The Comrade.

A Weekly Journal. Edited by - Mohamed Ali.

Stand upright, speak thy thought, declare
The truth thou hast, that all may share;
Be bold, proclaim it everywhere;
They only live who dare!

—*Morris.*

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The Week.

Bagdad Railway.

Paris, Feb. 10.

The Matin states that a Franco-German agreement will be signed in a few days whereby, firstly, France renounces interests in the Bagdad Railway; secondly, a junction is arranged between the Bagdad Railway and the Black Sea system, thirdly, Germany withdraws in favour of France regarding the construction of railways in Syria.

The Matin adds that an Anglo-German agreement will be signed shortly.

Albania

London, Feb. 10.

It has transpired that while accepting generally Britain's draft communication to be addressed to Athens and Constantinople the Triple Alliance has opened the question of eventual measures to enforce the decision of the Powers. It appears that there is reason to doubt Germany's willingness to particapte in such measures and a hitch is anticipated, as it is unlikely that Greece will be willing to evacuate Albania unless peaceful possession of the islands is assigned to her and effectually guaranteed.

The Opening of Parliament.

London, Feb. 10,

The weather was beautifully sunny and springlike for the opening of Parliament to-day. The King and Queen drove in State from Buckingham Palace to Westminster through vast cheering crowds. The customary brilliant ceremony took place in the House of Lords. The King read his Speech from the Throne. He said that relations with Foreign Powers continued friendly.

The King expressed his pleasure at the forthcoming visit with the Queen to France, testifying to the cordial relations between the two countries. He hoped that consultations regarding Albania and the Aegean Islands would contribute to the maintenance of peace in South-Eastern Europe, and trusted that on the arrival of the new ruler in Albania progress would be made towards an efficient and stable administration.

"I am happy to say that the Anglo-German and Anglo-Turkish negotiations regarding matters of importance to the commercial and industrial interests of Britain in Mesopotamia are rapidly approaching a satisfactory issue, while questions long pending with Turkey in respect to regions bordering on the Persian Gulf are in a fair way towards an amicable settlement."

The King expressed gratification at the signature of a convention dealing with the safety of life at sea. A Bill would be submitted to carry out the convention.

"I regret that early cessation of the seasonal rains last autumn impaired the prospects of agriculture in considerable tracts of my Indian Dominions. The area visited by severe drought is fortunately restricted, and timely measures have been taken for the relief of the distressed population.

I regret that efforts to arrive at a solution by agreement of the problems connected with the Government of Ireland have so far not succeeded. In a matter in which the hopes and fears of so many of my subjects are keenly concerned, and which, unless handled now with foresight and judgment, and in a spirit of mutual concession, threatens grave future difficulties, it is my most earnest wish that the goodwill and co-operation of men of all parties and creeds may heal dissensions and lay the foundations for a lasting settlement."

The King announced Bills for the reconstitution of the Second Chamber and dealing with Imperial Naturalisation, housing, education, and other social reforms, also authorising loans to East African Protectorates to enable them to carry out public works urgently needed.

London, Feb. 10.

The "momentous session" opened with the House of Commons packed.

Mr. Walter Roch moved the adoption of the Address, and Mr. Gordon Hewart seconded. Both expressed the hope that a settlement would be reached on the Home Rule question.

In order to emphasise the paramount importance of the Ulster problem, the Opposition departed from precedent, Mr. Walter Long rising, amid cheers, to move the Amendment to the Address. He affirmed that the departure was due to an exceptional and extraordinary position. For the first time for centuries, the United Kingdom was threatened with civil war, which would certainly break out if the Government persisted in its present policy. The position was no fault of the Opposition, who had warned the Government as to what would happen. The first fruits of the Parliament Act

would be that the Government would have to carry Home Rule by British bayonets and bullets against a hundred thousand armed men of Ulster. The speaker fervently declared that Ulster was not bluffing. Sir Edward Carson's fearless action and resolute leadership had hitherto prevented a great tragedy.

