going beyond for proof or verification, a grade of certainty which can go no further. According to Hamilton, in postulating a self-sufficient cause, infinite in power and eternal in duration, we postulate more than is logically sufficient to account for known existence. If, therefore, there be any warrant for this affirmation, it cannot be obtained by a logical process. It cannot be logically competent to reason from finite existence to infinite—

from restricted existence to that which is self-sufficient. To postulate a cause simply adequate to produce known existence satisfies the immediate claim of intelligence. Accordingly the truth of the conclusion may be accepted merely as implying conformity with laws of thought though there be no means at command for verifying the supposition as to the existence of such a cause. The conclusion is thus of only a general nature such as this; in the cause there must be at least sufficient power to produce the effect.

Logical processes are insufficient for reaching this high truth. Thus far Comte is correct in speaking of inaccessible heights, but the mind is not restricted merely to observation and logic for the discovery of truth. There is in the nature of reason itself provision for the recognition of higher truth.

The reality of the Divine Existence is a truth so plain that it needs no proof, as it is a truth so high that it admits of none. It is not the clearness of the idea or conception of God which proves His existence, for it is not a conception so clear to the mind of all men as it was to Des Cartes, but often a conception rather vague, because not analytically examinable. But there is certainty of belief in the Divine Existence supported by reference to finite existence thereby explained. This is an intuitional belief, while that of infinite regress of finite causes is a logical belief. The former is a belief so fundamental to human life that men accept and apply it without question. On the admission that the belief is natural to the human mind, it is possible to find a general harmony of ascertained facts. It is the common original idea of a great Ruler which is the explanation of the common features of belief and religious practice throughout the world. In harmony with this view, it is

obvious that the idea of God becomes more comprehensive and self-consistent in all its features as people advance in intellectual activity. The belief in the Divine Existence which is first accepted as a determining force in practical life is afterwards accepted as the only adequate solution of the problem of finite existence. It is thus that the natural belief in the existence of God comes to have associated with it a fuller, clearer conception of the nature of the Supreme Being. In this way also the conception receives its true scientific place and application. From these considerations it appears that the legitimate use of a discursive process is not in an attempt to reach the fact of the Divine Existence as a logical conclusion, but in testing the harmony between the belief and the facts of existence. This latter use of the reasoning process is in accordance with the scientific methods followed in all departments of investigation. When the mind makes enquiry as to the existence of a being self-sufficient and supreme, it is certainly more in accordance with the limits of logical proof that it should advance from belief to confirmatory evidence than that it should attempt to pass by its own strength from restricted existence to the transcendent grandeur of infinite being.

Belief in the Divine Existence is confirmed as the range of discovery extends our knowledge of the universe. With this belief given, the argument from design rises to a conspicuous place as an argument confirmatory. The argument from design is admirable as an inference from the nature of the effect to the nature of the cause, but it presupposes the truth that there is a first cause.

The beautiful and harmonious design manifest in the universe unmistakeably points to an intelligent

Designer ; and as from our knowledge of Matter, which consists only of its properties, such as length, breadth, thickness, elasticity, cohesion, etc., we cannot by any process of combination or division, evolve thought or intelligence, it is a highly gratuitous assertion that the universe is the result of a fortuitous concourse of atoms, that there has been cosmos out of chaos. The fact that the Designer is not cognisable to the senses does not affect our knowledge of Him. The mind, as well as God, is invisible ; yet we know what our mind is, *i.e.*, we know the mind by its faculties, such as perception, imagination, memory, attention, etc.

According to Addison, God has in Him all the perfection of a spiritual nature. And since we have no notion of any kind of spiritual perfection but what we discover in our own souls, we join infinitude to each kind of these perfections, and what is a faculty in a human soul becomes an attribute in God. We exist in place and time ; the Divine Being fills the immensity of space with His presence and inhabits eternity. We are possessed of a little power and little knowledge, the Divine Being is Almighty and Omniscient. In short, by adding infinity to any kind of perfection we enjoy, and by joining all these different kinds of perfection in one being, we form our idea of the Great Sovereign of Nature.

Locke holds similar views. In his opinion, the complex ideas we have both of God and separate spirits are made up of the simple ideas we receive from reflection, *i.e.*, having, from what we experience in ourselves, got the ideas of existence and duration, of knowledge and power, of pleasure and happiness, and of several other qualities and powers which it is better to have than to be without, when we frame an idea the most suitable we can to the Supreme Being, we enlarge every one

of these with our own idea of infinity; and so putting them together make our complex idea of God. "Belief in an infinite being," says Mansel in his "Philosophy of the Conditioned," "involves such knowledge of his nature as to distinguish his existence from all other existence. Belief is the assent of the mind to a truth, while the reality so acknowledged is not matter of observation."

Thus, facts which we accept on the testimony of others, propositions to which we assent without being able to complete their verification, and such a transcendent fact as the Divine Existence, are matters of faith. But faith is the exercise of an intelligent nature, apart from which it is impossible. Assent cannot be given except on condition of an apprehension of truth sufficient to distinguish it from all other known truth. Since then a belief in the Divine Existence belongs to us, this implies some knowledge of the divine nature.

As truly observed by Professor Calderwood, belief in the Divine Existence harmonizes with the religious instinct of our nature, which is the source of that widespread religious life which appears in the world under a multitude of forms. When subjected to analytical investigation, it is distinctly marked by two prominent features, first, the sense of dependence on higher power which is the spontaneous experience of a nature sensible of its inherent weakness, and subjection to governing forces in the universe; and, second, reverence of feeling for the perfection belonging to the absolute being. These two are the essential elements of the religious instinct swayed by the fundamental belief in the Divine Existence. The harmony of faith with such feeling is complete. Only in such faith can a harmony be found.

THE IMMORTALITY OF THE SOUL; OR, THE FUTURE EXISTENCE.

In verse 23, chapter II. of the Bhagavat Gita the nature of the soul is thus described. Weapon does not cut it; fire does not burn it; water does not dissolve it and wind does not dry it up. Both the Vedas and the Institutes of Manu affirm that the soul is an emanation of the all-pervading intellect and that it is necessarily destined to be re-absorbed. They consider it to be without form, and visible Nature with all its beauties and harmonies is only the shadow of God. The problem of the immortality of the soul, which is the basis of morality, mainly depends for its solution on a consideration of, first, the nature of the soul itself; second, the nature of the Supreme Being. Our belief in a future existence is deducible from two facts, first, the soul's infinite capacity of perfection, second, the disparity of worldly conditions—the general suffering of the virtuous and the prosperity of the vicious. Addison puts the first fact very eloquently and logically, when he says: "Would an infinitely wise being make such glorious creatures (men) for so mean a purpose? Can He delight in the production of such abortive intelligences, such short-lived reasonable beings? Would He give us talents that are not to be exerted? Capacities that are never to be gratified? How can we find that wisdom that shines through all His works in the formation of man without looking on this world as only a nursery for the next, and believing that the several generations of rational creatures which rise up and disappear in such quick succession are only to receive their rudiments of existence here and afterwards to be transplanted into a more friendly climate where they may spread and flourish to all eternity?"

Again, consistently with the mercy and justice of God the belief in a future state irresistibly forces itself upon our mind as without such state, virtue would remain unrewarded and vice unpunished considering the short span of our earthly existence. In a future existence alone can the doubt of Providence's sway created by daily observation that "virtue vice obeys" be cleared up by a nice and just adjustment of their unfair disparities of condition here. Self-renunciation or self-denial would lose much of its motive force in the eyes of *yogis* and *sannyasis* if the prospect of the next world were not held up to their view. Will not society be utterly disorganized and demoralized if the check of ultimate punishment, in itself insufficient to restrain vicious courses of life, is removed? It is easy to imagine that frail and weak as men are, they will run headlong into all sorts of dissipation and corruption if the remote consequences of their deeds are lost sight of.

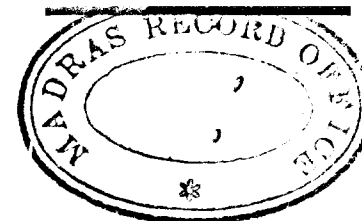
THE FREEDOM OF WILL.

It is needless to expatiate on this subject as the freedom of will has been clearly and satisfactorily established and vindicated by modern philosophy. Self-determination and motive-determination are the respective points between the rival theories of liberty and necessity. Motive is impulse to an act; will is power of determining whether to act or not to act; and in the event of acting, whether to act in this or that way; motives do so far determine the will as to fix the direction and form of the volition; this, however, establishes nothing as to the power or force to control the will, though it does discover a measure of exercise on their part independently of will. Freedom of will, as known in consciousness, is control over the whole nature by means of the control we have

over the understanding. The understanding must be able to compare motives with some standard of judgment or rule of conduct—must be able to go forward in thought and forecast the form and tendencies of different actions, in order that there may be any real choice or self-determination in acts. The hypothesis of free action as the law of exercise for the will itself, is the only one which harmonizes with the facts of consciousness. According to Dr. Martineau, either free-will is a fact or moral judgment a delusion. We could never condemn one turn of act or thought did we not believe the agent to have command of another; and just in proportion as we perceive in his temperament or education or circumstances the certain preponderance of particular suggestions and the bare approach to an inner necessity, do we criticize him rather as a natural object than as a responsible being and deal with his aberrations as maladies instead of sins. The ordinary rule which, in awarding penalties of wrong, takes into consideration the presence or absence of violent temptation, assumes a personal power of resistance never wholly crushed but sometimes severely strained. Were we in our moral problem as much at the mercy of the laws of association as we are in our efforts to remember what we have forgotten or to invent what is wanting in a design, we ought surely to look on the guilty will with the same neutrality as on the failing memory or unfertile imagination. Moral judgment then postulates moral freedom; and by this we mean, not the absence of foreign constraint, but the presence of a personal power of preference in relation to the inner suggestions and springs of action that present their claims. Every verdict implies preference; every preference comparison; every comparison things compared

and grounds of resemblance and difference between them. It appears thus that Necessitarianism has difficulty in accounting for the consciousness of moral responsibility and for the justice of personal liability to punishment.* If a man cannot help as he does, it cannot be just that he should be punished for what he cannot help. A philosophy of the moral sentiment including self-approbation and self-condemnation, shame and remorse, is peculiarly difficult under the Necessitarian hypothesis.

K. C. KANJILAL, B.L.



Art. IV.—HISTORY OF JOURNALISM IN INDIA.

VI.

I.—BENGAL.

LORD RIPON was succeeded by Lord Dufferin as Viceroy of India in December 1884. The latter came with the express purpose of throwing oil over troubled waters created between the rulers and the ruled by the ill-fated Criminal Jurisdiction Amendment Bill, otherwise known as the Ilbert Bill, and assumed towards the Indian Press an attitude that highly bespoke his statesmanship and broad-mindedness. The liberties and privileges which the Indian Press enjoyed during the *régime* of his predecessor were not only allowed to be unaffected, but Lord Dufferin allowed some of the Indian editors to have confidential communications with him regarding matters of state. To the servants of Government he allowed unrestricted permission to contribute to the Public Press. Towards the end of his Viceroyalty, when Sir Lepel Griffin, then Agent to the Governor-General for Central India, became the object of vitriolic attack by the *Amrita Bazar Patrika* of Calcutta, he refused permission to institute a prosecution of the paper on behalf of the Government of India as he thought such a course would expose the Indian Press to a great danger. He thought more of the liberty of the Indian Press than of the character of the public servant assailed who was certainly at liberty to vindicate himself from the aspersions by a private prosecution. Thus he decided an important principle of action for the Government of India in cases wherein their servants are attacked and

libelled in the Indian Press.* The following correspondence between the Viceroy and his Agent for Central India will clearly show with what keen farsightedness the great Viceroy protected a valued privilege of the Indian Press, that is, their liberty to comment on the actions of public servants.

From—Sir Lepel Griffin, K.C.S.I., Agent to the Governor-General for Central India.

To—The Secretary to the Government of India, Foreign Department, dated Indore Residency, 28th January 1888.

I have the honour to acknowledge your letter No. 154-1, dated 12th January 1888, in which you convey the decision of the Governor-General in Council on my letter No. 109-P.-579 of 9th November 1887, requesting that the Government will criminally prosecute and adequately punish the *Amrita Bazar Patrika* and other newspapers, which have for many months been publishing false and malicious libels on me, on the Government I serve and represent in Central India, and on Colonel H. E. Ward, the Minister of Bhopal, in connection with the official action which has been taken to purge that State from oppression and degrade and punish its tyrant.

2. You inform me that the Governor-General in Council, after careful consideration of my representations, has decided that it is neither necessary nor expedient, in the interests of the Government of India, to publish the correspondence relating to Bhopal affairs, or to institute a criminal prosecution against the *Amrita Bazar Patrika*. You are further directed to say that the Governor-General in Council is confident that the

* In consequence of this decision of Lord Dufferin, Sir Lepel Griffin resigned the service and retired immediately after.

policy of the Government needs no vindication against attacks such as those I have brought to its notice; and His Excellency the Viceroy fully agrees with me in thinking that I can personally afford to treat them with indifference.

3. Against this decision of the Governor-General in Council I venture with the utmost respect, but most energetically, to protest, on grounds of law, of equity and of policy, and I ask the Government, after a consideration of these further observations, to either enforce the law of the land which is violated with impunity, or publicly and officially to express their full confidence in and their approval of my acts in Bhopal.

4. Seeing that the Governor-General in Council has decided that the interests of the Government of India do not make a criminal prosecution either necessary or expedient, I would base my application on more personal grounds, and ask that such steps be taken as may clear my honour from attacks made upon me. I have before said that I care little for hostile criticism, and I readily allow that the abuse of the seditious and bought Press of Bengal is the best proof of the rectitude of the person they attack, as their praise is, in the eyes of honest men, the just condemnation of him who deserves it. But there is a limit to the tolerance of criticism; and that limit is passed when, instead of the honest denunciation of a public man and his measures, an official is accused of every form of tyranny, meanness, corruption and oppression, through months and even years, while the Government makes no effort to defend him in the eyes of the world, or to punish his malicious detractors, who are paid for their libels in the same manner as is an assassin for a dagger thrust in the back of an enemy.

5. I would invite the Governor-General in Council for a moment to consider the analogy which Ireland furnishes. The Government there are exposed to odium and abuse because they have wisely resolved to uphold and enforce the law; recognising that this is the first duty of a civilised administration, and if it be neglected society relapses into barbarism. Not only do they uphold the existing law, but finding that it is insufficient to meet the circumstances of the case, they have had recourse to special and more drastic legislation. If it be said that the libellous abuse of the Irish Nationalist Press is not ordinarily the subject of criminal prosecution, I would reply that the Irish Government has, at present, quite enough on its hand in the suppression of violent crime and open treason, and does not care to be diverted from its direct path by actions for libel. When active treason has been crushed, criminal libels against honorable officials will doubtless receive attention and condign punishment.

6. But what is far more relevant to my argument is that the members of the English Government attacked by the Nationalistic Press, whether Mr. Gladstone or Sir George Trevelyan or Mr. Balfour, have, and freely, exercised the right of private defence in the Press and on the public platform, while members of the Government to which they belong or which they serve, from the Prime Minister downwards, defend and support them energetically and in the face of the world, in and out of Parliament.

7. If we turn to India a very different spectacle is presented. The only persons to whom full liberty or, rather, license is allowed are the hired bravoës of the Press, and officials whose services entitled them to honour are condemned to a silence which is

misunderstood, while exposed defenceless to all ignoble abuse. The Government, when appealed to for protection, declines to enforce its own law, which is daily defied, which it would seem bound by every consideration of right and self-preservation to uphold, and the solemn maintenance of which is the chief reason for the existence of all civilised governments.

8. I take my stand on the law of the land, and I ask that it may be enforced. A single malicious libel it may be convenient for the Government to ignore or refuse to prosecute, but those of which I write may be counted by hundreds, and I doubt whether a number of the *Amrita Bazar Patrika* has been issued for months on which criminal proceedings might not be successfully instituted. I annex a few numbers of the papers, not specially selected, and probably far from the worst, but merely because they are the only ones I find at the present time in my office. It is impossible for the Government to feign ignorance of the libels. They are spread broadcast over India and form a large part of the selections from vernacular newspapers which come under the personal observation of the Governor-General in Council. If it be unnecessary and inexpedient to enforce the law of libel, and if paid scoundrels are permitted to attack the honour of high officials at their pleasure, daily, weekly, monthly, let the section referring to defamation be expunged from the Indian Penal Code. What grosser violation of the law can be instanced; what case more calling for severe punishment; what more malicious and persistent attacks and more destitute of foundation in truth or fact? If one offence under the Penal Code may be committed with impunity every criminal may logically demand that the sections which concern his offence and punishment may equally

remain a dead letter. The Government of India will undoubtedly concur in the opinion of their distinguished Legal Member, Sir Henry Maine, when in his work on "Popular Government" he observes :—

"If any Government should be tempted to neglect even for a moment its function of compelling obedience to law, if a democracy for example were to allow a portion of the multitude of which it consists to set some law at defiance which it happens to dislike, it would be guilty of a crime which hardly any other virtue could redeem and which century upon century might fail to repair."

9. I am surely entitled to the protection of the Government if I ask for it. For seven years I have administered Central India as Agent to the Governor-General with the full approval of two Viceroys, and I cannot leave India as is my wish in April, with any cloud upon my official reputation. I have received nothing but praise and confidence from the Indian Government. I can point to the change which has been effected in Central India during my term of office; to the public works which cover the country; to transit dues everywhere swept away; to the development of Rewah; the re-organisation of Gwalior; the surrender of the Gwalior fortress to the house of Scindia; the loan of 30 millions sterling by that State to the Government to the great advantage of both; to the clearing of the Augean State of Bhopal, which is at the same time the best work I have done, and that which has brought upon me the libels of which I complain. With all that I have done in Bhopal the Viceroy has expressed his full concurrence and approval, and your letter of the 10th of January 1887, conveying the special commendation of the Secretary of State, said :

"His Lordship has been pleased to express his sense of the vigour, judgment and discretion which has been displayed by you in the conduct of this long, difficult and delicate undertaking, now, through your efforts, brought to what promises to be a successful termination."

Lastly, I am confident, and the Government too knows it well, that in the future, no act or document of mine, through these seven years, will ever be produced which could not be approved by loyal and honourable men. Feeling this, I may be excused if I am unable to accept with equanimity the decision of the Government to do nothing. Their silence is a greater injury to me than any abuse of the Press which can only be believed because the Government neither denies nor punishes it.

10. The malice and bad faith of the attacks on the Government Policy in Bhopal are found in the notorious fact that they are instigated by the ex-Nawab Siddik Hossein, that many of the libellous journals are in his pay and the documents which are perverted and misrepresented to support his case are supplied from the private office of the Bhopal Durbar. This I clearly prove in the first annexure to this letter. What interest beyond money has the Bengalee Press in Bhopal or Siddik Hossein? They were probably ignorant of its existence until they were paid to denounce the Government by the very man who had been punished and who had unlimited wealth at his disposal. Why do not the same papers denounce the action of Government in Jhallawar whose young chief has been deprived of powers or in Tonk, where the Political Agents control the Council? For the reason that it has not as in the case of Bhopal been made worth their while to do so.

11. Even at the risk of wearying the Government, I must in a few sentences repeat the well-known Bhopal story.

When I came to Central India in 1881, I found Nawab Siddik Hossein under the grave displeasure of Lord Ripon's Government for treasonable publications and the Bhopal population crushed under the iniquitous land revenue assessment lately issued, by which the rent was raised from 17 lakhs of rupees to 41 lakhs while the whole difference between the two sums during the five or six years of settlement, was demanded in a lump sum from the people. By strong remonstrance I obtained the remission of these arrears, but the revision of the assessment now being carefully conducted by Colonel Ward, I had neither authority nor information sufficient to interfere with. Year by year complaints grew more numerous of oppression and misgovernment in every Department over all of which Siddik Hossein was virtually supreme; till at length I placed the whole case before the Government of India. I showed clearly the long course of infamy which Siddik Hossein had pursued; his continued and notorious treason in defiance of Lord Ripon's warning; justice turned into a mere engine of corruption and oppression; tenants and farmers alike ruined to fill the pockets of himself and his creatures; districts depopulated; and the police little better than organised dacoits whose plunder was shared in high quarters. The Governor-General in Council after a full consideration of the case, decided that the guilt of the Nawab was clear; he was deprived of his title and salute and forbidden to interfere in public affairs under the pain of further punishment, and at the request of Her Highness the Begum an English Minister, Colonel H. Ward, was appointed, who, with infinite patience, tact and

courage has reformed the administration and purified the courts and police, though many years must elapse before the population ruined with hopeless arrears of debt can recover from the oppression of the past,

Siddik Hossein has now set himself to avenge his disgrace. He has secretly obstructed all measures of reform and by threats and promises and bribes has retained on his side many of the old officials, mostly Wahabis, whom it was not found possible to expel. He has employed much of the State money, and his own enormous wealth obtained by the most scandalous means in buying newspapers and paying for abuse of those who have brought about his just punishment, and the impunity which has so far attended this action has infinitely increased the difficulty of administration in Bhopal, and may ere long render it impossible. The Minister who has won the entire confidence of the people is the object of attacks as bitter and unfounded as those directed against me, and although the whole population of Bhopal regard us as their saviours from destruction, and loyal and orthodox Muhammadans throughout India thoroughly approve the policy of the Government and would have gladly seen their enemy and ours removed from the State, it would seem from the language of the Bengalee Press that Siddik Hossein was an injured and innocent victim and that we were his unjust persecutors.

12. In conclusion I would most respectfully invite the Government to consider that its policy of indifference to malicious libels on high officials is misunderstood by the people of India of high or low degree. They either believe that the libels are true or that the Government is afraid to prosecute the Native Press which utters them. Whichever be their belief it is equally injurious

to the power and prestige of the Imperial Government; more so than the open preaching of sedition. The surest foundation of our power in India is the general and well-founded confidence of the people in the justice, impartiality and honesty of English officials, and if the Government allows this to be undermined and treats this invaluable possession as of small account and a thing unworthy of defence, it will lose its chief support in time of danger while it will degrade the quality of its official class, for honorable men will hesitate to serve a Government which refuses to defend their honour."

But in spite of this eloquent appeal by Sir Lepel Griffin, Lord Dufferin did not sanction a criminal prosecution of the *Amrita Bazar Patrika* as suggested by His Excellency's Agent for Central India. In 1889, Lord Lansdowne succeeded Lord Dufferin as Viceroy of India. In this year the *Amrita Bazar Patrika* published a confidential Foreign Office document touching the state of the Cashmere frontier, and Lord Lansdowne thought it advisable to pass the Official Secrets Act. This publication was resented by the Government as an intolerable offence, particularly as while a part of the Foreign Secretary, Sir Mortimer Durand's minute was accurately given, the rest was said to have been suppressed, and in its place was inserted a passage which imputed to the Government sinister intentions with regard to Cashmere, which were, of course, repudiated. On the 10th October 1889 at the Council of the Governor-General of India, the Hon'ble A. R. Scoble, Q.C., C.S.I., then Legislative Member of the Supreme Council, moved for leave to introduce a Bill to prevent the disclosure of Official Documents and Information. He said:—

"This Bill has not originated with the Government of India; it is a mere re-enactment of an Act which

was passed during the last session of Parliament to prevent the disclosure, by unauthorised persons, of official documents and information. This Act applies to all parts of Her Majesty's dominions, and is, therefore, already in force in India, but it has been thought desirable to place it also on the Indian Statute-book, in order to give it greater publicity, and to bring its provisions into complete harmony with our own system of jurisprudence and administration. In Indian law, for example, the technical distinction between felonies and misdemeanors which survives in the criminal law of England, has not been maintained and is, therefore, not reproduced in the Bill; and the provision in the English Act that prosecutions under the Act shall not be instituted except by or with the consent of the Attorney-General has been modified by substituting the consent of the Local Government or of the Governor-General in Council for that of the Law Officer. In other respects the Bill follows the language of the English Statute.

"There can, I think, be little doubt that a measure of this sort has long been required. The offences which it is intended to reach are (1) the wrongful obtaining of information in regard to any matter of State importance, and (2) the wrongful communication of such information. The penalties range from transportation for life to imprisonment or fine, according to the gravity of the offence. The offence is, of course, aggravated when committed by a servant of Government, contrary to his official duty." The motion was put and agreed to.

The Hon'ble Mr. Scoble also introduced the Bill, and moved that it be taken into consideration at the next meeting of the Council. He explained that, as the

measure was only a reproduction of the English Act, it seemed unnecessary that it should be referred to a Select Committee. The motion was put and agreed to, and the Council adjourned to Thursday the 17th October 1889. On the 17th October the Council met and the Hon'ble Mr. Scoble moved that the Bill to prevent the disclosure of Official Documents and Information be taken into consideration. His Excellency the President, Lord Lansdowne, said :—" Our hon'ble colleague, Mr. Scoble on moving for leave to introduce this Bill, expressed his opinion that a measure of the sort has long been required in India. That opinion I entirely share : I have seen enough during the comparatively short time, which I have spent in this country to satisfy me that, unless legislation of this kind is resorted to, the interests of the public are likely to suffer materially. It is scarcely necessary to enlarge on the consequences which must ensue if the kind of treachery which is involved in the disclosure of official documents and information, and in the procuring of such information by persons interested in publishing it, is allowed to remain unpunished, and I believe that it is absolutely necessary for the Government of India to hold in its hand a weapon which can, if necessary, be used with exemplary effect against those who are guilty of such practices.