Then, criticising the Bill itself, Mr. Long ridiculed the idea of the supremacy of the Imperial Parliament, citing the case of Natal in 1906, and continued with great emphasis, "You have another instance now. I do not know the views of the Ministerialists regarding the events in South Africa, but with all your boasted supremacy, you wont dare take any action which will bring you into conflict with the South African Government." (Opposition cheers).

In conclusion, Mr. Long said that the Opposition demanded that the Government should consult the country. It was perfectly true that there was grave anxiety in the Army. It was said that the Army must do what was consistent with its duty. What course it would take was not for him to say, but a distinguished soldier had stated that many would resign. It was a foul calumny to say that the Opposition made this a party question.

He appealed to Mr. Asquith if he had proposals to make, to make them without delay. He moved that it would be disastrous to proceed with Home Rule until it had been submitted to the judgment of the country.

MR. ASQUITH'S REPLY.

Mr. Asquith was loudly cheered when he rose to reply. He pointed out that the recent bye-election had been in favour of Home Rule. He said that dissolution would be an admission that the Parliament Act, as far as Home Rule was concerned, was a nullity. Then there might be a condition of stalemate. Supposing that Unionists were returned, they would be confronted with the task of governing four-fifths of Ireland disappointed on the eve of the fruition of a cherished hope. Again, if the Liberals were returned, would Ulster lay down arms? If the matter was to be settled by general agreement, it had better be settled there and then than by a General Election.

While he regretted that his conversations with Mr. Bonar Law had not resulted in an agreement, he did not despair of an agreement being reached. He thought that the language of the King's Speech would find an echo in every quarter of the House. Schemes and suggestions for settlement were in the air, and the exclusion of Ulster had been mentioned. He was not going to pronounce any final judgment on that or any other solution, but even those who suggested exclusion regarded it as *pis aller*. He continued by saying that any steps they might take in the way of suggestions must not be construed as an admission that the Bill, which had been twice passed, was defective. They would be taken as the price of peace, and he meant by the price of peace, a new system of Irish Government starting in an atmosphere giving a fair chance of working successfully. He agreed that it was a matter which should not be unduly delayed and affirmed that there was no justification for any impression that the Government was trifling with the matter or seeking to gain time.

The Government would endeavour to put forward suggestions which it believed would be regarded by all fair-minded men as an attempt at agreement and as consulting the susceptibilites of all concerned. The Government would close no avenue, however unpromising, leading towards a settlement.—(Cheers).

MR. AUSTEN CHAMBERLAIN'S QUESTION.

Mr. Austen Chamberlain said that events in Ulster were hurrying to a catastrophe, yet Mr. Asquith had not told the House what he was prepared to do. Mr. Chamberlain asked whether the Government was prepared to exclude Ulster or to secure to her the same rights as she enjoyed in Birtain. If the Government answered "yes," the danger of civil war would be averted. If "no," civil war would be certain. The exclusion of Ulster was the only possible basis for peace. Though it was no settlement of the Irish question, it would at least be a negation of Ireland's claim to be an independent nation.

The Commons adjourned at 10-55 p. m.

LORD MIDLETON MOVES AMENDMENT.

London, Feb. 11.

In the House of Lords, Lord Glenconnor moved, and Lord Garrick seconded the Address. Lord Midleton moved an amendment similar to Mr. Walter Longs's in the House of Commons. He demanded the meaning of the words in the King's Speech with reference to Ireland. Nothing which had fallen from any Minister mitigated in the slightest degree, the Opposition's hostility to the whole principle of the measure. He asked what proposals had been made in the course of the negotiations. Lord Morley's reply was precisely similar to Mr. Asquith's.

EFFECT OF PREMIER'S UTTERANCE.

London, Feb. 11.

Mr. Asquith's speech made a sensation in the Lobby. While a conciliatory tone was anticipated, the Cabinet's decision to submit to Parliament definite proposals with regard to Ulster came as a surprise and creates a new situation. It is generally assumed that the Cabinet is working towards a system of Home Rule within Home Rule, giving the Protestant counties a check over the administration of their boundaries, expecting thus to create a body of public opinion strong enough—to control the extremists on both sides. The conciliation is in the air after the first day's debate. The Government's proposals are not expected for some weeks yet.

Kabul.

Allahabad, Feb. 6.

A correspondent states that the Amir of Kabul has of late moved in the direction of a more humane treatment of criminals. The horrible "wells" at Kabul, in which men were incarcerated, their food and water being lowered to them until death ended their sufferings, were closed some time ago and the all too-common practice of torture and mutilation has now been stopped.

Fanatical Mullah.

Allahabad, Feb. 6.

The *Pioneer* learns from Peshawar that the fanatical Babra Mullah of Chahmang has once more begun preaching in the Mahmund country against sections of the tribes which take subsidies from the British Government. He has been particularly bitter against the Mittai Musa Khel, and his followers have burnt some of their houses.

The general feeling among the Mahmunds is against the Mullah. But he manages to get together certain following of malcontent tribesmen at odd intervals.

South Africa.

Durban, Feb. 6.

Giving evidence before the Indian Commission, a deputation from the Natal Sugar Association stated that it was opposed to the removal of the Three Pound Tax, but if the tax was removed, it would prefer that the Indians should be sent back to India, because as free Indians they would not be available as labourers.

Moharrum Riot Case.

Agra, Feb. 7.

In the Moharrum riot case Mr. Jones, Principal, Agra College, stated that the first thing he saw was one Hindu bleeding. He afterwards saw students gathered in the Boarding House compound and a Mohamedan mob outside throwing brickbats toward the students. He asked the students to go in. The students did not retaliate. Witness motioned the crowd to go back and received a blow on the left eye, which resulted in loss of the eye. He did not see anyone hurling him. Bricks were coming from the roadside. He saw about ten policemen. Policeman Newalkishore indentified Jamal-ud-din, accused. Continuing, witness said Mr. Gidney, Asistant Magistrate, asked the Mohamedans to give up their *lathies*, but they refused and entered the Boardig House compound, but were afterwards driven out by witness. This was after Mr. Jones injuries. Dr. Modi deposed to examining witnesses Mohanlal and Priyagdass. Pandit Vinyanand, Deputy Superintendent of Police, deposed to having made enquiries from Rajamandi and Lohamandi people, most of whom were unwilling to give the names of persons, recognised in the mob. Major O'Meara deposed to having operated on Mr. Jones's eye and stated that there was a large wound over the eyebrow, the eyeball being ruptured, which made it necessary to take out his eye. The injury was serious and if not attended to immediately the other eye would have been lost. Witness thought that no glass touched the eye and a brick hurt the eye and not the hat. Niaz Ahmad, Kotwal, stated, that there was a dispute between Hindus and Mohamedan before the 8th of December, the Hindus wanting music and the Mohamedans showing unwillingness to allow the music. Quarrels began on the 7th. Some persons were arrested on the 8th and released on the 9th. Witness further deposed that the Magistrate gave orders not to allow people to carry *lathies*. Chaudhry Tarsingh, Deputy Superintendent of Police, stated that he was in charge of the investigation relating to the Moharrum riots which lasted from 15th December to 6th January. The last arrest was made on 24th January. Arrest were postponed until after Chelum. Mr. Alston withdrew the case against 17 accussed for want of corroborative evidence and wanted to have it publicly known that there was no official promise not to prosecute offenders. This was concerning the arrests made on 8th, and not other offenders. After the charge had been framed against the seventeen accused Mr. Alston said he desired to contradict the rumour that any promise was made by any official of the Government that there would be no prosecution in connection with the Agra riots. He added that accused's counsel Mr. Habibulla, would confirm the statement, for he was definitely informed towards the end of December by an official that investigations then going on would be continued, and persons considered guilty would be prosecuted. Alston said the rumour referred to was probably due to the circumstances that some men arrested on the 8th were released on the 9th. The cases now before the Court arose after the release of those men and nothing that occurred with reference to them could apply to others. It is rumoured that three or four additional cases, some against Hindus and some against Mohamedans will be put before the courts on an early date.