" I trust, however, that I shall not be understood as suggesting that, in my opinion, it is upon punitive measures such as this that the Government of India should rely for the maintenance of that degree of secrecy which is indispensable for the proper conduct of certain classes of public business. I rejoice to think that those whose opportunities of divulging such information are greatest—I mean the members of the

public service—deserve, as a general rule, the high reputation which they have earned for trustworthiness and discretion. The opportunities enjoyed by such persons for obtaining access to important public documents and for making known their contents are almost unlimited. Such information has, as we all know, an appreciable, and sometimes a very high commercial value. We are well aware that persons are at all times to be found ready to encourage breaches of official confidence and to throw serious temptations in the way of those who are in a position to commit them. It is, moreover, a matter of notoriety that what is sometimes spoken of as the enterprise of the Public Press has of recent years, and not in India only, led to the encouragement of such misconduct. Under such circumstances it would be strange indeed if occasional breaches of good faith on the part of those whose daily duties afford them the means of acquiring official knowledge did not occur. This Bill will give us the power of punishing both the parties to such transactions,—the thief, and the receiver of stolen goods,—and there is every reason to expect that the passage of the measure will have a salutary and deterrent effect.

" I may perhaps be permitted to enforce what I have said by referring to a recent case in which a particularly scandalous disclosure of official information has taken place. A Calcutta journal, the *Amrita Bazar Patrika*, in a recent issue, published what professed to be the text of a document described as one 'the original of which His Excellency will find in the Foreign Office,' and as containing the 'real reason why the Maharajah of Kashmir has been deposed.'

" The document purports to be a memorandum submitted to the then Viceroy, Lord Dufferin, by Sir

H. M. Durand, the Foreign Secretary, in May 1888, and runs as follows :—

‘TO HIS EXCELLENCY—I do not agree with Mr. Plowden, the Resident in Cashmere, in this matter. He is too much inclined to set Cashmere aside in all ways and to assume that if we want a thing done we must do it ourselves.

‘The more I think of this scheme, the more clear it seems to me that we should limit our overt interference as far as possible to the organisation of responsible military force in Gilgit. So far we can hope to carry the Durbar thoroughly with us. If we annex Gilgit or put an end to the suzerainty of Cashmere over the petty principalities of the neighbourhood, and above all, if we put British troops into Cashmere just now, we shall run a risk of turning the Durbar against us and thereby increase the difficulty of the position. I do not think this is necessary. No doubt we must have practically the control of Cashmere relations with those principalities, but this we already have. Indeed, the Durbar has now, since the dismissal of Lachmun Dass,* asked Mr. Plowden to advise the Gilgit authorities direct without reference to him. If we have a quiet and judicious officer at Gilgit, who will get the Cashmere force into thorough order and abstain from unnecessary exercise of his influence, we shall, I hope, in a short while, have the thing in our hand without hurting any one’s feelings.’

“Up to this, the document is a substantially accurate reproduction of a minute actually written upon the above date by Sir Mortimer Durand, so much so that there can no doubt whatever that it must have been communicated to the Press by a person who had had an

* Once a favourite of Maharajah Sir Pertab Singh, the reigning prince of Cashmere. He was Prime Minister of the State for a short time when Sir Pertab Singh became Maharajah.

opportunity of copying or committing to memory a part at all events of Sir Mortimer Durand’s minute. A few words only have been misquoted, but they are not of material importance. I think the Council will agree with me in considering that there is nothing in the passage which I have read which could be legitimately construed as revealing iniquitous designs upon the State of Cashmere on the part of the Government of India. It will no doubt be within the recollection of hon’ble members that, at the time when the minute was written, there had been considerable disturbances on the Gilgit frontier, that the Chiefs of Hunza and Nagar were in revolt against Kashmir, that Chaprot had been captured, and other places within the territories of the Maharaja threatened by the insurgents, who had defied the Kashmir authorities.

“These events had shown in so striking a manner the insufficiency and weakness of the frontier administration of the Kashmir Durbar that proposals were submitted by the then Resident for the purpose of coming to its assistance. With this object Mr. Plowden advised the appointment of an English Political Agent at Gilgit, and he was further of opinion that it might be desirable to send British troops into Kashmir. These were the proposals to which the Foreign Secretary, in the document of which I have just read a part, took exception, and in the passages which follow in the original minute, which I have lately examined, I find that his objections to the Resident’s proposals were throughout based upon the reason which he assigned at the outset, namely, that Mr. Plowden was disposed to rely too much upon British intervention and not enough upon the efforts of the Durbar. Sir Mortimer expresses his belief that we ‘should be able to improve and

strengthen the position of the Kashmir authorities ;' that any officer whom we send up 'should act with the consent and assistance of the Durbar ;' that 'he should not take command of the Kashmir troops or get up any military expeditions ;' and he was to 'give advice to the Governor in his present military difficulties' only 'if the Durbar wishes it.'

"Will it be believed that the whole of the portion of the minute from which I have taken these extracts has been omitted or suppressed, and that in lieu of it has been inserted the passage which I shall now proceed to read.

'Although I think our first step should be to send up temporarily and quietly a selected military officer (Captain A. Durand of the Intelligence Department) and a junior medical officer. Both of them will have the support of the Durbar when and where it will be necessary, and they will not display any indiscretion, so that the Durbar may not have any hint of the work they are about to undertake, and they will have to obtain the consent of the Durbar in matters concerning military difficulties. Once we establish a belief that our undertaking is nothing but the welfare of the Durbar, we are surely to attain our object. Time will show that my view is not a wrong one. In it lies, I venture to hope, the safe realisation of that object which was once contemplated in Lord Canning's time and afterwards it was abandoned after deliberation.'

"This extract, with the exception of the first line and a half, in which it is recommended that an officer should be sent up temporarily to Gilgit, is a sheer and impudent fabrication. Not only is it not to be found in Sir Mortimer Durand's minute, but it misrepresents him in all the most essential particulars. It has thus come to pass that on the one hand, important passages

of Sir Mortimer. Durand's minute have been altogether suppressed, and, on the other, words have been ascribed to him which he not only never used, but which convey a meaning absolutely inconsistent with those which he actually wrote.

"I have already called attention to the suppression of those parts of the minute which most strikingly illustrate the moderation of the policy which found favour with the Foreign Secretary and which was approved by the Viceroy. When we come to the passages for which the writer has drawn upon his own imagination, we find a series of unfounded statements expressed in language which those who are familiar with Sir Mortimer Durand's style would not for a moment mistake for his, and abounding in suggestion to the effect, that our policy in regard to Kashmir is governed by motives of the most sinister kind. Of such a description are the passages in which it is said that the officers sent to Gilgit are to conduct themselves 'so that the Durbar may not have any hint of the work that they are about to undertake' and the statement that 'once we can establish a belief that our undertaking is nothing but the welfare of the Durbar, we are surely to attain our object'—an object which is subsequently described as that 'which was contemplated in Lord Canning's time, and afterwards it was abandoned after deliberation.'

"The newspaper version of the minute ends with the following words :—

'Eventually Major Mellis should go to Kashmir on the part of the Durbar and submit a mature scheme for the better administration of the State, which is at present very badly managed indeed. This scheme should include the outline of our arrangements for strengthening the Government policy.'

'After the expiry of six months we will be in a position to decide whether the permanent location of a political Agency at Gilgit, also a contingent of troops for the defence of the frontier for which the Durbar have already agreed to put their resources and troops at the disposal of the British Government.'

(Sd.) H. M. DURAND,

6th May.

'Very well.'

(Sd.) DUFFERIN,

10th May.

"Upon these passages I have only to observe that the earlier portion is rendered with complete inaccuracy, Sir M. Durand never having recommended that Major Mellis should submit a scheme for the administration of the State, but merely that that officer should at a later date go to Kashmir in order to confer with the Durbar in regard to its offer of aid for the defence of the frontier. The concluding sentence is a pure fabrication, none of the words after 'policy' appearing in the original minute. The latter, I may add, received the Viceroy's approval, although not in the terms mentioned in the fabricated version.

"I have shown already what were the objects with which the Government of India proposed in 1888, to intervene in the affairs of Kashmir, and within what narrow limits Sir Mortimer Durand, with the Viceroy's approval, was prepared to restrict that intervention, and it is unnecessary for me to point out how full of mischievous and misleading suggestion are the passages which I have quoted from the spurious portions of his supposed minute.

"The responsibility which rests upon those who are ready not only to give to the public documents which they are well aware could not have been obtained except by a distinct and criminal breach of trust, but who are not even at the pains to satisfy themselves that these documents are genuine, is a very serious one.

"In the present instance the spurious information can have been published with no other object than that of persuading the people of this country that the recent action of the Government of India in Kashmir has been prompted by motives which have been repudiated in official documents of the first importance as well as by the public statements of the Secretary of State in the British Parliament. Not content with persistently misrepresenting the Government of India, the publishers of the article have not scrupled to present to the public a garbled version of a confidential note written more than a year ago, in order to give an entirely distorted account of the then view and actions of the Government. Neither then nor at the present time has it been the desire of the Government of India to promote its own interests at the expense of those of the Kashmir State; then, as now, it was our desire to see that State well and wisely governed, with a minimum of intervention on our part and without any ulterior designs upon its independence. I am not without hopes that the sincerity of our motives will in process of time come to be understood even by those who have been misled by the persistent misrepresentation which has taken place in connection with these matters, and I believe that an exposure of the practices to which our critics have not scrupled to resort in the present instance may have the effect of in some degree, opening the eyes of the public as to the methods which

have been adopted for the purpose of prejudicing its judgment in regard to this important case.

"I have thought it my duty to bring this matter to the attention of the Council, both for the purpose of affording an illustration of the kind of malpractice against which the Bill on the table is directed, and also because I think it should be generally known that the new law is intended to be put in force in such cases, and that those who publish official documents without authority will come within its scope, whether the persons by whom those documents have been divulged are discovered or not, and whether the documents themselves are published in their entirety or, as in the present instance, reproduced in a garbled and truncated form."

The motion was put and agreed to; and the Hon'ble Mr. Scoble also moved that the Bill be passed. The motion was put and agreed to. The following is the full text of the Act now in force :—

Act No. 15 of 1889.

An Act to prevent the Disclosure of Official Documents and Information.

WHEREAS it is expedient to prevent the disclosure of official documents and information: it is hereby enacted as follows :—

1. (1) This Act may be called the Indian Official Secrets Act, 1889, and (2) It extends to the whole of British India, and applies, (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty and (b) to all Native Indian subjects of Her Majesty without and beyond British India.
2. In this Act, unless there is something repugnant in the subject or context—

Definitions.

(1) any reference to a place belonging to

Her Majesty includes a place belonging to any department of the Government, whether the place is or is not actually vested in Her Majesty :

(2) expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, plan, model or information itself or the substance or effect thereof only be communicated :

(3) "document" includes part of a document :

(4) "model" includes design, pattern and specimen :

(5) "sketch" includes any photograph or other mode of representation of any place or thing : and

(6) "Office under Her Majesty" includes any office or employment in or under any Department of the Government.

3. (1) (a) Where a person for the purpose of wrong-
Disclosure of informa- fully obtaining information—
tion.

(i) enters or is in any part of a place belonging to Her Majesty, being a fortress, arsenal, factory, dockyard, camp, ship, office or other like place, in which part he is not entitled to be, or,

(ii) when lawfully or unlawfully in any such place as aforesaid, either obtains any document, sketch, plan, model, or knowledge of anything which he is not entitled to obtain, or takes without lawful authority any sketch or plan, or,

(iii) when outside any fortress, arsenal, factory, dockyard or camp belonging to Her Majesty, takes or attempts to take without authority given by or on behalf of Her Majesty any sketch or plan of that fortress, arsenal, factory, dockyard or camp, or,

(b) where a person knowingly having possession of, or control over, any such document, sketch, plan, model or knowledge as has been obtained or taken by means of any act which constitutes an offence against this Act at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not, in the interest of the State, to be communicated at that time, or,

(c) where a person after having been entrusted in confidence by some officer under Her Majesty with any document sketch, plan, model or information relating to any such place

as aforesaid, or to the naval or military affairs of Her Majesty, wilfully and in breach of such confidence communicates the same when, in the interest of the State, it ought not to be communicated,

he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Where a person having possession of any document, sketch, plan, model or information relating to any fortress, arsenal, factory, dockyard, camp, ship, office or other like place, belonging to Her Majesty, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person whom he knows the same ought not, in the interest of the State, to be communicated at that time, he shall be liable to the same punishment as if he committed an offence under the foregoing provisions of this section.

(3) Where a person commits any act declared by this section to be an offence, he shall, if he intended to communicate to a foreign State any information, document, sketch, plan, model or knowledge obtained or taken by him, or entrusted to him as aforesaid, or if he communicates the same to any agent of a foreign State, be punished with transportation for life, or for any term not less than five years, or with imprisonment for a term which may extend to two years.

4. (i) Where a person, by means of his holding or having held an office under Her Majesty, Breach of official trust. has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model or information to any person to whom the same ought not, in the interest of the State, or otherwise in the public interest, to be communicated at that time, he shall be guilty of a breach of official trust.

(2) A person guilty of a breach of official trust shall—

(a) if the communication was made or attempted to be made to a foreign State, be punished with transportation for

life or for any term not less than five years, or with imprisonment for a term which may extend to two years, and

(b) in any other case be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) This section shall apply to a person holding a contract with any department of the Government, or with the holder of any office under Her Majesty as such holder, where such contract involves an obligation of secrecy, and to any person employed by any person or body of persons holding such a contract, who is under a like obligation of secrecy, as if the person holding the contract and the person so employed were respectively holders of an office under Her Majesty.

5. A prosecution for an offence against this Act shall not be instituted except by or with the Restriction on prosecution. consent of the Local Government or of the Governor-General in Council.

The above Act received the assent of His Excellency the Governor-General on the 17th October 1889. The following were its objects and reasons:—

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to re-enact for India, *mutatis mutandis*, the provisions of the Official Secrets Act, 1889 (52 and 53 Victoria, c. 52), which has recently been passed by Parliament. That statute applies (see Section 6) to all acts made offences by it when committed in any part of Her Majesty's dominions, or when committed by British officers or subjects elsewhere, but the working in India of criminal law enacted by Parliament has not infrequently, notwithstanding the provisions of 37 and 38 Vict., c. 27, s. 3, been found to be beset with practical difficulty. Under these circumstances it seems desirable to take advantage of the saving for laws of British possessions contained in section 5 of the Statute and re-enact it for India with such adaptations of its language and penalties as the nomenclature of the Indian Statute book requires.

ANDREW R. SCOBLE.

The 9th October 1889.

In 1891 Sir Charles Elliott became the Lieutenant-Governor of Bengal. He considered every thing done in the Bengal Secretariat or at Belvedere an official secret, which appearing in any newspaper, was regarded by him an infringement of the Official Secrets Act, and as such punishable under the law. Early in his reign the following correspondence took place between His Honour and the late Dr. Sambhu Chandra Mookerjee, then Editor of *Reis and Rayyet*, regarding the publication of an official secret contained in the following editorial note :—

From 25th April 1891. Let us take an instance that has just come to our ears. The candidates for employment in the Opium Department having just been examined, one of the plucked examinees has appealed to Government against the examiners. And strange as it may seem, the appeal has been admitted. As a rule who listens to such representations unless very influentially supported? Governments have too much to do to have leisure to plunge into the materials of an educational examination. Nor truth to say, are Governments *ex-officio* competent to try an appeal against professional experts. There is, besides, an easy way of preserving dignity and escaping botheration in the standing secretarial formula "declines" or "sees no reason to interfere." Not so in the Bengal Government of the day. Secretaries are apparently not now allowed to clear files, according to the old methods. The Lieutenant-Governor himself sees everything. So the matter came before Sir Charles Elliott, and he took it up in right earnest, as became the head of a Government which needs much looking after and mending. The candidate questioned the justice of the examiners, and the Lieutenant-Governor called for his papers and regularly went through them, even to working out the sums and problems. The result of his labours was that the examinee had given correct answers and that the examiners had done him foul wrong. Not to act upon his own impression, Sir Charles, we are told, has sent the papers to the Director of Public Instruction for report.

The Lieutenant-Governor asked the Editor of the paper to give the name of the contributor of the above note on which he replied thus :—

"REIS AND RAYYET" OFFICE,
Calcutta, 29th April 1891.

CAPTAIN J. W. CURRIE,
Private Secretary to the Lieutenant-Governor of
Bengal, Belvedere.

Dear Sir,—I beg to acknowledge receipt of your letter of yesterday received late in the evening.

I regret that the paragraph alluded to in it has caused any annoyance to the Hon'ble the Lieutenant-Governor.

That paragraph appeared quite by accident I might say, were it not that that sort of lucky accident is a recognised source of information to us. Two gentlemen—whom I am not permitted to name either by the etiquette of society or of the Press—were talking the bazar gup in my presence while I was occupied with something else. Their subject was the consternation caused in the departments of the Bengal administration by His Honour's visits and enquiries and his practice of seeing everything himself. The Excise Department and the Secretariat were chiefly dwelt upon. In the course of the conversation, one of them said he had just heard that some Police or Opium Department candidate had complained of having been unfairly plucked, and that his complaint had attracted the notice of the Lieutenant-Governor who was said to have gone through the examination papers, and referred the matter to the Director of Public Instruction. I did not ask any question and indeed gave the impression of not listening. But what I had heard was so interesting that, unperceived, I took it down, filling in the meagre outline with light and shade and colour, and disposing off uncertainties by bold guess-work.

Such is the origin of a paragraph about the accuracy of which I myself did not feel quite sure. Accordingly without discounting its importance by avowal of any suspicion, and yet to guard against the consequences of

contradiction, I did not stake our credit on its truth, but gave it as it "came to our ears," hoping by the preliminary pother and the general treatment to conceal from the reader the weakness of our source of information—in downright vernacular its bazari character.

After this I need scarcely add that there has been no betrayal in the matter.

I have the honor, etc.,
(Sd.) SAMBHU CHUNDER MOOKERJEE.

Provoked by the reply given above by the veteran Indian journalist, His Honour made the following order, through his Secretary, Mr. C. E. Buckland (now retired), on the 30th April 1891, which was hung up in a prominent place in the Bengal Secretariat. After quoting the above note, the order ran thus :—

1. "The Editor of the paper was called upon to give the name of the contributor who had violated the confidence of Government by betraying the secrets of the office. He replied that he overheard two clerks talking together and picked up from them the above story.

2. "The Lieutenant-Governor desires most seriously to warn every clerk in the Government Secretariat against the betrayal of official secrets, whether it be by deliberate correspondence with a newspaper, or by indiscreet babble in a public place or private room. If such a case occurs again, the offender will, if detected, be dismissed the service. If he cannot be detected every clerk through whose hands the papers could have passed in the course of official routine or who cannot prove the impossibility of his having been the offender, will be punished by a fine of a week's pay."

By Order of the LIEUTENANT-GOVERNOR.

(Sd.) C. E. BUCKLAND,
Offg. Secretary (Rev. Dept.)

Next His Honour threatened the *Indian Mirror* with prosecution under the Official Secrets Act. The following official correspondence between the Lieutenant-

Governor and the Editor of the *Indian Mirror* will explain the object of the threat :—

Judicial Department.

Judicial No. 2966J.

From—H. J. S. COTTON, ESQ., C.S.I., Officiating Chief Secretary to the Government of Bengal.

To—BABU NARENDRA NATH SEN, Editor of the *Indian Mirror*.

DATED CALCUTTA, the 12th July 1892.

Sir,—I am directed to invite your attention to the letter, copied in the margin, which appeared in the issue of the *Indian Mirror* of the 17th June 1892.

SIR CHARLES ELLIOTT'S
GOVERNMENT.

[To the Editor of the *Indian Mirror*].

Sir,—Yesterday's issue of the *Indian Mirror* contains the first of a series of articles that are likely to appear on Sir Charles Elliott's administration. We cannot sufficiently thank you for your just, honest and fearless criticism of Sir Charles Elliott's Government. Sir Charles is a *suberduste* no doubt but his Secretaries, especially Mr. Buckland, the Revenue Secretary, are more so. You say, Sir, that "two District Judges flatly refused to comply with his (Lieutenant-Governor's) demand for certain information, and referred him to the High Court." We have heard of it and more. Rumour has it that his *Khairthan* Revenue Secretary proposed to transfer both these two Judges to two distant and out-of-the-way districts, one to Chittagong and the other to Rungpur as a sort of punishment. But it is also rumoured that the Lieutenant-Governor had the good sense to veto the proposal. As for his Chief Secretary, the writer of *New India*, he is now before the public in his true colours as will appear from the speech with which he introduced the Chowkidari Bill. His pet Secretary, Mr. Risley, is, of course, trying his best to, as you rightly observe, "aim a blow at independent journalism, and it is feared he

This letter bears on the face of it evidence of having been contributed by some person who has access to official notes passing between a Secretary to Government and His Honour the Lieutenant-Governor of Bengal. Such notes are in their nature confidential, and the betrayal of their contents is injurious to the administration. The Lieutenant-Governor is advised that in these circumstances, a newspaper admitting and publishing such a communication as the letter quoted above renders itself liable to prosecution for the abetment of an offence under the Official Secrets Act.

has succeeded to a certain extent as it appears from the wretched condition of the *Hindu Patriot*, the paper of the late Hurrish Chandra Mookerjee and Kristo Das Pal. I hope to resume this subject again.

Yours, etc.,
FIAT JUSTITIA.

The 15th June 1902.

Sir Charles Elliott has no intention of instituting any prosecution in the present instance, but His Honour desires to give warning that should the practice of betraying secrets, which are necessarily known to a number of clerks in the Bengal Secretariat, be persisted in, proceedings under the Act will be taken on behalf of Government.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) H. J. S. COTTON,

Officiating Chief Secretary to the Government of Bengal.

On the 17th August 1892, the Editor of the *Indian Mirror* replied thus to Sir Charles Elliott:—

“INDIAN MIRROR” OFFICE,
Calcutta, 17th August 1892.

TO—THE HONOURABLE H. J. S. COTTON, C.S.I.,
Chief Secretary to the Government of Bengal.

Sir,—I have the honour to acknowledge the receipt of your letter No. 2986J, dated the 12th ultimo, in which you draw my attention to the letter of a correspondent which appeared in the *Indian Mirror* of the 17th July last, signed “*Fiat Justitia*,” and state that the Lieutenant-Governor has been advised that by publishing such a letter, the *Indian Mirror* has rendered itself liable to a prosecution for the abetment of an offence under the Official Secrets Act.

In reply, I beg to state that the letter in question did not come from any person, connected with the

Bengal Secretariat, and that I have been advised that the publication of that letter does not constitute the offence of abetment of any offence whatsoever, assuming even that the writer of the letter was himself guilty of betraying any official secret, which the conductors of the *Indian Mirror* had no reason to suppose, when the publication of the letter was sanctioned.

In conclusion, I desire emphatically to repudiate the insinuation, contained in your letter, to the effect that the Editor of the *Indian Mirror* has ever lent himself to obtaining improperly official secrets from any clerk or other person, in the employ of the Bengal Government.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) NORENDRA NATH SEN,

Editor, Indian Mirror.

Next year His Honour's equanimity was again upset by some comments which appeared in *Reis and Rayyet*, then edited by the late Dr. Sambhu Chandra Mookerjee, and the following interesting correspondence took place between the Lieutenant-Governor and the Editor of the offending journal:—

No. 220.

FROM—THE PRIVATE SECRETARY TO H. H. THE LIEUTENANT-GOVERNOR OF BENGAL,

TO—THE EDITOR, *Reis and Rayyet*, Calcutta.

CAMP BETTIAH, the 12th April 1893.

Sir,—The Lieutenant-Governor desires me to draw

your attention to the following extracts printed in your newspaper of the 8th April 1893 :—

I. "Mr. Lee has gone on furlough and Mr. Ritchie has taken charge as Chairman of the Calcutta Corporation. The Corporators and their employès are already experiencing the amenities of this new celestial after Sir Charles Elliott's own heart. What a pity that the old race is extinct in the Municipality. The Blessington Roberts, Frederic Wymans, James Wilsons, the Rajendra Lala Mittras and Kristo Das Pals would have in no time brought any civilian puppy to his level and senses."

II. "We congratulate Nawab Syed Ameer Hossain on his raid into the sacred preserve as Inspector-General of Registration. We hope he will be able to maintain possession. We hear the present incumbent who himself will be promoted to an officiating Judgeship, has protested against the Syed's elevation even for six months, to his sacred office of Inspector-General. The dog in the manger! The man deserved a rap on the knuckles for his impertinence, and would get it in a really strong government."

The tone of these extracts offends so seriously against good taste and gentlemanly feeling that His Honour thinks it right to enquire whether they were inserted with your knowledge and approval or whether the same excuse can be pleaded as was pleaded for the indecent article to which he took objection last year, *viz.*, that it was published in your absence and that nothing of the kind should be admitted again.

I have, etc.,

(Sd.) J. W. CURRIE, Captain,

Private Secretary.

From—DR. SAMBHU CHUNDER MOOKERJEE,

Editor, *Reis and Rayyet*, Calcutta,

To—CAPTAIN J. W. CURRIE,

Private Secretary to H. H. the

LIEUTENANT-GOVERNOR of Bengal, Darjeeling,

Calcutta, the 22nd May 1893.