14th February.

Our London Letter.

London, 23rd Jan. 1914.

THE AGA KHAN ON THE "INDIAN MOSLEM OUTLOOK."

The January number of the *Edinburgh Review* contains a very able and instructive article on the "Indian Moslem Outlook" by His Highness the Aga Khan, who, as it were, has thus spoken at the psychological moment. The article, no doubt, will commend itself to all those who are in any way interested in, or concerned with, the affairs of the Moslem Community in India. His Highness can undoubtedly speak on this subject, which he has made his own, with an authority and an experience not generally associated with the pronouncements of several pseudo-leaders amongst the Indian Moslems, and a studious perusal of the Aga Khan's present article in the *Edinburgh* convinces the reader of His Highness's thorough conception and realisation of the situation in India. The Aga Khan, it will be noticed, does not throw over the much-abused Young Moslems of India, neither does he speak of the Indian Moslem Press with that air of contempt, which has become so fashionable in certain quarters lately, not only in India but in this country as well. His Highness's repudiation of the statements made in the *Times* is significant. Dealing with this question, the Aga Khan proceeds: "Lurid caricatures of the Moslem attitude, such as that drawn in The *Times* of October 7 last by 'a Correspondent in India,' are to be deplored, since they tend to suspicion and estrangement on both sides. It might well be the duty of a writer anxious to awaken the British public from a fool's paradise to be strident in tone, if his note of alarm was based upon full knowledge and free from prejudice. But this correspondent puts himself out of court as a competent and fair-minded witness in the very first sentence of his communication. He says :—

"It is probable that the Balkan War would not have greatly influenced the bulk of Indian Mohamedans, had it not been for the efforts of the Pan-Islamic agitators and their organs in the Press.'

"He does not produce, and I believe he cannot produce, a single quotation to show that there has been a Pan-Islamic agitation in the political sense, which his words, taken in connection with the general tone of his article, seem intended to convey. If he means only that the Moslem Press of India has made the troubles of Turkey a subject of constant lamentation and has strongly criticised the policy of the Concert of Europe in general and of Great Britain in particular, in that connexion, I accept the statement, though I take grave exception to the deduction drawn and to the prejudicial form in which it is conveyed. This correspondent might just as reasonably argue that Mr. Lloyd George's land campaign would attract no attention from the agricultural voter if the Liberal Press of England did not keep the question in view; or that the problem of Ulster would be non-existent but for the newspaper notice it attracts. He mistakes cause for effect, and forgets that even a Press so new and crude as that of the Indian Moslems, like the Press of other countries has to give its readers information on public matters in which they are most interested, and must more or less mould their attitude upon them."

His Highness is equally clear in his defence of the Indian Moslems on the question of extra-territorial patriotism of his co-religionists for other Moslem States and very ably dismisses the [illegible] yet oft repeated theory, entertained in various quarters, that the Indian Moslem should only mind his own business without in any way interfering with the political affairs of other Moslem countries. These are the Aga Khan's own words :—" The Indian Moslems do not ask for the surrender of any British interests. He [illegible] that these interests are in accord with Moslem [illegible]. Yet his incursion into international politics [illegible] in reactionary Anglo-Indian quarters as if it were [illegible] and inexplicable way disloyal. People who [illegible] might reflect that the Mussalmans of India gain [illegible] for themselves, in any material or political sense, [illegible] of the Moslem States: they are simply [illegible] by the sentiments of unity and brotherhood above referred to [illegible] which are stronger than these unsympathetic and [illegible] critics can realise." His Highness has done well to [illegible] as these critics seem to be absolutely blind to the fact that the natural enthusiasm for, and extra-territorial [illegible] Moslems with their co-religionists abroad [illegible] consistent with their loyalty and devotion to their [illegible] whose person and throne they are attached at [illegible] ever, in spite of persistent efforts in some [illegible] the Indian Moslems to the world as hostile to [illegible]

The Aga Khan, in the course of his article, briefly deals with the resolutions in the London Branch of the All-India Moslem League, but happily does not altogether sacrifice preciseness for brevity. His words, pregnant with meaning and full of significance in this connection, run thus :—"The crisis in the affairs of the London League, brought to a head by Mr. Ameer Ali's resignation, confirms my conviction that the time has fully come for the Indian Mussalmans to realise that the future of the community depends not upon this or that particular leader, but upon the people themselves. If there is any danger that excitable younger men may lead the League to an attitude of suspicious impatience, it is for the calmer and more reasonable section to bestir itself and to keep the organisation in its own hands, and meet the opposite party not with abuse but with argument." No more weighty advice could be given at such a juncture, and if certain sections of the League would only attempt to follow the Aga Khan's advice and, instead of abusing the Younger Moslems, would only meet them calmly and earnestly in proper argument, they would certainly not only enhance their own dignity, but would likewise do their duty to the great organisation, which they pretend to be so conscientiously serving. Let there be some give-and-take on both sides, and the Young Party who are nothing if not sporting in the real sense of the term, will certainly not withhold its active co-operation with the more 'conservative' section of the Community for the common good, provided, it need hardly be said, that it is not expected to sacrifice certain principles and doctrines, which, owing to their importance to the very existence of the community, must be the main plank in the Indian Moslem platform.

The Aga Khan must be considered as the spokesman for enlightened opinion in India when he so truly says, in the concluding portion of his article, that the rapid changes brought about in India within living memory demand a correspoding change in the behaviour of the officials in their relation, and dealings with the people of the country, who should be consulted and listened to with due attention in matters of policy, which raise important issues affecting the well-being of the various Communities in India. The following sentences cannot fail to convince even a casual observer that there is ample scope for improvement in the methods of Indian administration generally, a few important directions, in which the Government may with advantage proceed on the lines indicated by the Aga Khan, being only mentioned here. His Highness goes on to say :—" Another matter upon which strong feeling prevails is that there should be fuller scope in local affairs for loyal but at the same time free criticism. The widening of the powers and functions of the Legislative Council has done much to give point and force to public sentiment on the larger issues, and this is necessarily reflected in the comments of a Press, which, with all its great imperfections, is advancing in ability and is beginning to be really responsive to public needs. The days when not merely the considered will but even the capricious whim of the Collector of a district was received without question and obeyed without hesitation have gone by, and in the sphere of every-day administration, no less than in the more conspicuous arena of the Legislatures, Supreme and Provincial, it is necessary for those in authority to give due weight to the general consensus of opinion."

His Highness has rendered no little service, both to those who are in authority as well as to his own co-religionists and Indians in general, by having so forcibly brought out the salient features of the Indian Moslem outlook in the article referred to above. The Aga Khan's suggestions are certainly entitled to the most careful consideration of the Government of India.

LORD HARDINGE'S VICEROYALTY.

The Indian Mail of last week has happily brought us the full text of Lord Hardinge's speech, in which he has most emphatically denied the statement, so widely circulated in the British Press, that he contemplates resigning his great office in the near future. India can ill-afford to prematurely lose a Viceroy of Lord Hardinge's calibre, specially at the present moment, and His Excellency's own words have relieved the Indian community in London, as no doubt they have done in India as well, of no little anxiety.

INTERVIEW WITH MR. RAMSAY MACDONALD, M. P.

On his return from India Mr. Ramsay MacDonald M. P. has been interviewed by the *Daily Chronicle* on various problems affecting the administration. While dealing with the question of a Hindu-Mohammedan *entente*, the Labour leader proceeds as follows :—" I would not like to say how far that *entente* will go, because there are a good many obstacles in its way. But this I will commit myself to :—If there should be a rupture between the old school of Mohamedans, headed by Amir Ali, and the Young Mohamedans headed by Mohamed Ali, the latter would win. All the tendencies are in favour of the latter."

Mr. MacDonald has thus shown that he has taken pains, while in India, to discover for himself the right direction toward which Moslem public opinion as a whole inclines.