Sir,—I duly received your note enclosing a printed copy of a letter, dated Camp Bettiah, the 12th April 1893, to the Editor, *Reis and Rayyet*, which had never been received at this office, but at a time of illness, I beg to be excused for this tardy acknowledgment. I am somewhat better, but still suffering and on sick diet under the treatment of Dr. Sircar.* As H. H. the Lieutenant-Governor is to go on leave I must try to attend to the call made on me. Before I can do so I have a request to make. This sort of correspondence is becoming frequent and makes a distinct addition to the responsibilities of the Press in India. I have been journalist from before the Mutinies. I have got not only to maintain the interests of the paper and clear my own character, literary and personal, from unjust reproach, but to see that the credit of the Press does not suffer in my person. According to the Lieutenant-Governor the tone of the two passages quoted from my newspaper of the 8th April last "offends so seriously against good taste and gentlemanly feeling that His Honour thinks it right to enquire whether they were inserted with my knowledge and approval." Had the Bettiah letter stopped there it would have been one thing. But it does not. The enquiry is carried further into speculative region. Having consigned me to an embarrassing situation, His Honour is kind enough to offer me

* The late Dr. Mahendra Lal Sircar, M.D., C.I.E., D.L., the eminent Homeopathic practitioner.

a way of escape out of it, if I would only take it. Remembering the journal's lapse of the previous year, he adds with ill-concealed sarcasm, not to say contempt, "whether the same excuse can be pleaded for the extracts as was pleaded for the indecent article to which he took objection last year, namely, that it was published in my absence and without my knowledge and that nothing of the kind should be admitted again." His Honour might have waited for my answer. It is but fair to leave the prisoner *carte blanche* to choose his own line of defence especially when the initial plea has not been taken. Be that as it may, my present purpose is to solicit the favour of information on the previous transaction. I have no recollection of any indecent article published in my paper at any time. *Reis and Rayyet*, as it is written by gentlemen, is read by ladies and gentlemen, not only in India, but in Europe, including members of Parliament, members of the Cabinet, public men of different parties and literary men of acknowledged eminence, many of whom have privately, and sometimes openly spoken highly of its excellence and especially its tone. The late Major Evans Bell said: "I read your paper religiously," and the same sentiment was echoed lately by an Englishman who is now the chief editor of an Anglo-Indian paper.

I occasionally ask my correspondents to sit in judgment on my conduct of the paper and to offer me suggestions. An illustrious member of Parliament with whom I have the honour of correspondence wrote in answer to my pestering—"I have no suggestion to make; *Reis and Rayyet* is an exemplary paper." If anything really shocking or offensive had appeared, I am sure I should have heard from my friends as well as readers. I take

good care according to my light, of course, not to offend, for I am proud of being a gentleman and, while affecting the highest Oriental polish, have always aspired to form my conduct on the highest European models and pitched my life and conversation in the key of the best English society. Even during the general madness of the Ilbert Bill agitation, while dealing in frantic abuses of those who assailed our ladies I never retorted with similar bad manners. My dear friend General Napier Campbell, who was one of the scarcely half a dozen Europeans who maintained an impartial attitude on the occasion, will bear me out, as more than one occasion I asked his opinions as a British gentleman of culture and superior refinement of feeling whether I might publish a certain thing without offence.

In the age which patronises Zola, in which Swinburne has been seriously recommended for the office of Poet Laureate, *Reis and Rayyet's* lapse must have been serious to be still remembered at the Lieutenant-Governor's Court. As, however, this is not the only paper whose manners and morals have engaged His Honour's attention, it is just possible that there has been a mistake due to confusion of names. I shall esteem it a great favour to be supplied with the name and page and column of its publication, together with a copy of my answer. It is possible that in the stress of journalism some word, or phrase or perhaps, a sentence of a questionable character appeared; but it is highly improbable that a whole article that can be characterised as indecent, should appear in a respectable journal.

I am particularly anxious to see the reply from this office to which your letter refers. In the absence of recollection of the time and circumstances, it strikes me from

your description as against the grain of the Editor of *Reis and Rayyet*. Hence I solicit the favour of a copy.

With reference to the passages quoted in the letter under reply, I beg to be informed of the grounds of the objection. The tone of the passages is declared to offend seriously against good taste and gentlemanly feeling. Now, all these are really difficult words, and in the English language *tone* is a subtle thing, and questions of taste and feeling are always debatable. His Honour knows that I am an Oriental, and unless I am supplied with the *rationale* of his complaint, I may, with the utmost desire to please him, unwillingly offend him again. The more copious the explanation, therefore the better. I am neither so simple nor so obtuse as not to know that the paragraphs are strongly worded, being passionate expressions of indignation. But what is their offence? Wherein, coming from a public journal, are those passages objectionable in tone or fail in good taste and gentlemanly feeling?

With many apologies for the length of this letter and begging humbly to be pardoned for any lapses in thought or expression,

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) SAMBHU CHUNDER MOOKERJEE.

THE SHRUBBERY,

DARJEELING, 25th May 1893.

Sir,—I have to acknowledge the receipt of your letter of the 22nd instant. In it you "solicit the favour of information on the previous transaction" and you say "I have no recollection of any indecent article published in my paper at any time."

I send for your information a copy of my letter of the 1st July 1892 to yourself.

Yours faithfully,

(Sd.) J. W. CURRIE, Captain.

Enclosure—

To the Editor, *Reis and Rayyet*.

No. 748, dated Calcutta, 1st July 1892.

Sir,—I am desired by His Honour the Lieutenant-Governor to draw your attention to the last three paragraphs of the 11th volume on page 303 of your edition of the 25th June commencing "Evacuation ***"; "A Parisian woman ***"; and "Dr. Gritain ***"; and I am to say that if you permit the publication of any more such disgusting paragraphs, your paper will be struck off the list of those supplied to His Honour. It is to be hoped they were published without your sanction or knowledge.

Yours, etc.,

(Sd.) J. W. CURRIE, Captain,

Private Secretary.

To the Editor,

Reis and Rayyet.

From—DR. SAMBHU CHUNDER MOOKERJEE, Editor, *Reis and Rayyet*, Calcutta.

To—CAPTAIN J. W. CURRIE, Private Secretary to the Lieutenant-Governor of Bengal.

29th May 1893.

Sir,—I had the honour of receiving your letter of the 25th instant from Darjeeling in answer to my letter

of the 22nd late on Saturday in the thick of work for going to the press. Hence I could not write before to-day.

In compliance with my solicitation for information on the previous transaction about which you quote my language, namely, "I have no recollection of any indecent article published in my paper at any time," you are pleased to send for my information a copy of your letter of the 1st July 1892. In the letter you say that you were desired by His Honour to draw my attention to the three paragraphs which appeared in the previous week's *Reis and Rayyet*, p. 303, column 1.

Turning to *Reis and Rayyet*, vol. xi. for 1892 p. 303, I find that the paragraphs in question are, indeed, three in number. They are not only three, but each is small in extent so much so that all of them together do not come up to the length of even a small paragraph of an editorial article in any newspaper, *Reis and Rayyet* not excepted. They are not only not editorial matter; they are properly speaking not even sub-editorial. Following the division of the paper called "Week-lyana" which tells the news and collects the humours—the quips and cranks—from various sources, is what is headed "our medical column" consisting of notes supplied by a professional contributor, though they may be sometimes licked into shape by the editorial hand, or added to by editorial knowledge or experience. It is in this column that the paragraphs in question appeared. I am not speaking of the character of the paragraphs or of the propriety of the publication of such writings in a newspaper. I hope I may be allowed another opportunity for discussing the merits. This much I shall content myself with saying that at the

most and worst the three little paragraphs to which the Lieutenant-Governor so gravely objects constitute in their totality but a small matter. Mistakes occur in the best regulated houses, and the necessarily hurried work of journalism is peculiarly open to mistakes. Improper things step into the best conducted newspapers. His Honour cannot be unaware how repeatedly the great *Times* itself has been victimized. What the Lieutenant-Governor complained of were not articles nor editorials in *Reis and Rayyet*, but little paragraphs outside the editorial columns. They are neither leaders, nor sub-leaders, nor even leaderettes or notes. Now, the printed copy of your Bettiah letter of last month (on which this correspondence has arisen) asserts that *Reis and Rayyet* had last year published an indecent article and that I had owned the offence and apologised for it and had promised to see that no such thing appeared again. As I remembered no such article, and especially as the explanation you attributed to me seemed so improbable, I begged to be supplied with a reference to the said article, particularly with a copy of my alleged explanation. You now send me a copy of a letter you wrote me on the 1st July 1892, but without a copy of my answer to it which I am particularly curious to see. I have unfortunately left no record of this reply in my office. Your particular description of its contents in your Bettiah letter at once inflames my curiosity and virtually renders all efforts on my part to remember them futile.

The copy of your own letter of July 1892 for which I cannot but be thankful, gives no help whatever. It is, indeed, if you will allow me, beside the particular enquiry I ventured to make. In that letter His Honour is represented as having animadverted upon an indecent

article in *Reis and Rayyet*. The copy of your letter of July last refers to three paragraphs in our medical column in *Reis and Rayyet* of 25th June as "disgusting." I need scarcely point out the material difference between the two descriptions. An article in a newspaper is not the same as a paragraph or any number of independent paragraphs in a column of Medical Notes. Nor is "disgusting" synonymous with indecent. *Indecency* is no doubt *disgusting* but *disgusting* is not necessarily *indecent*. A description of a savage dance or exorcism or even a minute account of a Revivalist meeting may be disgusting, but these need not be indecent at all in the ordinary sense. Unless there was any other case, the description of the lapse of *Reis and Rayyet* goes beyond the enormity. Be that as it may, I beg that a copy of my answer to your letter of 1st July 1892 may kindly be supplied to me, and in case the indecent article to which His Honour the Lieutenant-Governor took objection last year referred to some other issue of *Reis and Rayyet*, I shall be much obliged for a copy of the correspondence on that subject too. To avoid unnecessary correspondence I hope the terms of my prayer may be remembered in answering this.

I would not trouble His Honour at this hour, but for the sake of my character and the interest of my journal of established repute.

With many apologies,

I have the honour to remain,

Sir,

Your most obedient servant,

(Sd.) SAMBHU CHUNDER MOOKERJEE.

To the above letter the late Editor of *Reis and Rayyet* did not receive any reply, partly owing to Sir Charles Elliott's leaving the country on six months' furlough, and partly for the reason that when a search was made for the letter in requisition, it was found to be nowhere. The whole truth is, Sir Charles Elliott wrote the last paragraph of his letter from Camp Bettiah, dated the 12th April, 1893, under a wrong impression and was misled to think that the Editor of *Reis and Rayyet* apologised in reply to his letter of the 1st August 1892. As a matter of fact, the Editor neither received the latter letter nor ever replied, far less in the terms described in the last paragraph of the letter from Camp Bettiah. In his zeal for administrative work, Sir Charles Elliott, it is well known, instituted the prosecution of the *Bangabashi* newspaper for sedition—the first prosecution of the kind under Section 124A of the Indian Penal Code, in 1891, which, however, ended in a *fiasco*. Simultaneously he also instituted a Native Press Commission in Bengal for punishment of such newspapers with non-supply of Government information as were not members of the Native Press Association.* In 1893 Sir Charles wanted again to put the law—Section 124A I. P. C.—in motion a second time, but was dissuaded from the step by the late Mr. J. T. Woodroffe, then

* The Native Press Association was first formed at Delhi in 1876 at the time of the Imperial Assemblage there. It died a natural death. Again it came into existence after the institution of the criminal proceedings against the *Bangabashi* newspaper in 1891. The object of the Association to quote the words of the Resolution under which it was formed was to "protect, maintain and further by all legitimate means, the lawful interests of the Native Press and to improve its tone and status; and to preserve moderation in the discussion of all public questions, and to take all such measures as might be necessary to enable the Native Press to fulfil the important functions which belong to it, as the educator of the people, the exponent of public opinion, and the faithful interpreter between the rulers and the ruled." Except the *Indian Mirror*, the *Indian Nation* and *Reis and Rayyet* the editors and proprietors of all Indian-edited and Vernacular papers of Bengal joined the Association. This Association was empowered to receive official news from the heads of the Bengal Secretariat and cater them *only* to those who were its members. Non-members of the Association were not allowed to have them in any other way.

Advocate-General of Bengal, who recorded a strong opinion* against the action of the Lieutenant-Governor.

Lord Lansdowne was succeeded by Lord Elgin as Viceroy of India in 1894. In his time plague appeared in the city of Bombay and spread to distant parts of India. Many complications arose out of it. On the night of the Jubilee Celebration, 22nd June 1897, Lieutenant Ayerst and Mr. Rand, C. S., Special Plague Commissioner, were secretly murdered at Poona, the mystery of which dastardly deed still remains unravelled. This was followed by a series of prosecutions of the Vernacular Press of Bombay and by other general repressive measures. In the third week of December, 1892, the then Law Member, the Hon'ble M. D. Chalmers, came to the Supreme Legislative Council in India with a proposal for amending the law of sedition. At the Council meeting held at Government House, Calcutta, on Tuesday, the 21st December, he said: "Before I make the motions which stand in my name for referring the Indian Penal Code Amendment Bill and the Criminal Procedure Code Bill to Select Committees, I should like, with your Excellency's permission, to make a few remarks on some amendments which the Government intend to propose for consideration during the Committee stage of those measures.

"As the Council are aware, recent events† in India have called prominent attention to the law relating to

* As this opinion had concern with the Vernacular Press of Bengal, it will be reproduced in the chapter dealing with the history of that subject.

† They referred mostly to Bombay where the secret murder of Rand and Ayerst was suspected to be the result of a deep-laid conspiracy of the Poona Brahmins. Accordingly the Natu Brothers were deprived of their liberty and property for a time. Mr. Bal Gangadhar Tilak, one of the most prominent of the Poona Brahmins, and the editor of the *Kesari*, a Mahratta journal, was prosecuted for publishing sedition in his paper and was sentenced. Two other journals of Bombay were also charged under the sedition section of the Indian Penal Code. The sentence of the Satara Sessions Judge on the *Protoda* people roused the indignation of the whole civilised world. The Poona *Vaibhav* after its first abortive trial, was let off on

sedition utterances and writings. We have had anxiously to consider the state of the law regarding these matters and to decide whether and in what respects it required amendment. We determined that we would do nothing hastily, and that the course we adopted should be the result of cool and deliberate consideration.

"Two different lines of action were open to us. The first was to re-enact a Press Law similar to the Vernacular Press Act of 1878. The second was to amend the general law relating to sedition and cognate offences so as to make it efficient for its purpose. We have come to the conclusion that the second course is the right one for us to take.

"But as we have been strongly urged by many whose opinion is of great weight to re-enact a Press Law, perhaps I may be allowed to state briefly our grounds of objection to that course. The essential feature of the Act of 1878 was executive control over the writings of the Vernacular Press. That principle appears to us to be objectionable on two grounds. In the first place we see no reason for drawing any distinction between the Vernacular Press and any other Press. As regards liberty of speech there should be one and the same law for all subjects of Her Majesty without reference to the particular language in which they may express their opinions. In the second place we have no quarrel with the Press, and no desire to control it. We welcome all fair, candid and honest criticism and speaking for ourselves we care very little as to the terms of language in which they may be expressed. The essential principle of English law is this. Every man is free to speak,

an apology and promise to behave better. The Bombay Government, would not, as was expected, accept the expression of regret of the editor of the *Moda Vritta*, and he too was sent to jail. A Hindu editor of a Mahomedan journal in Moradabad outside the Bombay Presidency, in the N.-W. Provinces, was also sentenced. In the United Provinces, a Moulvi was detained in custody for preaching sedition.

write and print whatever he pleases without asking the leave or permission of any authority. But if he speaks writes or prints anything which contravenes the law of the land he is liable to be proceeded against and punished. As long as a man keeps within the law no one can interfere with him. But if he breaks the law he is liable to punishment by a Court of Justice in the ordinary course of law. This seems to us a sound and healthy guiding principle and we have determined to adhere to it. But we are also determined that the law shall not be a dead-letter and that offenders against the law of the land shall be capable of being promptly brought to book.

"Having come to this conclusion we had to decide what amendments in the general law were necessary. I am glad to say they are but few.

"The first question for consideration was whether we should amend Section 124A of the Indian Penal Code which deals with the offence of exciting disaffection against the Government, or, as it is called in England, sedition. I cannot say that section strikes me as a model of clear drafting.* The section was introduced into the Penal Code by Sir Fitzjames Stephen in 1870. In introducing the Bill I believe he stated that his intention was to assimilate the law of India to the law of England as regards the offence of sedition. The interpretation of the section has recently been discussed before the Calcutta, Bombay and Allahabad High Courts, and it has been interpreted in accordance with English

law. The result of the cases is to establish that it is a criminal offence to stir up feelings of contempt or hatred for the Government, and that such conduct is none the less an offence because resort to actual violence is not advocated. But no one can read the able arguments addressed to the Courts by Counsel* for the accused in the *Bangabashi* and Tilak cases without coming to the conclusion that the law might be expressed in clearer and less equivocal terms. When law is codified, the codes should be as explicit as possible. Moreover, though the Calcutta, Bombay and Allahabad Judges† have substantially agreed in the interpretation of Section 124A, their decisions are not technically binding on other High Courts. Having regard to these considerations we think it desirable to amend and redraft Section 124A so as to bring it clearly into accord with English law. In England, words spoken or written with seditious intent constitute a criminal offence, and the intent is presumed from the natural meaning of the words themselves without reference to the actual feelings of the person who used them. In other words, the law applies a purely objective test. A seditious intention is thus defined in Stephen's *Digest of the Criminal Law* (Ed. 5, Art. 98, pages 70-71). It is "an intention to bring into hatred or contempt, or to excite disaffection against the person of, Her Majesty, Her Heirs or successors, or the Government of the United Kingdom, as by law established or either House of Parliament, or the administration of justice, or to excite Her Majesty's subjects to attempt otherwise than by lawful means the alteration of any matter in Church or State, or to raise

* But the Right Hon'ble Arthur Hobhouse (afterwards Baron), when Legislative Member of the Viceroy's Council, wrote in a minute dated the 10th August 1876, which I inadvertently omitted to mention in my previous article, that Section 124A, as it then stood, was quite sufficient for the purpose of all civilised Governments and vetoed the proposal of Lord Lytton for altering it. The minute was written when Lord Lytton was mooted the question of the Vernacular Press Act.

* In the *Bangabashi* case Mr. William Jackson, of the Calcutta Bar, defended the accused, while Mr. Lewis Pugh Pugh appeared for the Crown. In the Tilak case, Mr. Lewis Pugh Pugh defended Mr. B. G. Tilak in 1897.

† Sir Comer Petheram, of Calcutta, Sir Arthur Strachey, of Bombay, and Sir John Edge, of Allahabad.

discontent or disaffection amongst Her Majesty's subjects, or to promote feelings of hostility or ill-will between different classes of such subjects." Now, adapting that definition to the language of the Indian Penal Code, and the circumstances of India, we propose that Section 124A shall be repealed, and that the following section shall be substituted therefor :—

"124A. (Sedition).—Whoever by words, either spoken or written, or by signs, or by visible representation or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards Her Majesty or the Government, or promotes or attempts to promote feelings of enmity or ill-will between different classes of Her Majesty's subjects, shall be punished with transportation for life or any shorter terms, to which fine may be added, or with imprisonment which may extend to ten years, to which fine may be added, or with fine."

Explanation 1.—The expression "disaffection" includes disloyalty, and all feelings of enmity or ill-will.

Explanation 2.—Comments on the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection do not constitute an offence."

"Let me say a word or two as to the scope of the new section. There is nothing in it which in any way interferes with the fair and free discussion of public matters. People are at liberty to criticise the action and conduct of the Government in all its departments. And more than that, they are at liberty to bestir themselves to procure reforms and to obtain such alterations of the law as they may think desirable, provided they do so by lawful and constitutional means. There is nothing in the section to prohibit this, but we have added *Explanation 2* to the section in order to affirm this principle expressly.

"I wish further to point this out. Subject to one possible exception, our proposed new section in no wise alters the law at present in force in India. It merely affirms in, I hope, unmistakable terms, the consentient opinions of the various High Courts which have been called upon to interpret the existing Section 124A. The possible exception consists in the provision that it amounts to sedition to promote or attempt to promote feelings of enmity or ill-will between different classes of Her Majesty's subjects. The question has not been raised or decided whether such conduct amounts to an offence under the present Section 124A. But the proposed addition is law in England, and if such a rule be required in England, with its practically homogeneous population, it is still more requisite in India, where different races and religions are in continual contact. For the most part under British rule our Muhammadan and Hindu fellow-subjects live together in peace and amity, but recent agitations in various parts of India have shown how dangerous to the public tranquillity is any agitation which seeks to fan into flame those feelings of racial and religious antagonism which still smoulder beneath the surface.

"I now come to our second proposal. Section 505 of the Penal Code deals with a cognate class of offences. It punishes the dissemination of certain false rumours and statements which are conducive to public mischief. The section runs as follows :—

"505. Whoever circulates or publishes any statement, rumour or report which he knows to be false, with intent to cause any officer, soldier or sailor in the army or navy of the Queen to mutiny, or with intent to cause fear or alarm to the public and thereby to induce any person to commit an offence against the State or against public tranquillity shall be punished

with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

"In its present form this provision is unworkable. It is impossible for the prosecution to show that the person who circulated the false statement knew it to be false. We propose, therefore, to repeal and re-enact this section in more precise terms, making the publication of these obnoxious statements punishable, but allowing the accused to show that the mischievous statement or rumour was true in fact, and was not published or circulated with a criminal intent. The proposed new section runs as follows :—

"505. Whoever makes, publishes or circulates any statement, rumour or report,—

- (a) with intent to cause, or which is likely to cause any officer, soldier or sailor in the army or navy of Her Majesty or in the Royal Indian Marine or in the Imperial Service troops to mutiny or otherwise disregard or fail in his duty as such; or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby they may be induced to commit an offence against the State or against the public tranquillity; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

Shall be punished with imprisonment of either description which may extend to two years, or with fine or with both.

Exception.—It does not amount to an offence within the meaning of this section to make, publish or circulate any such statement, rumour or report, as aforesaid, when such statement, rumour or report is true and is made, published or circulated without such intent as aforesaid."

"It may be said, and indeed it has been urged upon us that this is not going far enough. If a man chooses

to publish statements which are likely to incite our soldiers to mutiny or to cause people to commit offences against the law, he ought to be punished, whether his statements are true or false, and without regard to his private intentions. There is much force in this argument, but we should be unwilling to punish a man under this section for making a statement which is true when he publishes or circulates that statement without any criminal intent. The universal presumption of law is that a man is deemed to intend a result which is the ordinary and natural consequence of his act. When, then, a man chooses to publish a statement, or to circulate a rumour, which on the face of it, is directly conducive to grave public mischief, he cannot complain if he is called upon to show that his intentions were not criminal.

"For the present, at any rate, we have no further amendments to suggest in the substantive law, and I now wish to refer to two amendments which the Government propose to move in the Select Committee on the Code of Criminal Procedure. Section 109 of that Code provides that in certain cases people who misbehave themselves may be bound down over and required to find sureties to be of good behaviour for a term not exceeding twelve months. We propose to apply a similar procedure to the case of people who either orally or in writing disseminate, attempt to disseminate, obscene, seditious or defamatory matter. A man who disseminates, that is to say, who sows broadcast or scatters abroad, such matter, is obviously a dangerous public nuisance. It is immaterial whether he chooses, as his means of dissemination, an oral address, or a book or a pamphlet or a newspaper. We are bound to check such obnoxious conduct. But as a rule the persons who

are guilty of it are small and insignificant individuals. They may do enormous mischief among uneducated, foolish and ignorant people, but in themselves they are deserving of very little notice. It is absurd to deal with him by an elaborate State prosecution. We think that in most cases no prosecution at all will be required. It will be sufficient to give them an effective warning to discontinue their evil practices, and we think that the machinery we have devised will operate as an effective warning. The general power of revision possessed by the High Courts will secure that that machinery will not be used in any way oppressively; and we further propose that this new power should only be exercised by Presidency or District Magistrates, or especially empowered Magistrates of the first class.

"The last amendment that I have to refer to is an amendment of the second schedule to the Code of Criminal Procedure. The eighth column of that schedule declares by what court or courts the offences contained in the Indian Penal Code shall be triable. At present sedition under Section 124A is triable only by a Court of Session or a High Court. We intend to propose that offences under Section 124A shall be triable also by Presidency Magistrates and Magistrates of the first class. This amendment will, in the matter of jurisdiction, bring Section 124A into line with Sections 326, 372, 392 and many other provisions of the Penal Code where one and the same offence is of varying degrees of gravity. It is obvious that a malicious and seditious utterance which in one place and set of circumstances is of small importance, and would be adequately punished by a very light sentence, might in another place and under other circumstances be a direct incitement to rebellion and bloodshed, and merit

the severest penalties. As I have said there are many cases where an elaborate State trial is out of place, and where the merits of the case will be adequately met by a small punishment, within the competence of a Magistrate of the first class. Of course, there may be cases of graver importance. In such cases, the Magistrate will, as heretofore, commit to the higher court which is competent to inflict a severer sentence. In either event there will be this safeguard. No prosecution under Section 124A can be commenced without the previous sanction of the Local Government or the Governor-General in Council. Proceedings can only be initiated under the sanction of the authorities who are responsible for the peace and good government of the country. This was the law under the Code of 1882, and we have no intention of changing it. Of course, too, any sentence passed by a Magistrate will be subject to revision or appeal as the case may be in accordance with the general law.