TETE À TETE

The Release of the Ajudhya Rioters.

Sir James Meston replying to the addresses of the Municipal and District Boards of Fyzabad on the 9th., instant, concluded an important speech with the announcement that he had decided "and in this course I have obtained the full and gracious concurrence of His Excellency the Viceroy," to release 23 prisoners convicted in the Ajudhya Riot Case and "as an act of special clemency to reduce by one-half the sentences on the remaining seven." This announcement was preceded by a reference to the existing state of Hindu-Moslem feeling in the locality. His Honour reminded the members of the Board and the *raises* of the district that from time immemorial Hindus and Mohamedans had lived together at Ajudhya and Fyzabad in peace and amity. "As a symbol of this happy unity you see Mohamedans worshipping at Babar's Mosque and Hindus paying adoration at the shrine of Ram Chandra's birth-place within a few yards of each other and within the same enclosure wall." His Honour asked if these brotherly relations could not be resumed and maintained. The Government could not bring their hearts together by force. It could, however, encourage and exhort to cast animosities away. But His Honour was prepared to do more than mere exhortation and offered them "an unconditional contribution towards the work of reconciliation." He then proceeded to recall the circumstances connected with the Baqar'Id Riot at Ajudhia on the 20th of November, 1912, which had to be quelled by force. The rioters consisted of large crowds of Hindus, among whom *Bairagis* were prominent, and they assaulted a number of Mussalmans, (two of whom died in consequence), damaged a mosque and looted some houses and shops. Thirty of the offenders had been brought to justice and sentenced to terms of imprisonment ranging from two years to six years. "I have now carefully considered the cases of all these men," continued His Honour, "and I have consulted your Commissioner regarding them. It appears to me that the crimes, indefensible though they were, resulted from wild excitement in the minds of ignorant men at what they considered to be a blow to their religion. In such circumstances and in cases where no other motives can be traced, mercy seems justifiable. The culprits directly responsible for the death of the two Mohamedans on the 20th November have not yet been brought to account. But among the thirty men who are now imprisoned for the events of that day it appears that seven either fomented and led the rioting or took part in it with the deliberate intention of looting and robbery, while the other twenty-three were comparatively ignorant tools in the hands of the real instigators." In view of these considerations His Honour decided to exercise the measure of clemency he announced. He also declared that he was at the same time placing in the hands of the District Officer "a sum of Rs. 500 to be distributed at his discretion among the poorer Mohamedans who suffered from the riot either in person or property or in the damage done to their mosque." These, he said, were "free gifts and unconditional." He then wound up by exhorting his hearers to exercise their religious rights without wounding the feelings of their neighbours, and by reminding them of the duty of the Government to maintain peace and order at whatever cost and of the opportunity they had behind the screen of safety to join hands and work together for the common good.

The Act of Clemency.

The Lieutenant-Governor's remarkable decision to release twenty-three of the prisoners convicted in the Riot Case and to reduce by one-half the sentences on the remaining seven suggests certain grave considerations which it is hardly possible to ignore. The question that would most readily occur to one is what it was that led His Honour to take a step so unusual, if not without any semblance of a precedent. It is clear on His Honour's own showing that the crimes committed by the Ajudhya rioters were indefensible. There had been absolutely no provocation on the part of the Mussalmans directly or indirectly responsible for such a savage outburst of religious animosity and incendiarism. They were quietly proceeding to celebrate their festival according to their religious beliefs and within the limits of the law, and there was nothing in their acts which could even remotely be construed as a desire to offend the feelings of their Hindu neighbours. Yet, in spite of all this, they were assaulted by a huge Hindu mob which broke into their houses, with the deliberate intention, at least in some cases, of looting and robbery. A mosque was damaged, several Mussalmans received injuries and two of them were killed. But for the timely help of the military in quelling the riot, the consequences would have been still more deplorable. Legal proceedings followed in due course, thirty of the accused in the Riot Case were found guilty and sentenced to various terms of imprisonment, the sentences being upheld by the highest tribunal of the Provinces. And now several months after the matter had been finally disposed of by the High Court, after the demands of justice had been satisfied and the aggrieved party had, we may presume, learnt to console itself that it was not easy to trifle with the laws of the land, comes the sudden revelation that the crimes of the Ajudhya rioters were in the main due to religious fanaticism and consequently there was a strong case for tempering justice with mercy. We trust no Mussalman will be led to carp at this act of clemency if it pleases the Hindus and satisfies His Honour's sense of the fitness of things. But one cannot help feeling that there may be not a few who may suspect in the proceedings at Fyzabad a touch of the melodrama. Sir James Meston is far too sagacious an administrator to believe that acts of grace can be uniformly efficacious without reference to time, place and circumstances. Excesses due to religious frenzy may be condoned only when they have resulted in no serious iniquity calling for reparation in the interests of social order. The riot at Ajudhya, however, was of a wholly different complexion. It led to a loss of life and a serious damage to property and established an organised terrorism with the deliberate object of depriving a whole class of people of the freedom to exercise their inalienable rights, which, in view of last year's strange procedure on the part of Government, seems to have been fully acheived. If it appeared to the Lieutenant-Governor that even crimes of this character deserved mercy because they had resulted "from wild excitement in the minds of ignorant men at what they considered to be a blow to their religion," then we hardly see the necessity of feeding the public mind on the sensation of an expensive and protracted trial. If it was necessary to allow the law courts to thresh out the character and the motive of the crimes, mercy could well have been shown just after the final court of appeal had given its verdict. The delay in arriving at the decision announced at Fyzabad would be incomprehensible but for the fact that a clever agitation was engineered by a number of Hindu politicians in the United Provinces immediately after the Cawnpore Settlement. The cry for the release of the Ajudhya rioters was raised with great insistence, and clumsy efforts were made to show that the case of the Ajudhya criminals was similar in character to the Cawnpore Riot Case. There was happily no quarrel between the Hindus and Mussalmans of Cawnpore, as between those of Ajudhya and the accused at Cawnpore, who were released before their guilt or innocence had been judicially determined, were not proved criminals who had injured their neighbours in any way. But let that be. We would only say that the leaders of the Hindu agitation, who suddenly discovered a greivance after the Cawnpore Settlement, chose a wrong method of removing it. The demand for the release of the Ajudhya rioters literally smacked of "compensation." And as that Sir James Meston has rounded off things with his usual deftness, we hope others will be induced to feel equally with him that all is well that has to be ended in this way. We hope, at the same time, that his appeal for unity has not been made in vain. But no unity can be sincere or lasting which is not based on the convictions of the people that they are absolutely free to exercise their rights within the limits of the law. Peace and order should be maintained at all costs, but the local authorities should realise that it does not serve the interests of peace and order to saddle a law-abiding section of the people with restrictions because a turbulent section of them breathes threats of a riot. We hope the good sense of the people at Ajudhya and Fyzabad will help them to come to an amicable settlement. In the meantime we are eagerly waiting to see what Sir James Meston does in the case of persons now undergoing trial at Agra on charges of riot on the occasion of the last Moharram. Their excusses too, if any, were surely due to "the excitement of ignorant men at what they considered to be a blow to their religion." We are also curious to learn the fate of the persons accused of sacrificing a cow this year in a house at Fyzabad in spite of the prohibition issued by the District Magistrate.

The Gift to the Mussalmans.