"I have now detailed the amendments we propose to make in the existing law. They are few and simple, but I trust they will effect our purpose. We have no desire to interfere with the full and free discussion of all public matters. We have no desire that the Press, whether Vernacular or English, should be subject to our license and control. But the Press, like everybody else, must be subject to the law of the land. No man is bound to preach or teach or write sedition. If he chooses to do so he must do so at his own peril and take the consequences."

His Excellency the President, Lord Elgin, said:—"The Hon'ble Members will find that the amendments now laid upon the table are governed by the same principle. Their necessity has been brought to light by

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recent events and by controversy on a special subject, but they themselves as my Hon'ble colleague has explained, are not directed against any special class or section of the community. They are designed to make the general law which all must obey efficient. I feel that I can add nothing to the admirably clear and precise explanation by my Hon'ble friend of the scope and intention of these amendments. But I desire in a word to express my entire and cordial concurrence in what he has said of the reasons for rejecting the enactment of a Vernacular Press Act. Personally I am most strongly of opinion that an Act of that nature is obnoxious in principle, uncertain in operation and not necessary under present circumstances. It seems to me that it would be the natural impulse of any honourable mind, when we 'disclaim all sympathy with writings which are calculated to create disaffection towards British rule,' to believe, if possible, in their sincerity; and though I could wish that the general tone of the criticism we read in papers was not so often unduly coloured by prejudice I for one am not disposed on that account to acquiesce in any general imputation of disloyalty. At all events I associate myself absolutely with the reply lately given to an appeal in the words I have just quoted by the Hon'ble member, Mr. Stevens, who for the last six months has administered the Government of Bengal in a manner that has elicited the applause of the entire community, European and native. Mr. Stevens welcomed the co-operation of the Press in securing fair and honest criticism of which, as my Hon'ble colleague has said, we deny the right to no one, but at the same time pointed out that the Government cannot divest itself of its responsibility in this matter any more than in any other of which the law takes cognisance. I, too, welcome

co-operation, while recognising my responsibility. It must never be forgotten that in interposing to prevent sedition we act not for the protection of our personal interest—with my Hon'ble friend I think that if that was all we might willingly stand the buffets—but on behalf of the public whose interests suffer if the passions of the ignorant are excited and the peace of the country imperilled; a danger none the less present, though the action to be guarded against be the action of a comparatively small number of individuals out of touch with the sentiments which animate their fellows.

"I have more than once on behalf of the Government of India declared that its aim was an administration of the law, sympathetic and impartial, but at the same time prompt and firm. It is because in my judgment these amendments will enable us to perform our duty more satisfactorily in both of these directions that I commend them to the Council."

The following Report of the Select Committee on the Bill to amend the Indian Penal Code in relation to extra-territorial offences was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 4th February 1898.

"We, the undersigned members of the Select Committee to which the Bill to amend the Indian Penal Code in relation to extra-territorial offences was referred, have considered the Bill with the further amendments in the Penal Code given notice of at the meeting of the Council held on the 21st December 1897 and the papers noted in the list appended and have now the honour to submit this our Report with the Bill as amended by us annexed thereto:—

2. Clause 2.—We have altered illustration (b) to this clause by making it apply to a Native State in

India. We think it is unsafe to attempt to define the status of tribal territory in an illustration.

3. Clause 4.—We have carefully considered the new clause proposed by the Government, and we have inserted it in the Bill with the following amendments:—

(a) For the expression “the Government” we have substituted the phrase the “government established by law in British India.” This restores the language of the Act of 1870. Having regard to the terms of Section 17 of the Indian Penal Code which defines “Government” the omission of the words “established by law in British India” might be held to give an extended meaning to the term “Government,” whereas it ought to have exactly the same meaning as in the Act of 1870.

(b) We have altered the term of imprisonment from ten years to three thus restoring the law of 1870. The term of ten years is provided as an alternative for transportation in Sections 121A and 122; but apparently the framers of the Act of 1870, in Section 124A, wished to draw a marked distinction between minor offences and offences of a very serious character where transportation would be the only appropriate punishment.

(c) We have omitted the words “or promotes or attempts to promote feelings of enmity or ill-will between different classes of Her Majesty’s subjects” and have framed a new clause to deal with the offence thereby indicated. It appears to us that the offence of stirring up class hatred differs in many important respects from the offence of sedition against the State. It comes more appropriately in the chapter relating to offences against the public tranquillity. The offence only affects the Government or the State indirectly, and the essence

of the offence is that it predisposes classes of the people to action which may disturb the public tranquillity. The fact that this offence is punishable in England as seditious libel is probably due to historical causes and has nothing to do with logical arrangement.

(d) We have omitted the words “or ill-will” at the conclusion of explanation 1. The expression “all feelings of ill-will” appears to us to be too wide and vague. It is only when feelings of ill-will amount to disloyalty or enmity that they constitute such disaffection as is contemplated by the clause. A certain amount of ill-will may be compatible with genuine loyalty.

(e) We have added explanation 3 to make it clear that criticism on the action of Government is not confined to cases in which it is sought to bring about an alteration of what has been done. For example, suppose the Government make an appointment which is considered objectionable. That appointment may be criticised, although the criticism may not have in view the cancellation of the appointment. We have made consequential amendments in explanation 2 to make the language of the two explanations uniform.

4. Clause 5. The object of framing this clause has already been detailed. In framing it we have altered the words “enmity or ill-will” into “enmity or hatred,” and we have fixed the maximum punishment at two years’ imprisonment.

We recommend that the clause when passed should be included in Section 196 of the Code of Criminal Procedure, so that offences under it only be prosecuted under the authority or with the sanction of the Government.

5. Clause 6.—We have inserted the clause proposed by the Government, but we have altered and

enlarged the scope of the exception to the clause. No doubt the statements, rumours and reports referred to are of a highly mischievous character, but having regard to the conditions under which modern journalism and the discussion of public questions are necessarily carried on, we think that, when the statement, rumour or report is published without any criminal intent, it is going too far to require the person who published it to prove its actual truth. To require such proof might be throwing an impossible burden upon him, and it should be sufficient for him to show that he had reasonable grounds for believing it, as, for instance, by showing that he made due inquiry before he published it.

6. The publication ordered by the Council has been made as follows :—

(The names with dates of the papers are omitted.)

7. We do not think that either the original provisions of the Bill as introduced or the further amendments in the Penal Code above referred to have been so altered as to require republication, and we recommend that the Bill be passed as now amended.

M. D. CHALMERS.

C. M. RIVAZ.

C. C. STEVENS.

H. E. M. JAMES.

P. ANANDA CHARLU.*

G. H. P. EVANS. †

LAKSHMISHWAR SINGH. ‡

* I sign subject to the objections embodied in my note of dissent.

† I think the words "tending to the disturbance of public tranquillity" or words to that effect might be advantageously inserted in Section 153A.

‡ Note of dissent appended.

DISSENT OF RAI BAHADUR ANANDA CHARLU.

So far as I know, there never has been any serious doubt expressed as to the true meaning of Section 124A now in the Penal Code. No difficulty could arise except upon the view that the explanation attached to the section cannot be read along with it as virtually defining the term "disaffection." It has thus become urgent to remove the difficulty interposed by that view. This is best met by throwing the substance of the explanation into the form of a definition as follows :—

"Feelings of disaffection mean all feelings incompatible with a disposition to render obedience to the lawful authority of the Government established by law in British India and to support the lawful authority thereof against unlawful attempts to subvert or resist that authority."

This, which has come from the Defence Association, I suggested in the Committee and the majority were against me. By adding to such a definition provisos such as Mr. Stephen has made part of his Section 102 in his "Draft Code," the law will, in my judgment, be elucidated far better than by the proposed explanations which I am for omitting as a necessary consequence.

The proposed words, "hatred, contempt and enmity" are, in my opinion, the very worst that could be chosen. Standing by themselves, they are in the last degree, vague, misleading and obscure. By giving room for no small amount of fanciful speculation, they cannot fail to prove most hurtful to public interests by spreading a sense of uncertainty and virtually stifling all frank discussion of public questions. I would therefore score out, from the clause now proposed, the words "to bring or attempt to bring into hatred or contempt or." I may also point out that the definition I have recommended

would be wide enough to cover all forms of real political hatred, which should be penalised. I very much doubt whether what is proposed in the Bill as contained in these objected words is good or sound law at the present day.

I am for eliminating the penalty of transportation from the section. A study of the history of this section shows how it is a mistake in the section and how the Law Commissioners who sat on the original draft Penal Code, criticised it in strong terms. The danger of retaining it has been already once exemplified, and may be any day, exemplified again and again. The danger lies in its being viewed—as it is too sure to be by not a few—as the maximum permissible in all cases except where extenuating circumstances or other ground for leniency exists.

I am opposed to the proposed Clause 153A as a dangerous piece of legislation and as being impolitic (among other reasons) by necessitating Government to side with or to appear to side with one party as against another. In my humble judgment it will only accentuate the evil which it is meant to remove. Far from healing the differences which still linger or which now and then come to the surface it would widen the gap by encouraging insidious men to do mischief in stealth with the sure hope that the Government would come down on such as openly resented. It would have all the repressive effects which the proposed amendments on 124A cannot fail to have much to the detriment of undoubted rights and useful work.

In Clause 505, as proposed to be altered I would omit the words “or which is likely to cause” from each of (a), (b) and (c) and substitute the words “and thereby to induce any person” for the words “whereby any

person may be induced” in (b). Intent being in this, as in 124A, the essence of the offence, the words which I have objected to must of necessity introduce a world of confusion which might be easily illustrated. They are bound to operate prejudicially to public good. It is perhaps necessary to add, with reference to Clause 153A and the changes in 505, that whereas the prior sanction of Government which is prescribed will be something of a guarantee, it will mostly depend on the strength with which the case is urged by the District Officer; for I fear that in the face of a strong representation by the latter, the Government would, naturally, and perhaps not improperly, hesitate to take upon itself the responsibility of withholding sanction. The mischief of these sections lies not so much in the natural results which will follow, as in the unnatural and exaggerated dread they would undesirably inspire in most cases. In such a result the balance of advantage will not be on the side of the public.

P. ANANDA CHARLU.

The 31st January 1898.

DISSENT OF MAHARAJA SIR LAKSHMISHWAR SINGH
OF DURBHUNGA, G.C.I.E.

I sign the report subject to the following observations:—

1. I think that, in accordance with the opinion of the majority of the judges of the Calcutta High Court it should be clearly stated in Section 124A that the intention to produce the effects mentioned therein is the basis of the offence. A similar alteration should be made in explanation 2, and after the words “by lawful means” the words “or for the purpose merely of showing that they are erroneous but” should be inserted, and after the word “without” the words “the

intention of" should be added. As the High Court has pointed out, comments made for such a purpose and without the intention of exciting hatred or disaffection are legitimate and allowable. Criminal intent is the essence of the law of sedition, as it prevails in England. It should be made quite clear that in all prosecutions under Sections 124A, 153A and 505, the onus shall lie on the prosecution to prove the intention in the mind of the accused at the time, or at all events to adduce such evidence as to enable the Court reasonably to infer the same from his acts. In this as in all other penal cases the accused is entitled to demand that his guilt shall be fully proved against him by the prosecution beyond all reasonable doubt. I submit that this class of prosecutions should not be exceptionally dealt with, but that they should be called upon to discharge the duties which ordinarily belong to all prosecutions in criminal cases, *viz.*, that the burden of proving the offence lies on them.

2. Having regard to the language of explanation 1 and to recent judicial rulings on the meaning of "disaffection" it seems to me that the words "brings or attempts to bring into hatred or contempt or" are superfluous and may lead to unnecessary difficulties. As regards 'hatred' I must confess that I am no better able than is Worcester's Dictionary to distinguish between the meaning of that word and "enmity," the term which is employed in explanation 1. As regards "contempt" the idea conveyed by that word seems to be fully covered by the rest of the section, unless indeed it is desired to give so dangerous an extension to the scope of the section as will enable Government to prosecute to a conviction persons responsible for those cartoons, skits or other comic productions with which news

papers and other periodicals not infrequently try to enliven their readers.

3. I think further that the definition of "disaffection" in explanation 1 to Section 124A is far too vague, and would recommend the adoption in its place of some such definition as that suggested by the European and Anglo-Indian Defence Association. I quote it here for the sake of convenience:—"Feelings of disaffection means all feelings incompatible with a disposition to render obedience to the lawful authority of the Government established by law in British India and to support the lawful authority thereof against unlawful attempts to subvert or resist that authority."

4. The remarks I have made in paragraph 1 with regard to the importance of making the intention the basis of the offence contemplated by Section 124A, apply equally to the offence contemplated by the new Section 153A. It should be clearly stated in the section that *mens rea* is an essential ingredient of the offence under Section 153A.

5. Both Section 153A and Section 505 when passed should be included in Section 196 of the Code of Criminal Procedure, so that offenders under them should be prosecuted only under the authority and with the sanction of the Local Government.

6. There is one more point with regard to Section 124A, which has, I think, been overlooked and which to my mind is of great importance. The section as it stands is far too comprehensive. It appears to me that some attempt should be made to restrict the discretion of judges in inflicting punishment. For instance, under the proposed section it is quite possible to punish a journalist or a public speaker who is only guilty of using indiscreet language calculated at most to give rise to trifling feelings

of irritation. Surely such action on the part of the journalist or the public speaker ought not to be considered as a penal offence. I think there should be some differentiation between the punishment allotted for acts like those mentioned above and for intentional acts of sedition."

LAKSHMISHWAR SINGH.

IN presenting the Report of the Select Committee, the Law Member spoke a very few words on the 4th February 1898 and reserved his detailed remarks for the day when the Report of the Select Committee would be taken into consideration. On the 18th February, the Council met for that purpose when the Hon'ble Mr. Chalmers said:—"I desire to trouble Council with a few remarks on the scope of the Bill, and to discuss some of the objections which have been urged against the measure.

"In the first place, this Bill is approved by the Local Governments. We have, of course, been in communication with the Local Governments from the earliest inception of this legislation, and we are now proceeding with it, backed by the cumulative weight of their authority. Now what does this mean? It means that the high officers who are responsible for the peace and good government of the provinces under their charge consider that these provisions are required. Those high officers are all men of wide experience, and they are intimately acquainted with the conditions and requirements of their respective provinces, and where we get a coincident body of opinion from them, that opinion is entitled to the utmost weight.

"Now where do the main objections to the Bill come from? They come from the people who are in

the happy position of being able to criticise without having any responsibility for the result thrown upon them. If we adopted their suggestions we should not shift the responsibility from our shoulders to theirs. It is the Government of the country, and the Government alone, which is responsible for maintaining its peace and tranquillity.

"There is another general observation which I wish to make. Most of the important criticisms on the proposed measures have come from the presidency towns. I am not going to belittle the presidency towns. A citizen of Calcutta, Madras or Bombay may well say 'that he is a citizen of no mean city.' If we were legislating only for the presidency towns, I should attach the greatest weight to these criticisms. But we cannot, we are legislating for India as a whole we are legislating for 260 millions of people in all stages of progress and civilisation, and not merely for the two millions or so of the people in the presidency towns.

"Now I want to mention some of the specific criticisms which have been made. In the first place it is alleged that in the new Section 124A, we are altering and extending the existing law under the existing section, Section 124A. This criticism is mainly based on some remarks made by Sir Fitzjames Stephen when introducing the Act of 1870. I agree that it might be inferred from some passages in his speech that he considered an appeal to force to be an element in seditious utterances. But it is a familiar rule of law that proceedings in the legislature cannot be resorted to interpret an Act. To discover what the law is, when its meaning is contested, you must look to the language of the Act itself, and, if that language has

been interpreted by the Courts, you must look to the interpretation of the Courts. The Courts of Justice, and they alone, can put an authoritative interpretation on the meaning of an Act of the Legislature. If that be applied, I feel sure that no one who candidly and carefully reads the consentient decisions of the Calcutta, Bombay and Allahabad High Courts can come to any other conclusion than this—namely, that in our new section, we are keeping well within the existing law, though we are expressing that law in less ambiguous language. By dropping the term ‘ill-will’ from the explanation of ‘disaffection’ we may be somewhat restricting the existing law, but we are not extending it. In confirmation of what I have said, I will read an extract from the unanimous decision of the Allahabad High Court which considers and sums up, the previous cases. Sir John Edge in delivering that judgment observes:—

‘In our opinion any one who by any of the means referred to in Section 124A of the Indian Penal Code, excites or attempts to excite feelings of hatred, dislike, ill-will, enmity or hostility towards the Government established by law in British India, excites or attempts to excite as the case may be, feelings of “disaffection” as that term is used in Section 124A, no matter how guardedly he may attempt to conceal his real object. It is obvious that feelings of hatred, dislike, ill-will, enmity, or hostility towards the Government must be inconsistent with and incompatible with a disposition to render obedience to the lawful authority of the Government and to support that lawful authority against unlawful attempts to subvert or resist it. The “disapprobation” of the measures of the Government may or may not in any particular case be the text upon which the speech is made or the article or letter is

written, but if upon a fair and impartial consideration of what was spoken or written, it is reasonably obvious that the intention of the speaker or writer was to excite feelings of disaffection to the Government established by law in British India, then a Court or a Jury should find that the speaker, or writer or publisher, as the case might be, had committed the offence of attempting to excite feelings of disaffection to the Government established by law in British India. To paraphrase is dangerous, but it appears to us that the “disaffection” of Section 124A is “disloyalty;” that is the sense in which the word “disaffection” has been generally used and understood during the century. We are further of opinion that the ordinary meaning of disaffection in Section 124A, having regard to the evils at which Section 124A strikes, is not varied by the *explanation* contained in the section.

‘The intention of a speaker, writer or publisher may be inferred from the particular speech, article or letter, or it may be proved from that speech, article or letter considered in conjunction with what such speaker, writer or publisher has said, written or published on another or other occasions. When it is ascertained that the intention of the speaker, writer or publisher was to excite feelings of disaffection to the Government established by law in British India, it is immaterial whether or not the words spoken, written or published, could have the effect of exciting such feelings of disaffection, and it is immaterial whether the words were true or were false and, except on the question of punishment or in a case in which the speaker, writer or publisher is charged with having excited such feelings of disaffection, it is immaterial whether or not the words did in fact excite such feelings of disaffection.’

"Then it is urged that the proposed clause goes further than English law, and again some passages in Sir Fitzjames Stephen's speech are referred to. All I can say is this. If in 1870 he thought that an appeal to force was a necessary constituent of sedition, he afterwards changed his mind. After he had served on the Criminal Code Commission, which was composed of some of the most distinguished Judges of modern times, he published his *Digest of the English Criminal Law*. In article 96 of that Digest he states the English law in the clear and precise terms which I read to Council on the 21st December. There is nothing in that article and there is nothing in the almost identical article passed by the Criminal Code Commission to suggest that an appeal to violence is a necessary factor in the offence. I take it that the offence is complete both in India and England if it be proved that the offender has attempted to excite disaffection towards the Government. It is not necessary that he should himself appeal to force. What he does is to excite or attempt to excite feelings of discontent which make people ready for mischief should the opportunity arise.

"But after all, these arguments are more or less academic. No one in his senses would contend that because a given law is good and suitable in England it is therefore good and suitable in India. Take for instance, the English marriage laws which are the foundation of English Society. They are based on monogamy protected by the severest penalties. But, no one would think of introducing them into India, any more than he would think of enacting by law that the people of India should wear top hats and trousers. If a rule of law exists in England we may fairly consider whether it is suitable to India, but the

answer to the question must always depend on the conditions which prevail in India. How much license of speech can be safely allowed is a question of time and place. If I smoke a cigar on the *maidan* it pleases me, and it hurts no one else. If I smoke a cigar in the powder magazine of the fort, I endanger the lives of many and do an act well deserving punishment. Language may be tolerated in England which it is unsafe to tolerate in India, because in India it is apt to be transformed into action instead of passing off as harmless gas. Look at the cow-killing riots in Western India, with the deplorable loss of life that followed: look at the murder of Lekh Ram at Lahore, at the Poona murders, and at recent events in the Peshawar District. Just the other day a Brahmin gentleman and a native doctor were murdered at Seimar by a fanatical mob. That apparently was the reward for their self-devotion in attempting to grapple with the plague and save the lives of their fellow-countrymen. In legislating for India we must have regard to Indian conditions, and we must rely mainly on the advice of those who speak under the weight of responsibility and have the peace and good Government of India under their charge.

"Now let me say a word or two about the changes introduced in the Select Committee. We have added a further *explanation* to Clause 124A. The second explanation was intended to protect fair and honest criticism which had for its object the alteration of the policy pursued by the Government in any particular case. Some people were apprehensive that the express declaration of this principle might be held impliedly to negative the right of the people to criticise Government action when that criticism could not lead to a reversal of such action; for instance, criticism on past

expenditure, or criticism of an appointment which the critic may think objectionable. I think this apprehension was quite unfounded, but in order to allay it we have introduced the third *explanation*. We have also removed the offence of stirring up class-hatred from the sedition clause, and have inserted it in the chapter relating to offences against the public tranquillity. This offence, no doubt, only affects the State indirectly. It affects the State through the danger it causes to the public tranquillity. It is less akin to treason than a seditious attack upon the Government by law established, and therefore we have provided a much smaller punishment. But in India, the offence is a very dangerous one. When class or sectarian animosity is directed against any section of Her Majesty's subjects, the members of that section are in peril. Any accidental event may cause an explosion, and it is difficult to foresee the direction which the explosion will take. The persistent attacks made on the officers and helpers engaged in plague operations have already resulted in sad loss of life. A squabble over an alleged mosque gave rise to a dangerous riot which at one time, it was feared, might turn into a general attack on the European community in Calcutta. We wish to trust to prevention rather than cure and by taking power to punish people who foment class animosities to obviate the necessity of putting down the consequent disturbances with a high hand.

"In Section 505, the Select Committee have made considerable modification. As the clause now stands, I think it need cause no apprehension to any speaker or journalist who acts in good faith. It must be borne in mind that the clause does not strike at mischievous and mendacious reports generally. It is aimed only at

reports calculated to produce mutiny or to induce one section of the population to commit offences against another. If a man takes upon himself to circulate such a report, he surely cannot complain if he is asked to show that his intentions were innocent, and that he had reasonable ground for believing the report.

"But though we think and believe that the measures we have proposed are necessary, we have provided safeguards against any possible abuse of them—safeguards which, I may observe, are unknown to English law. My Hon'ble friend, the Maharaja of Durbhanga says in his note of dissent that under the proposed Section 124A, 'it is quite possible to punish a journalist or public speaker who is only guilty of using indiscreet language calculated at most to give rise to trifling feelings of irritation.' May I call his attention to Section 95 of the Indian Penal Code, which provides that 'nothing is an offence by reason that it causes, or is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.' In the highly hypothetical case which he puts, it seems to me that his journalistic friend would have committed no offence, and would have nothing to fear. If you put hypothetical cases and assume that the law will be strained and administered without common sense there is scarcely a section of the Penal Code that ought to be allowed to stand for five minutes. But we have provided another and wider safeguard. As the law now stands, no prosecution under Section 124A can be commenced without the authority of the Local Government, or the Government of India. We intend of course to maintain that rule and further to apply it to offences under Sections 153A and 505. There remain the rights of appeal and revision. Every

sentence passed under the provisions I have referred to can be brought in one form or the other under the cognizance of the High Court.

"I freely admit that our proposals have met with a good deal of adverse criticism. But, then, what are the alternatives? We have been urged both from official and private sources to re-enact the Press Law. But we are entirely opposed to that course. We do not want a Press in leading strings that can be made to dance to any tune that its censors may think fit to call. We want simply a Free Press that will not transgress the law of the land. We are aiming at sedition and offences akin to it, and not at the Press. Sedition which is taught and preached orally is even more dangerous than written sedition, because it operates more directly on the ignorant and therefore the dangerous classes. Some of our critics apparently would have us sit idle till an outbreak has occurred and then call upon us to suppress it by violent methods not known to the law. As a sample, let me cite an example from a Calcutta daily paper which disapproves our present proposals:—

'We cannot govern Calcutta as a Western City. In places like Algiers or Samarkand, the religious leaders of the Mahomedan community are told that they will be held responsible for order, and it is found that it has a magical effect. In England to lock up the clergy would be probably ridiculous and quite useless as a means of avoiding a riot, but that is the difference between Calcutta and London, and yet we try to govern Calcutta just as we govern London. We must begin by recognising that we live in the East and do as the East does.' (*Indian Daily News*, 12th July 1897).

"But we have chosen much less drastic methods than those suggested to us. We have proposed what we

think, and are advised, to be reasonable amendments in the law, and we intend to supplement the substantive law by providing a prompt and workable procedure to put it in force."

In reply to the other Members, the Hon'ble Mr. Chalmers said:—"I only wish to say a few words in reply to the various points which have been raised in the course of the discussion that has taken place. Perhaps the most convenient way would be to take the points as raised by the speakers in order. Some of these points I shall pass over for the reason that they will arise again hereafter on the amendments which are to be moved, and it will be unnecessary therefore for me to discuss them now. I will take the points in the order in which they have been raised. I will first take the speech of my Hon'ble friend, Mr. Allan Arthur, who I am glad to see, has seen his way to give us the weight of his support. He feels, however, two doubts. First of all he feels doubts about entrusting powers to try cases to Magistrates. Well, I may point out that this question does not arise on the present Bill. I hope that when we come to deal with the Code of Criminal Procedure, we shall be able to supply arguments which will remove any doubts he may have on that point. At the present moment we are dealing with the substantive law. Then, again, he feels, and several other members have expressed the same feeling, doubts about introducing into the section the terms 'hatred and contempt.' May I point out to him that we are doing nothing new. May I point out that for seven years in Calcutta that has been the law as expounded by the late Chief Justice of the Calcutta High Court, Sir Comer Petheram. I will read only two lines from Sir Comer Petheram's judgment. Speaking of Section 124A he says: 'It is sufficient for the purposes of the section

that the words are calculated to excite feelings of ill-will against the Government and to hold it up to the hatred and contempt of the people.' This is the law under which my friend has lived for the last seven years. I do not know that he or any one in whom he is interested has found that law oppressive ; but the very fact that he raises this objection seems to me to be a good reason why we should re-enact the provisions of Section 124A, and, as my Hon'ble friend Mr. Nicholson said, why we should unfold its meaning, because, if people are liable to punishment it is better for them to know beforehand in what respect they are so liable.

"I should like now to say one or two words in regard to what fell from the Hon'ble Mr. Chitnavis. I can relieve his mind at once about one criticism. He says that in the Bill we have used the words 'Her Majesty,' but have not used the words 'Her Majesty and Her Successors' If my Hon'ble friend had been in the Council last year, he would have read an Act called the General Clauses Act, which was passed last year, and in that he would have found that the term 'Her Majesty' means 'Her Majesty and Her Majesty's Successors.' I think, therefore, that I can remove his apprehensions on that score. Then he raises another—a very important question—the question of punishment. He says that the punishment prescribed by the section is too severe. Well, the punishment remains the same as it was thirty years ago. It remains the same as it has been since 1870: we are not increasing the punishment. As a matter of fact, the extreme punishment has never been inflicted, but I am bound to point out that in a case the other day which was appealed to the High Court of the North-Western Provinces, the learned Judges did observe that the punishment awarded by the Lower Court was grossly

inadequate. There may, therefore, be cases where, in the opinion of the High Court, these offences cannot be met by a small and summary punishment, but no doubt, the mass of the cases can be met by a small and summary punishment. We propose, indeed, to limit the punishment by giving jurisdiction to Magistrates whose powers are limited. When a case is tried before a Magistrate, *ipso facto* the power is thereby limited. I can only repeat again what I stated on the last occasion. Sedition is an offence which varies in its mischievous effects according to time, place and circumstances, and the punishment must vary accordingly. I can quite imagine a case where some words spoken, or say, rather written in a book dealing with political forms of Government might be seditious. An adequate punishment, if any punishment was acquired, might be a very small fine indeed. But, if these same words were spoken to an angry mob with arms in their hands, why the words would require and deserve the severest punishment which the law provides. We have allowed for the latitude of punishment according to the circumstances. We must trust the Courts to mete out proper punishment. If the offence by its surroundings calls for a severe punishment, the section allows it; if the offence calls for a nominal punishment the section allows it; and moreover we have this additional safeguard, that if merely a nominal punishment is called for, the Government is not likely to authorise or sanction a prosecution.

"I come now to what was said by the Hon'ble Sir Griffith Evans, and he called our attention to an alternative suggestion which has been made to us from many quarters, namely, that we should not proceed against sedition, but that we should amend our law of defamation and enable the Government to prosecute papers who

defame it for defamation. Well, I have not consulted with my colleagues on that subject, but speaking for myself it appears to me that the proposed course would not meet our views at all. What is the meaning of the law of defamation? A prosecution or suit for defamation is a remedy given to a person who feels himself aggrieved because his reputation has been attacked. Is that the position of the Government? It seems to me and I am speaking for myself, that the Government do not care a brass farthing for what is said about them, for what does it matter to them? What they care about, however, and what they wish to interfere with and prevent, is not abuse of themselves, not abuse of the Government, but the spreading and stirring up of a spirit of sedition and discontent among the people which is an ever-present source of danger to the community. But, quite apart from that general objection, there are other difficulties of procedure. Suppose, for instance, that some paper which is published so far off as Quetta defames the Government and has to be prosecuted, how is that prosecution to be conducted? I suppose it would be pleaded that its allegations are true, and that they were published for the public benefit. Take for instance a statement I saw in a paper last week saying that owing to the Government of India by the British the golden age had passed away, the people were unhappy and that it was better for them to die than to live under such a Government. Supposing the Government were to prosecute for defamation? I presume that the members of the Government would have to go down there, they would have to appear on the scene and be examined and cross-examined as to every measure the Government had ever taken; and I suppose the whole of the evidence given before the Welby Commission would

be material to the issues to be tried. That clearly is an impossible procedure.

"Next I want to say a word or two about my friend the Hon'ble Rai Bahadur Ananda Charlu's speech. I must say that I tender him my very hearty thanks. He has said more than I could say in favour of this Bill. I used as an illustration that although I might lawfully and properly enjoy a cigar on the *maidan*, I could not do so lawfully and properly in the powder magazine in the Fort. My friend took issue on that point and proclaims his right to smoke in the powder magazine in the Fort. Now that is what I complain of in the attitude which is taken up by many of our critics. They say, 'we should have the right of free speech; we may cause an explosion; but we do not care who is injured so long as we can say what we like and when and where we like; we do not care whether our remarks are calculated to cause disturbances or whether they are not. What has that to do with us? We will smoke in the powder magazine.' But that is exactly what the Government are bound to see that the people do not do. They are bound not merely to discourage appeals to violence, but they are bound to see that a spirit of discontent is not spread abroad which might at any moment and at any place give rise to an explosion. It is perhaps difficult to express it in language, but that is the very point of our section. We want to discourage people who do this. They lay the train of gunpowder; they do not fire it themselves; they trust to a chance spark or to somebody else setting it alight. That is the very essence of the evil we have to aim at, and to stop in India. My friend the Hon'ble Rai Bahadur Ananda Charlu says that there is no sedition in India. I quite believe that he is speaking in good faith; he is

loyal himself, he mixes only with loyal people, and reads only loyal newspapers. I am very glad he does that ; but if he had to read through the weekly reports of the Press as we have to do, I am certain that he would come to a very different conclusion. He says we are acting on sentiment and not information, or only on second-hand information. All I can say is that we have more sources of information than he has. His information that there is no sedition in India is not only second-hand but third or fourth hand. The Government is in the best position of anybody to get information as to what is the true state of the country, and we are acting now, I am glad to say, backed by the authority of our responsible advisers.

"There are one or two other points which I think I ought to mention. My friend the Hon'ble Pandit Bishambar Nath is afraid, if this law passes, the public Press will not be able to help Government by giving it information. There is nothing in the law to prevent the Press from giving information ; but even supposing it were so, I do not know that the best way to call the attention of the Government to some abuse that you want rectified is to write about it in an up-country vernacular paper. I should say that a much better way is to call the attention of the Government directly to the point. If you write a letter (say) to the *Beluchistan Times*, it may not come to the notice of Government ; but if you write direct to the Government they get the letter at any rate. I am perfectly certain there is nothing in the proposals which will in any way interfere with what my Hon'ble friend desires, that is, a free, fair and honest discussion of all public questions.

"I have only one word more to say about my Hon'ble friend, Mr. Sayani's point. He seems nervous

that persons who are natives of India should be liable to be prosecuted in British India for offences against British Indian law committed outside British India. All I can say is that this has been the law for twenty years. Ever since the Foreign Jurisdiction and Extradition Act of 1879 was passed, the natives of British India have been liable for offences against British Indian law committed abroad. As a matter of fact, I may mention that a native of India has been hanged in India for a murder committed at Perim, and another has been hanged in India for a murder committed at Cyprus. But that law has never been used oppressively, and the proof that it has not been used oppressively is that my Hon'ble friend does not seem to have been aware of its existence, he has never apparently read the Act, although it has been in existence for over twenty years ; the very fact shows that the law has not been oppressively used in the past, and I do not think it will be used oppressively in the future."

The Bill to amend the Indian Penal Code thus explained by the Law Member and as settled by the Select Committee was passed by the Viceroy's Legislative Council on the 18th February 1898. Several amendments were proposed, but only one was accepted by the Government, namely, the one proposed by Sir Griffith Evans, which was an explanation to the new section 153A. The Act received the assent of the Governor-General the same day and was promulgated for general information the next day, that is, published in the *Gazette of India* of the 19th February 1898 as Act IV of 1898. This law is now in force. Thus it is clear that the complications that arose in Bombay owing to Plague Regulations in 1897-98 and the secret murder of Messrs. Rand and Ayerst on the night of the Jubilee celebration at

Poona, created the occasion for amending the law on Sedition, just as the Wahabi conspiracy of 1870 led to the promulgation of the sedition section in the Penal Code. The century closed without any further addition to the fetters of Indian Journalism. But the relation of the Press of India as a whole with the Paramount Power has, instead of becoming cordial and conciliatory, become a standing opposition. The methods adopted by the Government during the century reviewed for putting down sedition in the Press were observed by the Chief Justice Sir Francis Maclean in a speech as utterly wrong, and the remedy he suggested was "Sympathy, boundless sympathy with the Press and the People." In closing for the present the history of the Press in Bengal, it is only desirable to remind those who are in power of the golden maxim of Cardinal Newman—"It is not by laws, far less by bayonets, that nations are governed; they may enable either a man or a nation to conquer the world, but not to rule it. Sympathy, boundless sympathy can only conquer the hearts of a people." In the next article I shall begin the History of the Press in Bombay.

S. C. SANIAL

Art. V.—SOME INDIAN NOVELS

EIGHTEENTH century India has many chroniclers, especially in the field of travels and general literature. We have on the one hand the monumental works of Ives, Grose and Hamilton and on the other those of Leyden, Gilchrist and the greatest of all Sir William Jones who is praised by hundreds but read by units. The main feature of the nineteenth century, however, is the large output of novels and light literature, which far exceeds that of any other literary form. Vast and bewildering though their number be, there are but few Anglo-Indian novels which can claim to anything like a permanent place in the field of letters. There are, of course, a few bright exceptions and we shall try to study the more important ones. Indian novels may be studied under two broad divisions, *viz.*, the historical and social, the one dealing with some important or interesting fact connected with the history of India, the other busying itself with the mode of life led by Europeans in India. The historical novel, again, may be treated under two periods, *viz.*, the pre-British and British periods, the latter including the Mutiny.

INDIAN PERIOD.

The first great name in the history of Anglo-Indian fiction is that of Colonel Meadows Taylor. He was for many years Commissioner of the Western Ceded Districts of the Deccan and by his sympathetic treatment had endeared himself to the people and on his death in 1876 left an honourable reputation by his successful administration. He declared that he wanted to bring India nearer to England by writing about the

people among whom he lived and whom he loved. This he accomplished by writing three novels on three great periods of Indian history which occurred at an interval of exactly a hundred years. The one that dealt with the earliest period is *Tara* which was published in 1863 and, on its publication, was characterised as the most successful novel of native life. The action of the tale is placed about the year 1657—the year of the origin of the Mahratta power—when Sivaji was plotting against the King of Bijapur and even against the authority of Aurangzeb. *Tara* the heroine of the tale is a noble conception and is presented to the reader as the child of her faith till she becomes its victim. Among other characters Moro Trimmul and Tannaji Maloosray are still remembered in Mahratta history as the leading followers of Sivaji. But by far the best drawn and most interesting personage is Pahar Sing, the robber-chief who took service in the Mahratta cause. A descendant of his, writes Colonel Taylor figured in the Mahratta war of 1818-19 and subsequently took to highway robbery. Ten years later the family were engaged in dacoity and thuggee and it was not till 1850 that the gang was hunted down by the author and the last six of them brought to justice. It would thus be seen that Colonel Taylor has ingeniously treated from types familiar to himself the personages of a bygone time to illustrate the rise of the Mahrattas and their first blow against the Musulman power. The book gives a charming picture of some of the most beautiful scenery and pleasing features of native life in the Deccan. Colonel Taylor's next work was published in 1865 under the title of *Ralph Darnell*. It gives a succinct narrative of the rise of the English political power in the victory of Plassey in June 1757 and

contains, among other incidents, a graphic account of the Black Hole at Calcutta. Seven years later appeared our author's *Seeta* which depicts the horrors of the Mutiny of 1857. Long before the publication of these three historical tales Colonel Taylor had written in 1840 *Tipu Sultan* in which is told the story of the Mysore War of 1788-89 with a detailed account of the time. Tipu, however, is portrayed in darker colours than reality will justify. The author's delineation of Indian scenery and Mahomedan manners as they appear in Hindustan is remarkably successful. Colonel Taylor's last work *A Noble Queen*, published in 1878, chronicles the story of the heroism of Queen Chand Bibi, who, in the sixteenth century, resisted the Moghul armies and saved the town of Bijapur. As has been rightly observed these tales of Colonel Taylor's are very long and, like most of the novels of fifty years ago, very leisurely and at times heavy. The stories are sometimes wanting in interest on account of their anomalous position regarding their fidelity and accuracy, but as pictures of native life and customs they have never been excelled.

ANGLO-INDIAN PERIOD.

Perhaps the earliest work on fiction dealing with the Anglo-Indian period of the history of India was written in 1879 in two volumes by Mr. S. S. Thorburn, B. C. S., who described Indian society particularly in the North-Western Frontier, in a book entitled *David Leslie: a story of the Afghan Frontier*. It depicts the manners and customs of the Hindustani and predatory Pathan tribes on the borders of India and imparts valuable political lessons interwoven with amusement. The military Deputy Commissioner is a capital sketch.

Mr. G. A. Henty, who acted as Special War Correspondent of the *London Standard* in various parts of the world and who was afterwards editor of *Union Jack*, a journal for boys, wrote in 1883 a book entitled *With Clive in India: or the Beginnings of an Empire*. It is a popular history of the middle eighteenth century and all the historical places and characters including Arcot and Plassey, the Black Hole, Omichand and Siraj-ud-Daula are introduced. The book on the whole gives a fairly reliable account of the prowess of the Englishmen of the time. Among other works by the same author may be mentioned *In Times of Peril: a Tale of India* (1881) and *For Name and Fame: or through the Afghan Passes* (1885). In the latter year was published a two-volumed story under the title of *Primus in Indis* by Mrs. C. Scott who wrote under the pseudonym of M. J. Colquhoun. It gives an account of the 39th regiment which bears the words "Primus in Indis" on its colours, in acknowledgment of the services which that Corps—originally known as Adlerkrons—played in Clive's campaign of 1756-7. In recounting the adventures of her hero, Neville Ravensthorpe, the authoress gives us a glimpse of eighteenth century society and the little touches introduced here and there show that the relations between Englishmen and Indians were much more cordial than they were a century later. Another book by the same writer is entitled *Every Inch a Soldier* and was published in three volumes in 1888. Captain John Percy Groves, of the 27th—Inniskillings—regiment, gives us a stirring story of military life relating to the events connected with the campaign against Tipu Sultan and the capture of Seringapatam in a book entitled *The Duke's Own: or, the Adventures of Peter Daly*. It was published in 1887, i.e., two years after the

publication of the author's *A Soldier Born*, a tale in which he chronicled the adventures of the 95th in the Crimean Campaign and the Indian Mutiny. Among modern novelists no name perhaps stands more conspicuous than that of the talented lady who writes under the pen-name of Sydney C. Grier. In her first literary achievement which goes by the name of *In Furthest Ind* (1894) Miss Hilda Gregg gives us an admirable picture of the English in India in the seventeenth century, or, as the authoress herself puts it, "a general idea of the lot of an Englishman in the East during the earlier stages of what is correct to call the expansion of England." She has, in her way, been successful in this object and furnishes us with a glimpse of the struggles between the Portuguese, the French, the Dutch and the English for obtaining a footing in the East. The narrative of Edward Carlyon, late of the Hon'ble East India Company's Service, is full of life, variety and colour. In *Like another Helen* the same writer entertains us with a bold and successful attempt to mould an historical romance out of the early history or rather the foundation and rise of the Indian Empire. A correct and graphic description of the Black Hole tragedy and the siege of Fort William by Siraj-ud-Daula is given in the book. Her account contains many fresh facts extracted from contemporary personal records and woven into the narrative with considerable skill. The book is written in the form of a series of letters relating the adventures of Sylvia Irene. Holwell, old *Padre* Bellamy and his son, Admiral Watson, Hastings, Clive and other historical personages are introduced into the story with great success. It has been truly observed that the actual and lifelike way in which the characters are depicted makes one think as if he is perusing a

contemporary document. In 1904 was published Miss Gregg's *The Great Proconsul*. It is not a book of so much fancy or interest as *In Furthest Ind* or *Like another Helen*. The narrative is presented in the form of memoirs by Mrs. Hester Ward, a friend and dependant in the family of the Governor-General. She is portrayed as a respectable female of her time. We have an account of the revolt at Benares, the Mahratta War, the Carnatic War and the dissensions in the Council of the Governor-General. The character of Warren Hastings is depicted with considerable skill and he stands out lofty, brave and unselfish. His adored Marian is well drawn and the book presents a living picture of the manners and customs of a past age. We find Sir Eyre Coote endowed with the divine gift of winning victories; Sir Elijah Impey, the able lawyer who knew how to maintain the independence of his court; his spouse Lady Impey, who swore that Madame Imhoff shall pay her the first visit; "Currie" Barwell who encouraged Francis to play for high stakes in order to get him into his power. We get also a glimpse of Lady Anne Monson, a great grand-daughter of Charles II. by Barbara Villiers, who used to be the life of the concerts and card parties and was a very superior whist-player.

MUTINY NOVELS.

Quite a respectable number of novels have appeared relating to the great Indian Mutiny. The first story connected with that memorable event, so far as we have been able to ascertain, is entitled *The Wife and the Ward: or A Life's Error* (1859). It was written by Lieutenant-Colonel Edward Money, who had served in the Crimean War and in

India where he afterwards became a tea planter. In 1872 he obtained the prize awarded by the Agri-Horticultural Society of India by writing an essay on the "Culture and Manufacture of Tea." The "Life's Error" referred to in the title of the book is the marriage of the hero (who was given the choice of two beautiful girls) with the wrong person. Although a respectable man he afterwards fell in love with the other girl who is the "ward" when it was too late. The characters in the story are drawn from life and the tragedy of the Cawnpore massacre is described in the concluding chapter. The publication was reprinted in 1881 under the title of *Woman's Fortitude: a Tale of the Cawnpore Tragedy*. In 1868 was published a three-volumed novel on the mutiny entitled *First Love and Last Love* from the pen of Mr. James Grant of the 62nd Regiment. Eight years later appeared Sir G. T. Chesney's Anglo-Indian masterpiece *The Dilemma*. It gives a graphic account of the defence of a lonely mofussil station in which the hero of the story fought desperately against odds. A sustained and powerful though tragical love interest—that of the young subaltern Yorke for Olivia, the daughter of a highly placed civilian—runs through the book. The author gives a faithful picture of what the Mutiny meant to mofussilites who had not time to concentrate in a big town. The study in madness at the end of the book, when Olivia's brain at last gives way before her sorrows, is superb and reminds one of the ravings of an Ophelia. *The Afghan Knife*, a three-volumed Mutiny novel, appeared in 1879 and was written by Robert Armitage Sterndale, who afterwards became Governor of St. Helena. Two historical characters are introduced in the book, viz., Syed Hyder Ali who is meant for

Azimulla Khan, the Chief Agent and officer of Nana Sahib, and the clever, beautiful but cruel Rani of Asalghar who is the Rani of Jhansi under an alias. *The Touchstone of Peril: a Tale of the Mutiny* was issued in two volumes in 1886 from the pen of Dudley Hardress Thomas. A second edition of the book appeared one year later. The scene is laid in an old indigo factory in the United Provinces and the story gives us an insight into native habits of thought and life and other things that lie beneath the surface of Anglo-Indian life. Major J. N. H. Maclean wrote in 1887 a legend of the Mutiny under the title of *Rane* in which he says that he was actually a witness to the occurrences described and took an active part in many of the adventures and tragic scenes. *Rujub the Juggler* is a vivacious three-volumed novel written in 1893 by Mr. G. A. Henty, already mentioned. It turns upon the tragic weakness of a man morally brave and capable of great acts of valour, who, nevertheless cannot bear the noise of firing without experiencing something like catalepsy. The feats of Rujub are of an astounding kind, and include many achievements which are due to thought-reading and hypnotism, besides the basket trick and other familiar Indian wonders. By far the best novel on the Mutiny, omitting most of its horrors, is Mrs. Flora Anne Steel's *On the Face of the Waters* which was published in 1897. R. E. Forrest's *Sword of Azrael* (1903), is a manly though mechanical story shewing the author's exact acquaintance with the surface of Indian life without an intimate knowledge of it. In his *Eight Days* (1861) the same author chronicles the events of the Mutiny from the 8th to the 15th May, 1857. *Jenetha's Venture* (1899) by Colonel A. F. P. Harcourt describes the siege of Delhi, while in *The*

Peril of the Sword the same author recounts the incidents connected with Havelock's relief of Lucknow. The latter publication, it may be noted, is dedicated to Field Marshal Earl Roberts. A good story of thrilling adventure and a capital study of the Mutiny is H. C. Irwin's *With Sword and Pen* (1904). The narrative is simply and naturally told without any tiresome details and "there is a go about it which keeps it ever in action." The latest novel on the Mutiny (1907) is the *Red Year* by Louis Tracy. It gives a popular and graphic account of the massacre of Cawnpore and the siege of Lucknow. The author enjoys the distinct advantage of knowing the country as he was connected with the Press and had visited the scenes described. The historical celebrities of the period, such as Nicholson, Havelock, Sir Henry Lawrence, the last Moghul Emperor Bahadur Shah and his daughter Roshenara Begum are effectively introduced into the story. The love interest is slight but the adventures of the hero, Major Frank Malcolm, and his servant, Chumru, especially their hairbreadth escapes from the hands of the enemy, make sensational reading. As the author himself observes, the work is more a history than a romance.

NOVELS OF HINDU LIFE.

Mr. W. B. Hockley of the Bombay Civil Service, who had served under the Commissioner in the Deccan and in the Judge's Court at Broach, wrote in 1826 a three-volumed novel entitled *Pandurang Hari: or Memoirs of a Hindoo*. The book was published anonymously and was almost forgotten, so much so that when Sir George Birdwood recommended its republication, the publishers were indebted to the liberality of Lord Talbot de Malahide for one of the few copies of the

book which could be traced by Colonel Meadows Taylor in any library with which he was acquainted in the United Kingdom. A new edition was issued in Bombay in 1861 and another with a preface by Sir Bartle Fere in 1877 and again in 1883. The book gives an authentic picture of native Indian society and the inner life of orientals. Mahratta life, as it must have appeared in the latter and more corrupt days of the Peshwa's government, is faithfully depicted in its pages. Its great recommendation is its accuracy, and Pandurang Hari has been called the Anastasius of India. But Hockley's best production is a collection of lively tales (2 vols., 1827) which goes by the name of *Tales of the Zenana: or, A Nawab's Leisure Hours*. An introduction was added in 1874 by Lord Stanley of Alderley. These tales remind one of the *Arabian Nights*, and at the time of publication were given an even higher place by a section of the public. The book was considered as the greatest achievement in the sphere of fiction which was produced by Anglo-Indians before the appearance of Meadows Taylor's *Tara*. The latest novel on Hindu life is the *Silver Zone* by Kathleen P. Emmett (Mrs. Foley). The book was published by Murray this year and is interesting as being dedicated to the Princess of Wales as a "faint echo of a chime of Eastern bells." It is purely a story of Hindu life, without any European character in it and describes life as it is lived in a Himalayan valley near Dehra Doon. The merit of the book lies in the sympathetic insight evinced by the authoress into some of the phases in the life, laws and customs of the Hindus. "The continuity of Hinduism through the centuries and the supreme unimportance to the individual of the systems of Government introduced from the West are

exemplified in the heroine Asta who goes through life in the twentieth century almost exactly as her forbears did in the tenth." Mrs. Foley shews her appreciation of the wide charitableness of native life and her descriptions of the quiet domestic lives of the Hindus are interesting and true to nature.

ANGLO-INDIAN NOVELS.

Of the works of fiction dealing with social life in the Anglo-Indian period perhaps the earliest is a three-volumed novel entitled *The Missionary: an Indian Tale*. It was written by Miss Sydney Owenson (afterwards Lady Morgan) and published in 1811, the year before her marriage with Sir Thomas Charles Morgan, M. D. *English Homes in India* was published in 1828 and is designed to illustrate Anglo-Indian life as it was lived in varying phases by Anglo-Indian workmen from the resident at a native court to the subaltern officer and the railway employè. *The Bengalee: or, Sketches of Society in the East* was written by H. B. Henderson in two volumes in 1829, while Augustus Prinsep, a Civil Servant of the Bengal Establishment, wrote, five years later, another two-volumed novel descriptive of society in India, which went by the name of *The Baloo and other Tales*. In 1839 was published in three volumes the well-known *Confessions of a Thug* by Colonel Meadows Taylor. It professes to be the autobiography of Amir Ali, a notorious disciple of Bhabani, with whom murder by the 'roomal' was a religious rite as well as a hereditary profession. The narrator of the story had garrotted seven hundred men and only regretted that he had not reached four figures. The book abounds in details of a system of assassination which becomes all the more fearful from the part

which superstition takes in its organization and maintenance. They are cleverly woven into a story—gruesome though it is—relieved with episodes illustrating Indian life and manners. Amir Ali's recital of the terrible hours passed by him in the prison cage at Jhalone is truly graphic. The next novel of any importance was published in two volumes (1841), under the title of *The Marriage Mart: or, Society in India* by "an Indian Officer." *Peregrine Pultney: or, Life in India* appeared in three volumes in 1845 from the pen of Sir J. W. Kaye. This lively novel was reprinted from a Bengal journal and recounts the story of a cadet of the Bengal artillery. The book contains a good satirical picture of life in India. The same author wrote in the following year *Long Engagements: a Tale of the Afghan Rebellion*. In 1853 appeared *Oakfield: or, Fellowship in the East* from the pen of W. D. Arnold, brother of the famous Matthew Arnold. He had come out to India in 1848 and became Director of Public Instruction in the Punjab in 1856. To his memory his brother Matthew wrote a *Southern Night* and alluding to his grave at Gibraltar said: "The South was parent of his pain, the South is mistress of his grave." The book gives the story of an Oxford man brought out in strict ideas of duty and conduct, who goes to India and revolts from the dissipation of the Anglo-Indian community and their disregard of native interests. A high moral tone pervades the book which gives also a description of the second Sikh War and the Battle of Chillianwalla. In the same year appeared *The Wetherbys and Too Clever by Half* from the pen of John Lang, who, unlike Arnold's treatment of the subject, exposed the vices of Anglo-Indians in their ugliest colours and lashed them with the most caustic satire. *Randolph Methyl: a Story of*

Anglo-Indian Life by W. W. Ireland, the author of the *History of the Siege of Delhi*, appeared in 1863.

Major Charles F. Kirby wrote in 1867 a three-volumed novel entitled *The Adventures of an Arcot Rupee* in which he attempts to give some account of the British rule in India when Wellesley and Tipu Sultan were the conflicting heads and when the "Pagoda Tree" was in full luxuriance. The Arcot Rupee in passing from one master to another, both native and British, learns the secret of all parties including the love affairs of various individuals. The author is well up in his subject but lacks the gift of making his tale entertaining. His style is stiff and the story is dry and full of Indian slang. In 1869, was published a three-volumed novel entitled *Veronique* from the pen of Florence Marryat. She was a daughter of the well-known Captain Marryat and had married, when she was still under sixteen years, at Penang in 1854, Major-General T. Ross-Church, C.I.E., of the Madras Army. He was a son of an old Madras civilian and was a young subaltern at the time of his marriage. She had travelled over nearly the whole of India, and, although she had eight children, found time to write some ninety novels, many of which were translated in various European languages. After the death of her first husband, she married in 1890, Colonel Francis Lean of the Royal Marine Light Infantry. The character of the heroine Veronique is particularly well drawn, especially her purity, innocence and moral courage—a mixture of womanly weakness and strength. Similarly, the authoress shows considerable power in the description of the character of the gay and handsome young aide-de-camp, Captain Gordon Romilly. Of the minor characters, Mrs. Colonel Dowdson is at once the most amusing and most natural. The

scenes at the Ootacamund Post Office and at Mrs. Dowdson's levée are true to life though slightly exaggerated. Mrs. Church had contributed to the "Temple Bar" certain sketches of Indian life and character, which, when reprinted in 1868 under the title of *Gup*, met with severe criticism at Madras and elsewhere. She was so bitterly mortified at the hostile reception of her book that she attempted to sneer down her critics by making the unjust assertion in *Veronique* that the greater number of those connected with the local Indian press are half castes. Again, she took her revenge on India (which she had never liked) for the nine years of exile that she passed in this country by remarking that India is the nursery of bigotry, prejudice and small mindedness. One or two other hasty generalisations of a like nature mar the otherwise interesting pages of this charming romance. Perhaps the cleverest and most cutting satire on Anglo-Indian life is *The Chronicles of Budgepore* (1871) by Ittudus Pritchard. As the author himself states in the Preface, the book is intended to illustrate some characteristics of social and official life in Upper India both in European and Indian Society and to show the quaint results which indiscriminate and often injudicious engrafting of habits and ideas of western civilisation on oriental stock is calculated to produce. This is accomplished by adopting the plan of stringing together an immense amount of acute criticism and cruel, if just, sarcasm on a series of thin sketchy plots. Four years later appeared in two volumes that remarkable work *The Chronicles of Dustypore: a Tale of Modern Anglo-Indian Society*, by the Author of "Wheat and Tares," who is no other than Sir Henry Stewart Cunningham. He was Advocate-General of Madras and had latterly acted as a Judge of the

Calcutta High Court and had married a daughter of Lord Lawrence. The book recounts the story of the wife Maud—a pleasing, if irritatingly foolish, kind of girl—who flirts abominably on the hills while her husband is fighting in the hot plains. But she loves him all the same in a hazy sort of way and is startled and suddenly recalled to her true self when unexpectedly she hears that her husband, Colonel Sutton, is down with the cholera. She rushes down to the lonely station in the plains where her husband is hovering between life and death, and in doing so risks her own life. All her old love returns and he at length gets well and they live happily ever after. A noticeable feature of the work is that the characters are all taken from contemporary society. As has been pointed out in a recent issue of *Bengal: Past and Present*, the organ of the Calcutta Historical Society, "Dustypore" is Lahore and "Elysium" Simla; "Felicia" is Mrs. Waterfield ("R. H. W.") to whom the book is dedicated, while "Des Vœux" is Sir Lepel H. Griffin, formerly Chief Secretary to the Government of the Punjab; "Fotheringham" is Mr. Lindsay and "Sutton" is Brigadier Keayes and two other Punjab heroes rolled into one. The *Athenæum*, however, states that Colonel afterwards General "Sutton" is no other than Lord Napier of Magdala. In the *Cœruleans* (1887) which is called a "vacation idyll" Sir Henry Cunningham shows his remarkable smartness of conversation and keenness of dialogue, combined with a light airy way of looking at things. He describes how the inhabitants of Cœrulia—a pleasant hill station, presumably the Nilgiris or Blue Mountains—exist. The heroine Camilla is the opposite of Maud of the *Chronicles of Dustypore* and Mr. Chichele, who guided the fortunes of the place,

is intended for the late Sir M. E. Grant Duff, Governor of Madras in the 'eighties. In 1877 appeared in three volumes *The City of Sunshine* by Alexander Allardyce. The scene is laid in the village of Dhupnagar and questions like caste, education, justice, betrothal of infants and money-lending are discussed. One cannot help being fascinated with the picture of the young Hindu student who rebelled against the superstitious faith of his fathers but was drawn back into it by the cords of love and interest. Five years later was written *Mr. Isaacs: a Tale of Modern India*, the first work of F. Marion Crawford, who was formerly editor of the *Indian Herald* of Allahabad. He visited the famous jewellery store at Simla of Mr. A. M. Jacob, a wealthy Hebrew gentleman whom he has immortalized under the name of Isaacs. To residents outside Simla Mr. Jacob is best known by the famous Hyderabad Diamond case in which he figured so prominently. He was charged at Calcutta by the Nizam of Hyderabad with criminally misappropriating twenty-three lakhs of rupees deposited by His Highness as earnest money for the purchase of the gem known as the "imperial diamond" and was acquitted on 22nd December 1891 after a prolonged trial. *Diana Barrington: a Romance of Central India* was written in 1888 by Mrs. B. M. Croker, wife of Lieutenant-Colonel John Croker, late Royal Scots and Royal Munster Fusiliers. Being an Irishwoman she also wrote some Irish novels, but this is one of the best stories of Anglo-Indian life published since the *Chronicles of Dustypore*. The narrative is picturesque and full of vivid touches and there is an infectious gaiety about it that makes it immensely refreshing. Mrs Croker's sympathy for Indians is shewn by the testimony she bears to their

courtesy, chivalry and charity, in describing the social events of a gay military station. In *A Family Likeness* published in three volumes in 1892, the same writer gives a sketch of life as it is lived in the Himalayas and her heroine Juliet Carwithen is presented as a pleasant and attractive young person. The most interesting and original character in her next work *Mr. Jervis* (3 vols., 1894) is a beautiful Englishwoman who had purchased her life too dearly in the Indian Mutiny and was passing herself off as a Persian in a retired spot away from Europeans among some hills. She had, however, but little to do with the unravelment of the plot. In *Catspaw* (1902) we have a picture of a third-rate boarding-house in Madras and the doings in the palace of an ancient Rani, a plotter against the Government and the Political Resident and all new-fangled ideas, while in *Her Own People* (1903) Mrs. Croker gives a striking description of the domiciled community. *The Old Cantonment* (1905) is a collection of entertaining short tales which are rather scrappy and journalistic. The writer is, however, at her best in her latest Anglo-Indian story *The Company's Servant* (1907.) It is a bright little book giving an admirable sketch of life lived in India by English people. The hero, a nephew of an Earl, serves in India as a Railway Guard and is prominent for his probity and horsemanship. By far the most interesting character is another aristocrat in disguise who serves as a night watchman in the garb of an Indian and, in spite of his slavery to the *ganja* habit, is quite keen and picturesque. The next novel of importance is *Helen Trevelyan* (3 vols., 1892) by Sir H. M. Durand who wrote under the pen-name of John Roy. The description of the hero Guy Langley is very happy

and lifelike, and the opinions, passed on the various poets forming his library, by his friend Dale are really amusing. The author's description of the Afghan campaign in the second volume is remarkably good. The part which women have played in the recent fictional literature of India is remarkable, and perhaps the greatest name among lady novelists is that of Mrs. Flora Anne Steel. The secret of her success lies in the fact of her possessing the rare gift of identifying herself with her characters, of mourning with them and of rejoicing with them. Her first Anglo-Indian novel of any importance is *Miss Stuart's Legacy* (1893) while *The Potter's Thumb* (1894) is a really powerful tale of native and English life. Mrs. Boynton is a very clever study and the story of George Keene, who does himself to death in a lonely up-country station and is buried secretly by Dan Fitzgerald who cables to his mother the merciful falsehood "Cholera," is truly pathetic. In *The Voices of Night* (1900)—a love-tale of Anglo-Indian life—she gives a description of the lot of ex-royalties, while an interesting personality is the Lieutenant-Governor's son who rouses the reader's affection. *The Guardianship of God* (1903) contains seventeen stories describing Indian, especially Hindu, manners and characteristics. In 'Surabhi,' the authoress, shows how deep is the love of an old Brahmin for his cow, while in 'Fire and Ice' she touches upon certain social evils in India. In *From the five Rivers, Tales of the Punjaub, The Flower of Forgiveness* and *In the Permanent Way* she has produced some miscellaneous stories and sketches of the Punjab. We next come to Mrs. Everard Cotes *née* Sara Jeannette Duncan, who is well known by her endeavours to interpret the American girl to the world of fiction readers.

Her earliest effort, *The Simple Adventures of a Mem-sahib* (1893), displayed much lightness of touch. But her Anglo-Indian reputation rests on *His Honor and a Lady* (1896) which recounts the story of two Lieutenant-Governors, one of whom falls a martyr to his stubborn honesty, while the other won signal success through his hypocrisy. There is much cleverness displayed in the description of Indian scenes and surroundings. *The Path of a Star* (1899), though abounding in light sarcasm, contains graver treatment of life. A group of Calcutta characters, including a young Salvationist, a brilliant actress, a society lady and two Oxford friends, get into a tangle from which the authoress rescues them. *The Pool in the Desert* (1903) contains four lively stories, the best being "A Mother in India." R. W. Frazer, author of a *Literary History of India*, wrote in 1895 a collection of tales entitled *Silent Gods and Sun-steeped Lands*. The only novel written by Sir William Hunter is the *Old Missionary* (1896). The hero of this pathetic story is believed to be the Rev. James Williamson of the Baptist Missionary Society who laboured for half a century at Suri, Birbhum, and passed away over forty years ago. He is buried at Serampore just outside the Carey enclosure. Mr. F. H. Skrine, the biographer of Sir William Hunter, calls this an "immortal" work. In 1897 appeared a *Princess of Islam* from the pen of Mr. J. W. Sherer, C.S.I. It is a touching tale describing life in a Native State and recounts the story of a Mahomedan princess who was married to a young Englishman, a member of the Uncovenanted Service, in India. For reasons of State the Englishman is made to believe that she died during his absence in England and he married again. The princess then had an opportunity of showing her true nobility of character.

We next come to the novels of Mrs. Frank Penny. Her *Romance of a Nautch Girl* (1898) gives sketches of Anglo-Indian life in the Deccan and one or two touches here and there show the writer's sympathy for the natives and persons of mixed blood. In her *Forest Officer* (1900) Mrs. Penny gives an admirable sketch of the trials and perils, the romance, magic and mystery of sylvan India, and evinces a keen observation and knowledge of native character. Her *Caste and Creed* (1902) is a highly meritorious novel in which the conflicting influences, to which the child of an English father and a native mother is exposed, are depicted in vivid colours yet without exaggeration. Zelma Anderson is a very attractive Eurasian heroine. The most interesting thing in the book is the description of the procession of an idol and the worship of Vishnu. Rutnam, the devotee, is an attractive character. In her *A Mixed Marriage* (1902) she shows her intimate knowledge of India and her people, while the *Sanyasi* (1904) is a humorous and well told story steeped in the colour and atmosphere of the East. *Dilys* (1905) shows the writer's extraordinary insight into the irreconcilable differences between the rulers and the ruled in the Indian Empire and her sympathetic and humorous conception of the native character. The heroine Dilys has the fun and mischief of a child with the fascination of the most womanly of women, and the picture of the Lumbardee gypsies, by whom she was brought up, is drawn with admirable skill. Her *Waters of Destruction* gives a very realistic picture of life up-country far from the beaten track where years are often passed by Englishmen cut off from all intercourse with their fellow-countrymen, while the *Tea Planter* (1906) deals with life in Ceylon. *The Stronger*

Claim by Mrs. Alice Perrin is based on the contending claims of country and the influences of East and West on human character. She is a daughter of the late General John Innes Robinson, Bengal Cavalry, and sister of Sir Ernest Robinson, fifth Baronet. She married Charles Perrin, M.I.C.E., who was then employed in the Public Works Department of the Government of India and who now holds an appointment under the Local Government Board, England. Pictures of native life and the sense of the Eurasian position in the East—between as it were two fires—are vividly presented in the book. The case of the Eurasian woman was rendered with extraordinary pathos in a novel entitled *Poor Elisabeth*. Mrs. Perrin gives us the Eurasian man and convicts him of irresolution at a time when decisive action is of great importance. She shows the gulf between the matter-of-fact British temperament and the mystery-loving Indians and the inexorable repulsion of white by black. That Mrs. Perrin has sympathy both for India and the Indians is shown also in her *A Free Solitude*. She holds that if India were left to herself for a hundred years or less, there would not be a trace of Western influence or progress remaining in the country. Again, she speaks through Katharine Rolland—"Surely we are not so immeasurably superior as a race that we should feel demeaned by shaking hands with the people of India." She is of opinion that the sex question is the real cause of the gulf between Eastern and Western ideas, and, if so, it is a gulf that it will take centuries to bridge over. Her *Red Records* (1906) is a collection of some gruesome tales. The stories lose much of their horror on account of the idea of Fate as the relentless power holding men in its grip, which pervades the book. Some of the stories,

especially those relating directly to the natives of India, are of a high standard. General Fendall-Currie's *The Land of Regrets* (1903) gives us an insight into the government of the country, the ways and traditions of the natives and the lives of the Anglo-Indians in every department. Nina Stevens, only daughter of Sir C. C. Stevens, late Lieutenant-Governor of Bengal, touches on the Eurasian question in her *Perils of Sympathy*. She became Mrs. Fredrick Griffiths and died in England on the 16th January, 1908. The latest work of Sydney C. Grier, who has been writing at least one novel every year since 1894, is the *Power of the Keys* (1907) which describes a hypothetical invasion of India. The most interesting personalities are a retired civilian who raises a body of horse, a nursing sister and a police scout with a strain of Indian blood. Interspersed with perilous adventures and graphic descriptions of fighting there are two love stories and a dash of pathos is afforded by the cruel death of the warrior hero. In the *Two Women and a Maharaja* (1907) Mrs. C. E. Phillimore deals with Anglo-Indian, especially Eurasian, life. She shows how well stocked her mind is with first-hand knowledge. Constance Maharani is a representation of Florence Maharani of Patiala, who died on 11th January, 1896. In the *Broken Road* (1907) Mr. A. E. W. Mason, M. P., describes the lives of the higher Anglo-Indian officials and tries to prove the folly and cruelty of educating young Indian princes to be hybrid Englishmen. The author aims at teaching that East is East and West is West and that it is a mistake to mix the two even educationally. One of the latest Anglo-Indian novels is *India's Saint and the Viceroy* (1908) from the pen of Mr. S. S. Thorburn, already referred to. It is an interesting work full of satire and idealism. The hero

Cosmo Sorel, is a millionaire who reforms the government of an important vassal state in India and ends a little war by the exercise of the charms of an angelic personality. On one occasion he produces the effect of a miracle by bidding an hysterical Pathan woman to arise and "thank Allah." Satire appears in the sketch of the self-satisfied Viceroy and the selection of "Topsham" as a surname for the Prime Minister whom he alternately praises and despises. It was inartistic, says the *Athenæum*, to make Sorel suddenly turn into the real Lord Eskmore and not flattering to a "Saint" to make his renunciation of a title a theme of his delirium. While this article was in proof a new Anglo-Indian novel by Maud Diver entitled *The Great Amulet* (Blackwood) has made its appearance.

No study of Anglo-Indian fiction would be complete without mention of the name of Rudyard Kipling. His works are so many and various that they require separate notice. Suffice it to add that he was more truly Anglo-Indian than any other writer before him. He always regarded India as his home and took it for the natural sphere of his life's work. He was the father of short stories and in them as a collection are depicted with wonderful vividness almost all the details of Anglo-Indian life. A genuine sympathy for all things Indian pervades his works both in prose and verse. Kipling's very many admirers may find a just appreciation of his works in Mr. E. F. Oaten's recently published book on Anglo-Indian Literature.

KIRAN NATH DHAR, B.A.

Art. VI.--EARLY REVENUE AUTHORITIES OF BENGAL.

THE evolution of the present system of collecting revenues out of that introduced, or rather sanctioned, by Lord Clive in 1765, forms an important chapter in the history of British India. It is by a gradual process that the old Select Committee has developed into the Board of Revenue as the revenue-collecting agency. Though the English became the virtual masters of Bengal in 1757, they had no legal status until 1765, when the dewani of Bengal, Behar and Orissa was granted to the founder of the British Empire in the east by the puppet emperor who was sitting crest-fallen on the tottering throne of Delhi. The grant of the dewani was an event of a more far-reaching character than even the Battle of Plassey, or the grant of a perwana to Mr. Ralph Cartwright in 1633 for free trade in Orissa, or that of a charter to the East India Company in 1640, permitting the Company to trade in Bengal. The dewani revolutionised the administrative system in Bengal and tended at once to change the history of India. It facilitated the progress of English conquest and settlement, transformed the trader into the sovereign of the country, and legally established the British Government in Bengal. The *de facto* masters of the country rose to be its *de jure* rulers, and the duty of collecting revenues, along with other duties, naturally devolved on the Hon'ble the East India Company.

The first Select Committee consisted of the Hon'ble Roger Drake, President, Charles Manningham and Richard Becher. It was joined, on the 29th May, 1758, by Robert Clive and William Watts on their return from

an expedition to Patna. John Drake presided over the Committee for the last time on the 28th June, and at its meeting of the 4th July following, his place was taken by Clive, while William McGuire was appointed Secretary. On the 13th, Colonel Ford and Richard Becher were sworn in, and they thenceforth began to sit on the Committee. In 1760, Clive was succeeded by Henry Vansittart as Governor of Bengal. The administration of the provinces and districts into which Bengal was divided was at that time in the hands of various chiefs and residents at Patna and Murshidabad. For instance, a letter signed by Vansittart and the Council was despatched on the 1st December, 1760, to Harry Verelst, Randolph Marriott and Thomas Rumbold, directing them to proceed to Chittagong to take up the management of the affairs of the Company. These gentlemen arrived in the Chittagong province in January next, as it appears from their letter to the Council, dated Seeta Coon, 3rd July, 1761. The control of the zemindari lands of Calcutta and the 24-parganas conferred on the Company by Mir Jaffar by a treaty dated 4th June, 1757, as well as that of the districts of Burdwan, Midnapur and Chittagong ceded by Mir Kasim by the treaty of the 27th September, 1760, as the price of his Nawabship, was vested in the covenanted servants of the Company who superintended the revenue administration under the direction of the Select Committee. With the revenues of the other districts, the Company had at that period no concern but it would appear from a letter from Mir Kasim to the Governor, dated 26th March, 1762, that the Chiefs were not content with minding only their legitimate business. Wrote Mir Kasim: "From the factory of Calcutta to Cossim Bazar, Patna and Dacca, all the English Chiefs, with

their gomastahs, officers, and agents, in every district of the government, act as Collectors, Renters, Zemindars and Talookdars, and setting up the Company's colours, allow no power to my officers." Under the system there were rack-renting, oppression and injustice on all sides.

Lord Clive was appointed in 1764 for the second time President and Governor in Bengal with a Select Committee of four gentlemen who were empowered to act upon their own authority, independently of the existing Council. The Council endeavoured to resist their authority, but Clive beat down all opposition. After the expulsion of Nawab Mir Kasim and the decisive battle of Buxar, the dewani authority over the provinces of Bengal, Behar and Orissa* was conferred in perpetuity on the East India Company by a firman or royal grant on the 12th August, 1765. The Nawab of Bengal, Najim-ul-Dowlah, had already, as the condition of his succeeding to the musnud on the decease of his father, Mir Jaffar, agreed to entrust the administration of the subahdary to the management of a naib or deputy appointed by the advice of the Governor in Council. By a further agreement, dated 30th September, 1765, the Nawab recognised the grant of the dewani to the Company, and assented to accept a fixed stipend for the maintenance of his family and himself. Whatever further expense, within certain limits, might be found necessary for the support of the dignity of the nizamat, was to be disbursed through the deputy chosen by the English Government. In 1766, the first meeting of the Select Committee was held by the Right Hon'ble

* The Orissa of the eighteenth century included only the district of Midnapur and a part of Hooghly, or more accurately, the tract of country lying between the rivers Subarnarekha and Rupnarain. Orissa Proper was conquered and annexed from the Mahrattas by Lord Wellesley in 1803.

Lord Clive, President, William Sumner, Esq., and Brigadier-General Carnac, and at the next meeting, on the 20th January, Harry Verelst and Francis Sykes also sat. Lord Clive took his place as Dewan, or Collector of Revenue, for the Moghul, and in concert with the Nawab who sat as Nazim, opened the *poonneeah* or ceremonial of commencing the annual collections in a darbar held at Motijhil, near Murshidabad. From this time, the functions of the Nazim, as well as of dewan, were ostensibly exercised by the British Government, the latter, in virtue of the grant from Emperor Shah Alum, and the former, through the influence possessed over the naib or deputy; the Nawab Nazim himself having submitted to become virtually a pensioner of the State.

But though the civil and military power of the country and the resources for maintaining it were assumed by the East India Company, it was not thought prudent either by the local Government or the Directors to vest the immediate management of the revenue or the administration of justice in the European servants who possessed neither sufficient knowledge nor experience of the civil institutions or the interior state of the country to qualify them for the trust. Motives of policy, therefore, impelled Clive to leave the actual administration in the hands of the old Indian functionaries to be carried on in the name of the Subahdar. "The first point in politics which I offer to your consideration," wrote Clive to the Select Committee in 1767, "is the form of government. We are sensible that since the acquisition of the dewannee, the power formerly belonging to the Subah of these provinces is totally, in fact, vested in the East India Company. Nothing remains to him but the name and

shadow of authority. This name, however, this shadow, it is indispensably necessary that we should venerate. Under the sanction of a Subah, every encroachment that may be attempted by foreign powers can effectually be crushed, without any apparent interposition of our own authority, and all real grievances complained of by them can, through the same channel, be examined into and redressed. Be it, therefore, always remembered that there is a Subah, and that though the revenues belong to the Company, the territorial jurisdiction must still rest in the chiefs of the country, acting under him, and thus presiding in conjunction. To appoint the Company's servants to the offices of collectors, or, indeed, to do any act by any exertion of the English power, which can equally be done by the nabob at our instance, would be throwing off the mask, would be declaring the Company Subah of the province. Foreign nations would immediately take umbrage, and complaints preferred to the British Court might be attended with very embarrassing consequences."

The result of the dual system was disastrous. It was found that in every respect but the promotion of their own interests, the Indian officers were utterly inefficient. Indians and Europeans alike took advantage of it. There was no responsibility, no control. The strong preyed upon the weak, and the weak had none to look up to for protection. As Gleig remarks: "There was no such thing as justice, or law, or adequate protection to person or property anywhere in Bengal, Behar and Orissa, except at Calcutta. The ancient courts had lost their influence, and the native magistrates were destitute of authority. In the collection and management of the revenue, likewise, the single

rule appears to have been to exact as much as possible from the occupants of the soil, without paying the slightest regard to their capabilities. . . . Zemindars, rajas and other agents made their own terms, both with the ryots and the duan, of which the results were, that on all occasions the Company sustained a loss, no one being able so much as to point out the particular account in which errors might have crept."

With a view to check misgovernment without departing from the policy initiated by Lord Clive, the Select Committee agreed unanimously on the 16th August, 1769, "that in every province or district, a gentleman in the service be appointed, with or without assistance, in proportion to the extent of the district, whose office or department is to be subordinate to the resident of the Durbar, and managed as is expressly set forth and defined in the following letter of instructions," etc. These instructions were most elaborate. Kaye sarcastically observes: "It is hard to say what they (Supervisors) were not expected to do." They were appointed to superintend the Indian officers employed in collecting the revenue and administering justice in the different parts of the country, and instructions were issued to them to obtain a summary history of the provinces; the state, produce and capacity of the lands; the amount of the revenues; the cesses or arbitrary taxes; and all demands whatsoever which were made on the cultivators; the manner of collecting them; and the gradual rise of every new impost; the regulations of commerce and the administration of justice. Some of the supervisors were: Thomas Kelsall,* Dacca; William

* During his short stay in Calcutta, I. G. Haliburton acted for him. Kelsall was Supervisor up to March, 1771. He was succeeded by James Harris who was in the post up to April, 1772. Nicholas Gunbar (Collector) was Supervisor up to February, 1773.

Lushington, Hooghly ; Alexander Higginson, Birbhum ; Walter Wilkins, Tippera ; G. G. Ducarel, Purnea ; M. Cottrell, Dinajpur ; Robert Wilmot,* Jessore ; Jacob Rider, Nadia ; William Harwood, Rajmahal and Bogla-pur ; C. W. Boughton Roos,† Rajshaye and Natore ; John Grose, Rangpur. In the same year, in accordance with the Company's general letter, dated 30th June, Mohamed Reza Cawn, who was styled as Nawab, was appointed Naib Dewan at Murshidabad, and Raja Shitab Roy was appointed in a similar capacity at Patna. They regularly attended the meetings and were practically the head of the revenue administration of Bengal. At this period Richard Becher‡ was the Resident at the Murshidabad Durbar and exercised a good deal of authority over the Supervisors, referring only occasionally to the authorities in Calcutta.

At the commencement of 1770, the Select Committee consisted of the following ordinary members : The Hon'ble John Cartier, President ; Richard Becher, Sir Robert Barker, James Alexander and Samuel Middleton. The Committee was the Supreme Revenue authority but not an exclusively revenue body. It corresponded in regard to revenue matters with the new Supervisors through the chiefs and residents, while, as far as Bengal proper was concerned, the Resident at the Murshidabad Durbar was the channel of communication. The arrangement was modified under the orders contained in the letter of the Hon'ble the Court of Directors, dated 23rd March, 1770, whereby a Comptrolling Committee of Revenue was to be appointed, consisting of four members, to whom the

entire management of revenue affairs in Bengal was to be entrusted. This Committee met for the first time on the 1st April, 1771, and its members were : The Hon'ble John Cartier, President ; Thomas Kelsall, Charles Floyer, John Reed and Francis Hare. W. Wynne, who was Secretary to the Council, was also Secretary to the Committee. Another change was shortly effected. By the letters of the President and Council of Fort William, dated 13th July and 11th October, 1770, respectively, Comptrolling Councils of Revenue at Murshidabad and Patna were constituted as intermediate revenue authorities. The Murshidabad Council consisted of Richard Becher (Chief), John Reed, Jas. Laurell and John Graham. As Mr. Becher was ill at Balasore when the orders arrived, the Council met for the first time under the presidency of Mr. Reed on the 27th September. Mr. Becher arrived at Murshidabad on the 12th November next and presided for the first time at the Council of the 15th November, 1770, and continued to do so until the 24th December of that year when he retired from the post. The Council corresponded with the Supervisors. The Patna Council took up its duties on the 5th November, 1770, and at first consisted of James Alexander (Chief), George Vansittart and Robert Palk. The Council corresponded with the following Supervisors in 1770-71 :—Edward Golding, Saran and Champaran ; Charles Lloyd, Shahabad ; James English Keighly, Tirhoot ; Harry Palmer, Rotus ; and Nathaniel Bateman, Monghyr. The Council corresponded also with Captain Carnac in charge of affairs at Palamau. While the Patna and Murshidabad Councils corresponded with the Supervisors and had control over them, the Committee of Revenue corresponded with the Councils

* Robert Wilmot died in 1770, and was succeeded by Shakespear.

† He arrived at Natore on the 30th December, 1769.

‡ His daughter, Miss Becher, became the mother of the great Thackeray.

as well as the Collectors of the Company's lands in the ceded districts and the Custom Master in the Presidency. Chittagong and Tippera corresponded direct with the supreme authorities through their Chiefs. Mr. Reid was at this time the Chief of Chittagong, and Mr. Claud Russell, the Collector-General. The Comptrolling Committee of Revenue replaced the Select Committee as the chief revenue authority. Its proceedings on the complaint of the Ranee Dowager of Burdwan against her Dewan Bridzoe Kishore Roy are preserved.

The appointment of Supervisors and the other changes in the system, however, brought about no improvement, the revenues continued to decline, and there was hardly any check on misgovernment. It is on record that "the Supervisors only made confusion worse confounded and corruption more corrupt." They were wholly inadequate to the requirements of the situation. The information communicated to the Directors in consequence of the enquiries made by the Supervisors represents the internal Government in a state of disorder and the people suffering great oppression. These evils were imputed to the nature of the double Government established by Clive, which was described as follows: "It had introduced an incredible amount of disorder and corruption into the State, and of poverty and wretchedness among the people; it had embarrassed our finances, and soiled our character." The fifth Report on the affairs of the East India Company says: "The whole system resolved itself, on the part of the public officers, into habitual extortion and injustice, which produced, on the part of the cultivator, the natural consequences, concealment and evasion, by which Government was defrayed of a considerable part of its just demands." Under the administration

of Verelst and his temporary successor, Cartier, that is, from 1767, when Clive retired from India, to 1772, when Warren Hastings was appointed Governor, no progress was, in short, achieved, and the management of the affairs of the country continued as defective as ever. The appointment of Hastings to fill the President's chair at Calcutta was the first decisive step taken by the East India Company to introduce a new and efficient system of general administration.

Warren Hastings appears never to have been an admirer of the dual government, and in one of his despatches, he wrote to the Directors: "You must establish your own power, or you must hold it dependant on a superior which I deem to be impossible." Holwell had written before this, protesting against "ringing changes on Soubahs": "Let us boldly dare to the Soubahs ourselves. We have nibbled at these provinces for eight years, and notwithstanding an immense acquisition of territory and revenue—what benefit has resulted from our successes to the Company? Shall we go on nibbling and nibbling at the bait, until the trap falls and crushes us?" Hastings took his seat as President of the Council on the 28th April, 1772, and the first task imposed on him was to inform the Board that in consequence of orders received from the Secret Committee "he has sent instructions to Mr. Middleton to arrest the persons of Mahomed Reza Cawn and Raja Amrit Singh, his dewan, and to send them under a guard to Calcutta; that he has received advice from Mr. Middleton, that the same has accordingly been put in execution." A discussion then ensued as to the manner in which Reza Cawn should be received on his arrival at Calcutta, and it was resolved by the majority of the Board "that one of the members be sent to

intimate to him the cause of his seizure, and to inform his Excellency of the points on which the Hon'ble Company express their displeasure, and that they look to us to obtain satisfaction from him for the injuries which they conceive their affairs to have sustained by his mismanagement and corrupt administration." Hastings protested against this decision of the majority on the ground "that any public show of respect to Mahomed Reza Cawn in his present circumstances will be inconsistent with the restraint which has been imposed upon him, and may counteract the end intended by it in creating an opinion in the minds of the public that his power is but suspended, and thereby discouraging those who may have complaints to prefer against him by the fear of their falling hereafter under the effects of his resentment. He also thinks it very unbecoming the character and dignity of a member of this administration to be employed on a public deputation to a man who stands accused by the Court of Directors themselves of the most criminal conduct."

On the 11th May, 1772, a proclamation was issued, setting forth that the Hon'ble the Court of Directors had been pleased to divest the Nawab Reza Khan of his station of Naib Dewan, and had determined "to stand forth as Dewan and by the agency of the Company's servants, to take upon themselves the entire care and management of the revenues." Three days afterwards, certain regulations for the settlement and collection of revenue were passed. One of the regulations was that "As the Company have determined to stand forth as Dewan, the servants employed in the management of the collections shall be henceforth styled collectors instead of the present appellation of supervisors." The offices of Naib Dewan were also abolished,

although the Dewans were, after a protracted trial, acquitted of the charges of embezzlement against them. Thus was thrown off the "mask" which Clive was insistent on retaining so as not to arouse suspicion and ill-feeling. The conquest was peaceful, and on the 16th April, 1773, the Secret Committee of the Court of Directors, approving of Hastings' measures, remarked in their despatch: "If the abolition of the office of Naib Dewan, and stepping forth as principals, should in any degree alarm your European neighbours, we rely on your prudence for removing every improper jealousy that may be entertained on this account." The new Collectors were joined by an Indian officer chosen by the Board and styled as Dewan, in the superintendence of revenue.

It was next decided to appoint a Committee of four members, of which Hastings was to be the President, "to make a settlement in certain districts of the Bengal Soubahdarry." "On the 3rd June (1772)," writes Hastings in his letter to the Hon'ble Josias Dupre, dated 8th October of that year, "I set out with the Committee. We made the first visit to Kissengurh, the capital of Nuddeah, and formed the settlement of the district, farming it for five years. We proceeded next to the City, where we arrived the last of the month: here a variety of occupations detained me till the 15th of the last month; two months and a half. This period was employed in settling the collections, and the government of the districts dependant on Murshidabad, which were large, very numerous, and intricate; in reducing the Nawab's stipend from 32 lakhs to 16; and in farming a new system for conducting the business of the Dewanee or revenue." The Committee of Circuit first sat at Krishnagar on the 10th

June, and consisted of the Hon'ble Warren Hastings, President, Philip Milner Dacres, James Laurell, and John Graham. Samuel Middleton, who was one of the members, could not attend, as he was busy in the city of Murshidabad, getting together the necessary papers for the settlement of the Huzoor Zillahs. The proceedings at Krishnagar concluded on the 28th June, the district of Nadia was duly settled, and the Committee then went on to Cossimbazar, where their deliberations were most important and the measures resolved on very far reaching. They apparently reached Cossimbazar early in July where they were joined by Middleton, who sat with the Committee for the first time on the 7th of that month. The first matter before the Committee was the question of the appointment of Raja Gurudas, son of Nundkumar, as Dewan of the Nawab, and the question of reduction of the Nawab's allowances. "A plan for the establishment of Courts of Justice" and a minute on the future revenue administration of the Province were produced in August. At its meeting of 20th August, the Committee of Circuit at Cossimbazar made two important recommendations, namely, the formation of a Board of Revenue consisting of the whole Council, and the removal of the Khalsa or Exchequer and Treasury from Murshidabad to Calcutta. Both the recommendations were accepted. The last meeting of the Committee at Cossimbazar was held on the 17th September, 1772, in which month the Comptrolling Council of Murshidabad sat for the last time. Warren Hastings left the Committee on the 15th September to proceed to Calcutta. Samuel Middleton remained on behind to take up his new duties as Resident at the Durbar, Collector of Rajshaye, and Chief of Cossimbazar, and the circuit was continued by

Messrs. Dacres, Laurell, and Graham. The deliberations of the Committee were far more important than the proceedings of the Council of the same period. The Committee of Circuit having completed their operations at Cossimbazar, proceeded to Dacca, where they arrived on the 1st October, and held their first meeting there two days afterwards. They settled the lands of the Collectorships of Dacca and Tippera, and held their last meeting at Dacca on the 27th November, when they proceeded to Rangpur, where they concluded their labours on the 30th December. From Rangpur they went to Dinajpur, and arriving there on the 1st January, 1773, met for the first time on the following day. They completed their investigations and held their last meeting at Dinajpur on the 26th January, 1773, and proceeded to Purnea. They first met here on the 2nd February, and concluded the settlement of the district, holding their last meeting on the 9th. Thence they went to Rajmahal, and after settling Rajmahal and Boglepur (Bhagulpur), concluded their tour on the 18th February, and started for Calcutta *via* Murshidabad. The three members of the Committee of Circuit first took their seats on the Revenue Board on the 12th March, 1773.

The new Board of Revenue consisted, besides the whole Council, of an Accountant-General with assistants. It first met on the 13th October, 1772, under the presidency of Warren Hastings, superseding the Comptrolling Council of Revenue of Murshidabad and the Comptrolling Committee of Revenue, as the Chief Revenue authority. As regards the Khalsa, it was suggested that it should consist of a member of Council sitting in rotation, with the title of Superintendent of the Khalsa, and an Indian officer with the title

of Roy Royan. The duties of this body were set forth in a Resolution which was duly accepted by the members in Calcutta. Raja Rajbullab, son of Raja Dulubhram, was appointed Roy Royan. On the 23rd October, the Khalsa office was opened and was composed of Thomas Lane, Superintendent, and the Roy Royan. The original arrangement was that the members were to sit for a month each in rotation, but this was found inconvenient, and as a matter of fact, the members held office a much longer time. Indian officers were appointed to the Exchequer in number and quality suitable to the voluminous and important business appertaining to it, which consisted of accounts and correspondence, both in abstract and detail, of every transaction of importance relating to the settlement and collection of the revenue in each district, agreeably to the principles established and forms observed by the Mahomedan Government. The regulations framed for the guidance of the officers employed in the Revenue and Judicial Departments which were printed and promulgated in the same year, 1772, in the languages of the country, "manifest a diligence of research and desire to improve the conditions of the inhabitants by abolishing many grievous imposts and prohibiting many injurious practices which had prevailed under the Mahomedan Government." Settlements under the farming system were, also, made with the zemindars for five years, in accordance with general instructions from the Directors, which required that the Government "should not, by any sudden change, alter the constitution or deprive the zemindars, etc., of their ancient privileges and immunities."

The European Collectors were, however, inexperienced in business, and proved themselves unfit

for the duties entrusted to them. Defalcations in realising the revenue under the quinquennial settlement occurred to a considerable extent. As early as 6th January, 1773, Hastings wrote to Josias Dupre: "Do not laugh at the formality with which we have made a law to change their name from Supervisors to Collectors. You know full well how much the world's opinion is governed by names. They were originally what the word supervisor imports, simple *lookers-on*, without trust or authority. They became *collectors*, and ceased to be *lookers-on*, but though this change had taken place two years before I arrived, yet I found, to my astonishment, that they were known to the Court of Directors only in their original character. It was necessary to undeceive the Company; and to that end we have called these officers by a title which will convey the true idea of the nature of their office. It was once intended to withdraw the Collectors entirely. They monopolise the trade of the country, and of course prevent the return of specie by trade, since they trade with the amount of their perquisites. These perquisites I believe to be an oppression on the people and an obstruction of the revenue. They are most of them the agents of their own banyans, and they are devils. And as the collectorships are more lucrative than any post in the service (the Government itself not excepted, whatever it may prove hereafter), we cannot get a man of abilities to conduct the official business of the presidency without violence; for who would rest satisfied with a handsome salary of three or four thousand rupees a year to maintain him in Calcutta, who could earn a lac or three lacs, which I believe have been acquired in that space, and live at no expense, in the districts? But whatever motives we had for recalling these officers,

it appeared that there were amongst them so many sons, cousins, or *élèves* of Directors, and intimates of the members of the Council, that it was better to let them remain than provoke an army of opponents against every act of administration, by depriving them of their emoluments. They continue, but their power is retrenched; and the way is paved for their gradual removal; and the Court of Directors have sufficient arguments furnished them to order their recall immediately."

On the 7th April, 1773, previously to the arrival of Hastings' detail of the arrangements which he had made for the future management of the revenues, the Court of Directors had caused a long and elaborate despatch to be written, requiring, in peremptory terms, their proposals to be carried into effect. It was accordingly decided in the meeting of the Board of Revenue of the 23rd November, 1773, to recall the European Collectors and replace them by Indian amils each of whom was to superintend a district corresponding in point of extent to that over which, as a collectorship, the European had recently presided. An exception was made in regard to districts which were absolutely in the hands of a particular zemindar or renter. Over such no amil was placed. The same meeting further decided to establish—

(1) A Committee of Revenue at the Presidency consisting of two members of Council and three senior servants below Council for conducting the current business of the collections of the metropolitan districts, with the Roy Royan as Dewan. The Committee met on the 6th December, 1773. Its business was to superintend and control the general revenue affairs of the country, subject only to the Superior Council. The Committee had it in charge to order, from time to time, visits of

inspection to such districts as might seem to require a local investigation; and to appoint to this duty not the senior servants of the Company but such as, by the knowledge of Persian and Hindustani languages, and the other qualifications of temper and talent, should appear best fitted to execute the trust. All complaints of the ryots or others against the dewans or amils, farmers, zemindars, and public officers, were to be finally received and decided upon by the Committee. Its jurisdiction was defined to extend to "The Calcutta parganas, Hooghly, Idgelee, Mysadal, Tumlook, Naddea, Jessore, Mahomedshahy, with the talooks of Cantoona-gur and all lands belonging to persons of credit whose constant residence is in Calcutta."

(2) Provincial Councils of Revenue, consisting of a chief and four senior servants with an Indian Dewan, at Burdwan, Murshidabad, Dinajpur, and Dacca. The Murshidabad Provincial Council was to deal with the following districts: "Radshahy, East and West divisions, Ruckanpore, Chunacolly, Luskerpore, Ichanguirpur, Khas Talooks, Rajemahall, and Boglipore, including the annexations lately made to the latter from Monghyr, Casickpore, Jungletary, and districts under the management of Captain Brooke." The Burdwan Provincial Council was to deal with "Burdwan, Midnapore, Bissenpore, Putchaet, Beerbhoom, Ramgarh, and the districts under the management of Captain Camac." The Dinajpur Council was to deal with "Dinajpur, Silberris, Purnea, Rangpore, Edraickpore, Baharbund, Cooch Behar, Rangamaty." And the Dacca Council was to deal with "Dacca, Sylhet, Attya, Cogmary, Burbagoo." Each of the Councils was to consist of a chief, four members, being senior servants, a Persian translator, an accountant, and three assistants. The

Councils were directed to institute minute enquiry into the condition of every talook, or other smaller portions of land, within the limits of their respective jurisdictions, so as to settle the proper localities and funds, to ascertain the amil's profits on the same, and to furnish the superior Council with such information as might enable them to adjust and arrange a complete system for the better management of the collections. It is worthy of remark, however, that the Provincial Councils were meant for temporary purposes, because the Court's letter directed that, so soon as the accounts and arrangements at any of the divisions should be in a state to warrant the step, the control of that division should be brought down to the Presidency.

Hastings was opposed to Provincial Councils as a permanent institution, because, writes Gleig, he feared each division would as a result be liable to become a separate tyranny of the most absolute kind, because from its decrees there would be no appeal but to the Council of Calcutta who (the President excepted) would be parties in every cause against the appellants, and because the people would lie too much at the mercy of their rulers to dare to lift up their voice against them. The trade would be monopolised or laid under contribution, the revenues would suffer by the taxes levied for private profit on the zemindars and farmers, which the ryots would be compelled to pay, and thereby become less able to pay the due rents of Government, laws would be projected for partial and insidious purposes, and every division would wear a different form of government according to the different interests and capacities of those who presided over them. Further, while the Collectors were tyrants, the members of the Board as Collectors

would be uncontrollable, as their judges in all complaints against them would be composed of their equals, and expectants of the same privileges. "So that, their system would be liable not only to the worst species of despotism in the inferior members of the Government, but to cause also a total anarchy at the head."

(3) The Province of Behar was to remain under the Chief and Council at Patna.

(4) Chittagong and Tippera were to correspond direct with the Board and remain under the management of the Chief as before.

To prevent the abuse which might be made of the authority vested in the Chiefs, the members of the Superior Council from whom the Chiefs were selected were totally interdicted from trade, and the other members of the Provincial Councils in such articles of it as were most likely to prove oppressive or pernicious to the country. As an incentive to the Chiefs and other members of the Superior Council to check any licentious exercise of the influence enjoyed by the inferior members in their private concerns, as an indemnification for their own forbearance, and pledge for their faithful observance of it, it was proposed that they should be allowed each a monthly gratuity of Rs. 3,000, out of a fund raised for that purpose by the profits arising from the sale of opium.

During the period intervening between the dissolution of the Comptrolling Council of Revenue of Murshidabad and the constitution of the Provincial Council of Revenue at Murshidabad, the Resident at the Durbar was Samuel Middleton. He had charge of the collections of the district before controlled from Murshidabad and occupied a position that was practically that of a Commissioner, as all the Collectors of the districts

concerned corresponded through him with headquarters. Middleton corresponded with the Collectors of Chunar, Luskempore, Dinagepur, and Jehangirpore. The Resident continued to exercise these powers till December, 1773, and it was not till February, 1775, when Edward Baber, the then Resident at the Durbar, became Chief of the Provincial Council of Revenue, that the Resident became solely a Political Agent.

The zemindars of lands over which no amils were placed were made personally accountable to the Provincial Councils, within the limits of which their zemindaris lay. In like manner, the administration of civil justice which had been entrusted to the Collectors, was, with the management of the revenue, transferred to the amils from whom an appeal lay to the Provincial Councils, thence, under special instructions, to the Governor in Council acting as the Sudder Dewani Adalat. The Calcutta Committee of Revenue, as regards the particular districts placed under it, had the powers of the other Provincial Councils, and as regards the country at large, it had the powers of the original Khalsa in respect of the revenue matters of persons residing in Calcutta. The Committee took over the management of the affairs of Jessore in 1774. It sat in Calcutta till the 12th May, 1780, when it was removed to Hughli, where it sat till the end of its career in 1781. The reason for its removal is set forth in the Revenue Board's letter of the 20th April, 1780, namely, the interference of the Supreme Court and the ease with which legal advice could be obtained in Calcutta!

The constitution of the Calcutta Committee of Revenue would, it was thought, render the post of Superintendent of Khalsa unnecessary, and accordingly by the Resolution of the Revenue Board constituting

the Provincial Councils, the post was to be done away with, and the office of the Khalsa as a separate Revenue Authority to be abolished from the date on which the Provincial Councils should be fully constituted. It was, however, found inconvenient to entirely dispense with the Khalsa. The Provincial Councils did not all assemble until the beginning of June 1774, and during the period from November 1773 to June 1774, Mr. Laurell, who was Superintendent, continued to carry on certain of his duties. The want of some such officer was felt even after the Councils had assembled, and the Governor-General, Warren Hastings, proposed the creation of a new officer, to be called Superintendent of Khalsa Records, in a minute in which he described the duties of that officer. The proposal was accepted with slight modifications, and Mr. Elliot was appointed Superintendent of Khalsa Records on a salary of Rs. 1,200 per month. His letter of instructions is dated 14th January, 1775.

From the formation of the Board of Revenue on the 13th October, 1772, till the date by which all the Provincial Councils had assembled, that is, about the middle of 1774, the Revenue Board or Council dealt direct with the local officers, and no definite intermediate revenue authority existed. During the period of the Provincial Councils, that is, down to 1781, the correspondence was with these bodies. The proceedings as a matter of course changed their name with the establishment, by the Regulating Act, of the Governor-General and Council in 1774 when Parliament sent out three new members of Council, General Clavering, Colonel Monson, and Philip Francis, who were not servants of the Company and who formed the opposition.

When the settlement which had been made in 1772 for five years approached its termination, preparations became necessary for the formation of a new one. To obtain accurate information as to the real nature of the land and for compiling and collecting the accounts of the past collections, digesting the materials furnished by the Provincial Councils and Dewans, and issuing orders for special accounts, etc., a temporary office was instituted at the end of 1776. It consisted of three of the most experienced civil servants, Anderson, Croftes and Bogle, who were armed with authority to select and depute Indian agents (amins) into each district for the purpose of entering on a minute local scrutiny of the accounts kept in each village, and of whatever else might best enable them to pursue the most exact information of the real produce or value of the lands. In 1777, the amins were required to repair, with the information they had obtained, to each of the Provincial Councils in succession, to whom orders and instructions were issued for forming a new settlement. A plan of annual settlements was adopted which worked for four years, till, on the 20th February, 1781, by certain regulations, the Provincial Councils were abolished, all the collections of the Provinces proposed to be brought down gradually to the Presidency, and the general charge of revenue affairs in the Province made over to a Committee of Revenue to consist of five senior servants of the Company. The members who actually sat at the first meeting of the new body were, D. Anderson, President, T. Shore, S. Charters and C. Croftes. The Committee in some measure relieved the Revenue Board consisting of the whole Council of smaller matters, but practically replaced the Provincial Councils as the intermediate body between the Council

and the districts. The Committee was "to be under the immediate inspection of, and with the opportunity of instant reference for inspection to, the Governor-General in Council." It corresponded direct with the district officers and also took over the revenue business of the office of the Superintendent of Khalsa Records, which was abolished at the same time as the Provincial Councils. The other side of the duties of the Superintendent,—that of preparing reports on petitions—was, however, continued, and the office of "Preparer of Reports for the Revenue Department," who still headed his letters "at a Khalsa," was constituted. The new Committee was asked to propose a plan for the settlement of the revenue; and on the 29th March, 1781, it submitted its proposals which the Supreme Government accepted. The settlements continued to be for one year only. The Government, however, deeming it an official inconsistency that he who was to collect under the settlement should have any part in the formation of it, required the Committee to make the settlement by deputation on the spot, subject to the final decision of the Government in all cases where they could not themselves conclude it; and they were directed at the same time to encourage the practice of paying the rent into the Khalsa at the Presidency instead of the Provincial treasuries.

Though the Provincial Councils were withdrawn, the President of each was to remain officiating as Collector under the Committee of Revenue until further orders, as likewise the Collectors who had been separately stationed in some of the frontier and least civilised districts. The record office, with some modifications, was placed under the Committee. A commission on the revenue realised was allowed and distributed among the

members of the Committee; and the European officers attached to it, were bound by oath to restrict themselves to the avowed official allowance. George Francis Grand* was constituted Collector of Tirhoot in 1782.

In 1784, Parliament passed the Act of the 24th of His Majesty George III. "for the better regulation and management of the affairs of the East India Company," by the 39th section of which, the Company was commanded "to inquire into the alleged grievances of the landholders, and if founded in truth, to afford them redress, and to establish permanent rules for the settlement and collection of the revenue and for the administration of justice, founded on the ancient laws and local usages of the country." In the same year, the Governor-General in Council constituted a commission of inquiry to investigate and report on the causes of disturbances at Rangpur and Dinajpur, and the charges exhibited against Raja Deby Singh during his farm of the district in 1782. Goodlad was in charge of the district prior to the disturbances, and Paterson who had originally been making the enquiries was charged in no measured terms with being equally responsible with Raja Deby Singh for the troubles.

The Committee of Revenue of 1781 sat for the last time on the 28th May, 1786, when it was superseded by the Board of Revenue. This Board was to consist of a junior member of Council and five senior servants of the Company. To it were delegated all powers in ordinary matters of the Governor-General in Council sitting as a Revenue Authority, subject to the general control of the Governor-General in Council. The Board had entire control over the whole of the Bengal Presidency as then constituted. It first met on the

3rd July, 1786, when the names of the following members appear, though all were not present:—John Stables, President, Messrs. Mackenzie, Johnson, Cooper, Graham, and Evelyn. The authority and functions of the Committee were, however, continued, subject to some little variations. The European Civil Servants were, each of them, vested with powers of Collector, Judge and Magistrate, while the members of the Board were under the restraint of an oath. Besides its ordinary functions, the Board was a Court of Review and of Appeal from decisions of Collectors acting in their capacity of judges of Adalat. It exercised direct control over the Collectors to whom were subordinated Tahsildars who were posted in a few instances where the extent of the district or its requirements rendered assistance necessary to the European Collectors. Their functions in Bengal and Behar were limited to the receipt of revenue.

Lord Cornwallis arrived in India in the autumn of 1786. He was selected to carry out the policy defined by the Act of the 24th of George III. referred to above. He had with him as fellow-passenger the distinguished revenue officer, Mr. Shore (afterwards Lord Teignmouth), who had been appointed a member of the Supreme Council. "Thus," observes Kaye, "the best revenue officer in India was his fellow-passenger on board the *Swallow*; and it may be presumed that, from his conversation with Shore, he derived at least some general idea of a subject of such pressing importance. His first lessons in Indian revenue were, doubtless, learnt during his passage to Bengal." Cornwallis, however, was furnished with detailed instructions from the Court of Directors in a letter dated 12th April, 1786. By a letter of the Revenue Board of the 27th April, T. Henckell was appointed Collector of Jessore.

* Mrs. Grand afterwards became Princess Talleyrand.

Cornwallis continued for some time the practice of annual settlements, and with a view to changing the system, caused interrogatories to issue to experienced officers by which the requisite information might be collected. He began by annulling the judicial power of the revenue officers on the ground that the latter might not be wholly disinterested in deciding revenue suits. In 1788, W. Douglas was deputed as special Commissioner to Dacca to make enquiries into the causes of the arrears of revenue for that year. He submitted his report on the 28th October, 1789. After completing his enquiry, he remained on as Collector of the District. At this time, Mr. Shore thus described in his famous minute of the 18th June, 1789, the intermediate revenue agency: "The ryots who cultivate the soil pay their rent to a Mundel (head ryot) or Gomastah (agent) of which each village has one or more, according to its extent. 2nd. The Mundel pays his rent to a renter of two or three villages. 3rd. The renter pays to the farmer of division comprehending many villages. 4th. The farmer of a division pays to the farmer of a pergannah. 5th. The farmer of a pergannah pays to the zemindar. And 6th. The zemindar carries his rent to the office of the Government."

In September, 1789, the terms of the new decennial settlement were announced, and the assurance of a perpetual settlement was also given, against the wishes of Shore. The proclamation announcing the granting of permanent settlement was issued on the 22nd March, 1793. By a letter of the Governor-General in Council, dated 20th August, 1790, the Board of Revenue was constituted a Court of Wards, and proceedings relating to Sayar and other duties were directed to be opened. E. Dandridge was deputed in 1791 to make a *batwara* of pergannah "Bhelluah" in Chittagong.

Regulation VIII. of 1793 abolished the office of Canungoes while retaining the village accountant or patwari. To supply the want, a quinquennial register of changes of landed property and other local circumstances was established and ordered to be kept by Indian officers under the superintendence of the Collector of each district, with translations of the same in the English language. Provision appears to have been made for verifying the leaves of the register by the signature of the Judge of the district and by other means. The Canungoes were revived by Regulation VI. of 1808.

In the same year that the permanent settlement was decreed, opium, on the 29th March, and the control of customs, on the 9th August, were made over from the Revenue Board to the Board of Trade established in November 1774, superseding the Committee of Commerce of March 1771. The post of opium agent was created in 1797. The following were some of the revenue officers in 1799:—Rickets, Tirhoot; Elphinstone, Sarun; Cowell, Birbhum; Smith, Dinagepur; Wright, Rangpur; Seton, Krishnagar; LeGros, Mymensingh; Hayes, Murshidabad; Grant, Midnapur; Brook, Shahabad.

Lord Cornwallis left India after steadying the vessel, and the system introduced by him underwent only slight modifications in later years under his successors. All through the administrations of Teignmouth, Wellesley, Barlow, Minto, Hastings, Amherst, Bentinck, Metcalfe, Auckland, Ellenborough, Hardinge, and Dalhousie, down to recent times, the changes have been few and far between. We shall enumerate them in brief in a chronological order up to 1854 since when the system has remained practically unchanged.

1803—The Board, on the 19th April, decided to open a separate series of proceedings volumes to deal

with the business relating to the lands of invalids and their claims which had been made over to them by the Governor-General in Council.

1807—By Regulation X. of 1807, a commission for the settlement of the ceded and conquered provinces on the Upper Ganges was constituted consisting of two members who received the powers of the Board of Revenue to make a settlement and supervise the Collectors of those Provinces. This Board of Commissioners was, in 1809, by Regulation I. of that year, declared permanent, and all the powers of the Board of Revenue in respect of their jurisdiction transferred to them.

1813—About the middle of this year, an enquiry was made into the conduct of Major Mowat in connection with the alleged sale of an English house to H. H. the Nawab Nazim for one lakh of rupees.

1815—A redistribution of the work of the Governor-General in Council was made, and by the proceedings of the Council in the Public Department of the 24th November, a Secretary to the Government in the Territorial Department was created, which department was to comprehend the Financial and Revenue Branches, including, under the latter head, the salt and opium business done up to that date by the Secretary to the Government in the Public Department.

1816—By virtue of Regulation I., the Board of Revenue's jurisdiction was further curtailed and a Commissioner was appointed for the superintendence of the revenues of the Province of Benares and that portion of Behar comprised in the zillahs of Behar and Shahabad, Sarun and Tirhoot. The Commissioner was John Dane, and his first proceedings are dated the 1st February, 1816. He replaced the Revenue Board as regards the places mentioned above. In 1817, his authority was

extended to the districts of Rangpur, Bhagulpur and Purnea. At the end of this year, another Commissioner was added, and the Board thus formed was called "The Board of Commissioners for Behar and Benares." The Board first met on the 1st January, 1818, when Richard Rock and E. S. Waring were present.

1820—By a letter from the Governor-General, dated 25th February, the Post Office Department was placed under the Board of Revenue.

1822—By Regulation III., considerable changes were effected. Regarding Bengal, the Calcutta Board resumed charge of the districts of Bhagulpur and Purnea. The Board of Commissioners, Behar and Benares, was deprived of their jurisdiction in Bhagulpur and Purnea, and with the additions of N. and S. Bundelkhund and the districts of Allahabad and Cawnpur, it changed its designation to that of the Board of Revenue, Central Provinces. The Board first met on 3rd May, 1822, when C. F. Fergusson and Henry Newnham sat as officiating members. The Calcutta Board was named Board of Revenue, Lower Provinces, and Provincial Boards also were created. In the same year, Mr. John Ahmuty, Senior Judge of Dacca, was put on duty, on the 20th March, as Commissioner, to enquire into charges of embezzlement in the household of the Nawab of Bengal at Murshidabad. The Governor-General in Council disposed of the matter on the 24th August.

1829—By Regulation I., the Provincial Boards created in 1822 were abolished, and the control of Revenue officers was placed under the Sadr Board at Calcutta. This body first met on the 2nd June, and consisted of I. Pottle, W. Blunt, and F. Hawkins. It was in this year also that, by the Regulation I., Divisional Commissioners were treated.

Lord Bentinck introduced many changes in the revenue and other administrations. He abolished the provincial courts of circuit established by Cornwallis, the Collectors were placed under the control of the Divisional Commissioners, the Civil Judge of a district was invested with criminal powers as a Sessions Judge, and Indian Subordinate Judges were created. The Revenue Commissioners were turned into Judges of Circuit. "They were to superintend both the finance and the criminal justice of their different divisions. They were to look after the Company's coin, and they were to sit in judgment upon gang-robberies—a blending of Somerset House and the Old Bailey." The plan, however, failed, and the duties of Sessions Judges were transferred to Civil Judges, as stated before. The headquarters of the Commissioners was at Alipur.

1834—The renewal of the last Charter of the East India Company in 1833 necessitated the introduction of certain administrative changes. The change of the Governor-General of Bengal in Council to the Governor-General of India in Council in 1834 marks the end of the Territorial proceedings. The Governor-General of India in Council then ruled Bengal without a Council. The change to a Lieutenant-Governor involved another change.

1851—The present Board of Revenue, Lower Provinces, met for the first time on the 7th January, 1851.

1854—The proceedings of the Lieutenant-Governor of Bengal in the Revenue Department commenced in this year on the 4th May.

J. L. CHATTERJI.

CRITICAL NOTICES.

THE NEW EDITION OF DR. BUSTEED'S "ECHOES FROM OLD CALCUTTA."

IN 1882 Messrs. Thacker, Spink published a volume of 304 pages entitled *Echoes from Old Calcutta, being chiefly Reminiscences of the Days of Warren Hastings, Francis and Impey* by H. E. Busteed. The volume, which was not illustrated, was made up of articles contributed from time to time to the *Englishman* and reproduced "with but little change from their ephemeral garb." The article of Madame Grand, however, was a new piece of work. In the present month the same publishers give us a fourth edition of Dr. Busteed's work. At a modest computation the new volume contains at least three times the amount of reading matter, and it is lavishly illustrated with portrait, maps and views. That Dr. Busteed's book has held its own is not due to the bare fact of the great interest of our Indian Capital, nor to the absence of other and able workers in the same field of research, but to its pre-eminent literary excellence. Books of this kind, which grow from edition to edition, so often bear the tokens of patchwork: they lose their pattern, and betray the seams: but Dr. Busteed's *Echoes* remain, despite the many added paragraphs, a fine piece of literary work—a volume not to be treated as a work of reference, but to be read through from first page to last. The *Echoes* are, of course, what they profess to be. Dr. Busteed does not profess to give us a systematic history of Calcutta, and, even within the limits of the period he has made peculiarly his own, there is many a subject of interest and importance which he has, in the necessity of things, left untouched. Lord Curzon, in an introductory letter, uses the only epithet which can at all adequately characterise this new edition: the work is "delightful." We do not know whether higher praise could be offered to either Monsieur G. Lenotre or Dr. Busteed than this: the *Vieilles Maisons Vieux Papiers* of the French writer and the

Echoes of our old friend have a place of honour of their own in modern literature.

Several of the subjects dealt with by Dr. Busteed have, during the last few years, been almost exhaustively dealt with by other historians. The subject of Old Fort William and its downfall, for instance, has been discussed in two solid volumes by the late Dr. C. R. Wilson, and in three by Mr. S. C. Hill. The letters of Warren Hastings to his wife (Chapter X of the *Echoes*) have been edited by that talented lady who writes under the pseudonym of "Sydney Grier," and the amount of biographical and topographical information packed up in Sydney Grier's notes has not as yet been done justice to by students of our local history. In an appendix Dr. Busteed, in a "Note on the Site of the Black Hole," shows us not only that he has kept fully informed of the special research work undertaken by Dr. Wilson, but is in a position to criticise it on some material points. It is a matter for much congratulation that Dr. Busteed should have had the opportunity of strengthening his chapter on the Black Hole by references to the recent volumes of Messrs. S. C. Hill and C. R. Wilson: the critical delicacy and masterly touch with which Dr. Busteed deals with the copious and almost overwhelming supply of recently published documents are things which could alone be supplied by the Doctor himself. The literary genius which produced the *Echoes* is even more obvious in their expansion and enrichment. We trust that we may not be held guilty of an impertinence if we venture to say that there is nothing in this new edition which would make one realise the fact that the author retired from Indian Service more than twenty-two years ago. A splendid memory, vigorous powers of judgment, perfect familiarity with even the most recent literature, and an unflinching sense of proportion, are in the fullest evidence in this new edition. No one but Busteed could have edited Busteed in so masterly a manner. That in his seventy-fifth year he should be able to undertake so arduous a task with an enthusiasm that is boyish in its liveliness, with a maturity that has not passed its prime, and with memories which were always kindly is a matter for general congratulation.

Of the illustrations added since the third edition, the most interesting perhaps is Madame de Brun's portrait of Madame Grand. It may, perhaps, be worth while to mention here that the number of *Bengal: Past and Present* for July last contained much recently recovered information concerning the Werlée family to which this beautiful adventuress belonged. Among the new illustrations, we may note portraits of General Clavering and his eldest daughter (whom Colonel T. D. Pearse described as "divine,") of Thos. Lewin, Suraj-ud-Daula, Colonel Watson, and a *silhouette* of the Hon. George Monson. A useful map of Calcutta in 1756 is added, and a picture of the Old Fort, which, however, we think errs in placing the Great Tank too far to the south.

On the subject of Hastings and his Marian Dr. Busteed seems to have modified his views. In the third edition of the *Echoes*, our author wrote "Whether Hastings' love was 'patient of delay,' as has been alleged, is perhaps open to question." He now writes: "On reflection I now think I was not justified in saying so much. It is due to the character of Hastings and of Mrs. Hastings to hold them free (as Sir C. Lawson in his *Private Life of Hastings* most fairly argues) from any reproach which even the gossiping society of Calcutta never, so far as we know, visited them." Dr. Busteed adds to his book an appendix in which this subject is discussed. We notice that the Doctor does not accept Miss "Sydney C. Grier's" interpretation of a well-known passage in one of Macpherson's letters. It may be said that the whole subject of the connection of Anna Maria Appolia Chapusetin with the Baron Carl Von Imhoff remains still very mysterious. Dr. Busteed points out that we do not know when or where she was married to the Baron, by what particular court the divorce was effected, how it was that the Baron was free to form another matrimonial alliance in 1775, while Mrs. Imhoff was not free till 1777, and finally why she (a mother of a family) was married to Hastings under her maiden name. It may be noted that our author disposes of yet another argument put forward by "Sydney C. Grier." That lady writes: "It is worth while noticing that Imhoff and his wife left Madras for Bengal.

more than a year before there was any prospect of Hastings being transferred thither. He was not appointed Governor till the very end of 1771." Against this we must now set Dr. Busteed's words "When he (the Baron) went to Calcutta, Baroness Imhoff remained behind at Madras, 'and lived in Mr. Hastings' house on the Mount chiefly I believe' (wrote Dr. Handcock). But she followed her husband within a year, arriving in Calcutta in October 1771." It is not perhaps generally known that Imhoff was deported from Calcutta, in accordance with the orders of the Court of Directors, in January 1772. The Court judged him guilty "of an artful and deliberate design to impose on the Company" in refusing to take up his cadetship at Madras.

The portion of the book which has received the greatest amount of new matter is the chapter on Mrs. Grand—the future wife of Talleyrand. Dr. Busteed has now completely overthrown the story of that adventuress' voyage from Calcutta under the care of William Mackintosh, and has cleared up many points which were exceedingly obscure by reference to the archives of the Lewin family. The trouble to which our author has gone to complete his information must have been prodigious. We find him consulting the British Ambassador at Madrid, the record keepers at the Cape, Cadiz, and the Hague, and also that veteran historian Dr. G. McCall Theal of South Africa. The account of the closing days of Sir Philip Francis is also considerably enriched.

Another new appendix deals with the famous couplet.—

Ghore pār howdah, hathi pār zeen,
Jeldi bhag gya, Warren Hasteen.

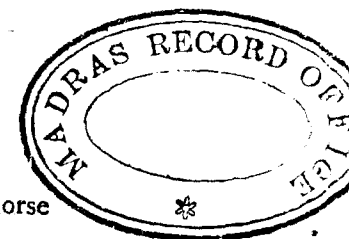
Dr. Busteed without any difficulty shows that "the circumstances of the move to Chunar leave no ground for the applicability of these lines to it," and he seems to favour the theory that the jingle refers to an occurrence in the Mahratta campaign of 1804, in which case we should substitute "Kulnel Munseen" for "Warren Hasteen." Miss Kathleen Blechynden, however, writes: "The oft-quoted rhyme 'Ghora pur howda, hathi pur ghin,' which has so often been said to have had reference to Warren Hastings' hurried retreat from Benares to Chunar,

appears to have had a much earlier origin in connection with the fall of Calcutta and to have run—

Hathi pur howda, ghora pur ghin
Killa moorcha pur dhunka
Calcutta lia chin.

which may be translated—

'Howda on elephant, saddle on horse
On fort bastion the war drum
Snatched Calcutta by force.'



In Appendix No. IV., Dr. Busteed gives us his view of Hastings and Impey in relation to the trial of Nuncomar. Even those to whom the manifest advocacy of Beveridge's *The Trial of Nanda Kumar* is distasteful will be pleased to see full recognition paid here to that writer's 'surprising research and a successful diligence in tracing out the antecedents and surroundings of many of the actors in the drama.' Nothing that comes from Mr. Beveridge's pen can be safely overlooked by students of our history in Bengal: his knowledge of the country and its people and of the old documents is immense. We shall not enter into the old controversy in this place. The present need we venture to think is not advocacy, but the careful reproduction of the evidence. Many of the most pertinent documents have never been published, and of these not a few escaped the attention of both Sir J. FitzJames Stephen and Mr. Beveridge. It is a disappointment to learn that the Calcutta Historical Society considered favourably a proposal to bring out a volume of Nuncomar documents, including the reports of the Trial, but were in the end deterred by the expense. Dr. Busteed has a theory to propose. 'Supposing for arguments' sake,' he writes, 'a mover in the business to be necessary, why should not this be Durham, the Company's lawyer? Captain Price says *he was* the man who set the ball rolling (apparently towards the end of April). Price says he did so to squeeze money out of the Rajah, 'on the idea that he should be able to quash the evidence.' But Durham is known to have been a friend of Hastings; is it violently improbable that on finding a good opportunity of discrediting Hastings' accuser, he made use of it—with a vengeance. A lawyer would know the full value of carrying the war

into the enemy's country, and how to do it at the right time ; and he would take good care to work in such a manner that even the Governor-General should not know who the *Deus ex machina* was." It may be of interest to state here that Hercules Durham on 16th January, 1775, resigned his commission as an Ensign in the Company's service, the Supreme Court having consented to admit him as an advocate. On 19th January he was appointed the Company's Attorney. Strangely enough he wrote, on 20th March, to resign his office as Attorney to the Company.

Of the judges who tried Nuncomar, our author gives us some new information concerning Lemaistre—or rather concerning Mrs. LeMaistre. "His wife who did not, I believe, accompany him to India, was Mary, daughter of James Roche, of Dublin, and sister of 'the celebrated Captain D. Roche' (for what he was celebrated I have not found), but she also was 'celebrated for her charms and elegance of manners.' So described even still in the catalogues of rare engravings." Captain Roche's celebrity was not an enviable one. He stood his trial for the murder of Captain John Fergusson at the Cape three times over, and his final acquittal caused something akin to a sensation. A good deal about Captain Roche may be found in Captain P. D. Stanhope's *Original Letters of Asiaticus*, a book which is at present exceedingly rare, but which will very shortly be republished in Calcutta. The story of the duel (if it can be honoured by that name, for there were no seconds) is told by Mr. Henry Morris in his *Life of Charles Grant*, but Mr. Morris was probably unaware of the fact that the document, at the Imperial Record Department at Calcutta shows that, if Captain Roche is to be credited, Charles Grant was deeply implicated in the attack on Roche which led to Fergusson's death. Of Lemaistre it may here be recorded that he was, like Hercules Durham, a distinguished Freemason. His tomb in the South Park Street Cemetery can be identified : it has never borne an inscription, but the Historical Society will doubtless see that that want is supplied.

On p. 159, our author refers to the lease of Mr. Barwell's house "taken for five years by his own vote at 31,720 current rupees per annum," and adds that the house so called was

"Writers' Buildings," now the Bengal Government offices. The present writer is of the opinion, that the house in question was Barwell's garden house, *i.e.*, Kidderpore house.* The lease was taken for the supposed benefit of Sir Eyre Coote and in his absence from Calcutta. In the first number of *Bengal: Past and Present* the lady who writes under the pseudonym of "E. M. Drummond" told us a good deal about the "north side of Tank Place," and we shall very shortly hear more from her on the story of Barwell's transactions in land property. In the Chronology on p. 61 we read "1777, Aug. 5. Warren Hastings marries Mrs. Imhoff (*née* Chapusetin) at Calcutta." The marriage actually took place in a private house at Hughli. On p. 412 the Doctor writes: "Motijel, seven miles from Berhampore"—the Lake of Pearls at Murshidabad, the Moti Jheel, would be more readily apprehended.

On page 60 of the first edition, our author told us that the prison in which Nuncomar was confined was "in Lall Bazar, opposite the Harmonicon tavern." This old jail had played an important part in the siege of 1756. It is rather difficult to say whether Dr. Busteed still holds that it was the place of Nuncomar's confinement. What are the facts?

Old Calcutta had two jails: one in the Lall Bazar, the jail proper for convicted felons and debtors, and one in the Burra Bazar, the House of Correction (Hurrinbari as the natives called it) for petty offenders. A letter from the Board to the Court of Directors shows that the present (Birjee) jail was commenced in the year 1778.† In the Original Consultations of the Government for 1st February 1781 are to be found—

- (1). List of Frenchmen to be confined in the upper apartment of the building *lately* erected for a jail.‡

* Dr. Busteed in this matter follows Sterndale (*History of the Calcutta Collectorate*, p. 20.) The present writer, however, has seen the original documents relating to the transaction in which Barwell voted for the lease of Kidderpore House, and Francis' minute on the subject.

† In *Hicky's Gazette*, April 1781, we find a reference to a house "built for a common jail though hitherto not used as such."

‡ Among the prisoners to be confined in the upper apartment was Pierre Jean Werlée (he spells his name Virlee), the aged father of Mrs. Grand, the future Princess de Talleyrand. An article on P. J. Werlée will appear in the January number of *Bengal: Past and Present*.

(2). List of Frenchmen who are to be confined in the lower rooms of the building *lately* erected for a jail.

(3). Establishment for a *new* jail.

The Original Consultations for 13th March provide similar lists, and show that a number of French prisoners had been sent to the new jail from Chandernagore. We also find a copy of a petition from the French captives in the lower apartments of the jail, representing the impossibility of living on the subsistence allowance ordered for them. From time to time in 1781 we meet with reports on the state of the health of the French prisoners drawn up by the Surgeon of the new prison—Mr. Charles Allen. On 4th November, we find Mr. A. Maloney, Commissioner at Chandernagore, had released all the French prisoners on Parole, and therefore inquiring whether or no the keeper of the new prison is to be dismissed. On 6th April 1782 there is a "letter from Mr. J. Hare, Sheriff, reporting that he has been ordered by the Supreme Court to remove the prisoners from the old gaol to the new one, but that he has refrained from doing so as the new gaol is not secure enough for the custody of the prisoners, suggesting that a large wall be built round the new gaol to prevent the escape of prisoners, and requesting that the wall of the Harranbarry, or House of Correction, may also be repaired." On the 17th February 1783, Mr. Jeremiah Church, Sheriff of Calcutta, writes for orders for the removal of prisoners to the new jail after it has been properly whitewashed. In August, 1783, the truculent father of Calcutta journalism, J. A. Hicky, who "had already been two years in jail," sent a petition to the High Court from "the Birjee Jail," *i.e.*, the present prison on the Maidan. It may be said with confidence that Nuncomar was not confined in the Birjee Jail.

The index, which, however, omits some important headings, is a great gain to the book.

WALTER K. FIRMINER.

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