The *Leader* of Allahabad lays it down that it is wrong to look the gift horse in the mouth and forthwith proceeds to examine the gain to the Hindus of Sir James Meston's announcement at Fyzabad. Evidently our contemporary knows the political value of depreciating the value of gift-horses. But we should not be surprised if it was for such an occasion that

Ghalib wrote : دونوں جہان دیکر وہ سمجھا کہ خوش رہا
یاں پڑی آپڑی ہے کہ تکرار کیا کریں

(After giving away the two worlds He thought He has now rid of us. And *we* are embarrassed by the gift and are inclined to think it would be ungracious to haggle !) We need not pay lip-service like our contemporary to a principle that is seldom observed in practice. A gift has either a value or a price. It is intended either as a substantial help or as a tribute of respect, love or admiration from the giver to him that receives. We confess we do not know how to appraise Sir James Meston's gift of Rs. 500 to the Ajudhya Mussalmans. If it is intended as a help to "poorer Mahomedans" it is neither substantial, nor, what is much more to the point, timely. Such help could only be effective and welcome when it was needed most, when the injuries inflicted by the rioters were still fresh and the loss had to be repaired. The plight of the poorer Mahomedans, however, escaped the attentions of the benign Government and it suddenly floats into the recollection of Sir James Meston after more than a year when the losses and troubles have probably faded from the minds of the victims themselves. As we have said, we do not know, in view of all this, how to appraise the gift. Are we going back to the early days of jurisprudence when punishments were based on personal vindictiveness and not on the vindication of the dignity and power of the State? Is this the "blood-money" for two Mussalmans? If so, it should have come from Hindu pockets and not from the public treasury. Or does it illustrate in a cruder form the doctrine of "compensation" which seems to be coming into vogue in public affairs? If so, we cannot help thinking that Sir James Meston has a very poor estimate of the feelings and intelligence of the Mussalmans. If he had decided to exercise clemency in the case of the prisoners in response to Hindu appeals, he could have easily done so without hurting the sense of respect of a sensitive community. The Mussalmans are not so shackled in spirit and so wedded to calculating price as to cry out a claim for "compensation" whenever the authorities decide to do a good turn to their Hindu neighbours. We trust the Mussalmans of Ajudhya will have enough dignity to refuse any such under circumstances such as these. This is, we are told, the first instalment of Sir James Meston's "unconditional" contribution to the Hindu-Moslem *entente*. Need we add that the hope thus held out is akin to that which Shelley mentioned in the famous lines :

"One hope is too like fear
"For prudence to sue other."

Let us patiently await the second instalment and in the meantime pray to Heaven it may not be in its shape the second Ghost of Hamlet's father !

The Moslem University Association.

The Trustees of the Aligarh College, according to the constitution of the Moslem University Association, the formation of which was decided upon last year by the Moslem University Foundation Committee, elected forty members from amongst themselves at their last meeting to represent them on the Association. The voting recorded in each case affords a curious study and some food for not very edifying reflection. We will publish the names of the elected members with the votes they severally secured in a subsequent issue. For the present we may only say that, although the list contains the names of several people who should inspire confidence, there are not a few who can only be regarded to be fitted for membership of the Moslem University Association either by their capacity or their past records of public work. What is still more amazing is that men of the calibre and powers of the Hon. Mr. Justice Abdur Rahim, Khan Bahadur H. M. Mallik and the Hon. Lieut. Malik Mubariz Khan secured only 58 votes each, and as only one more member had to be elected to make up the selected number of forty, two of them would have not had not Messrs. Syed Zain-ul-din and Sadiq Khan withdrawn in their favour. The Hon. Sir Ali Imam could get only 37 votes and got in after Mr. Hasan Saheb had withdrawn. We are genuinely pleased at the example of self-sacrifice set on this occasion by the Old Boys of Aligarh and not from landholders and others who have still got not one but two constituencies to elect them. Such self-sacrifice, however, cannot always be depended upon in every case, and one can only be pained with the indifferent manner in which the Trustees have discharged their responsibility in dealing with a matter of the highest moment to the community. Little attention seems to have been paid to individual merit, or to the fitness of several elected members for the kind of work they have to do. Almost every Trustee who took the trouble to attend the meeting was elected as a member of the University Association. We hope the Aligarh Trustees have not degenerated into a coterie of mutual admiration whose only function is to exercise patronage and dwell with sweet nonchalance. Among the forty representatives of the Trustees, apart from a wide disparity of merit and talent, the representation of the different provinces is most inadequate. The United Provinces preponderate with twenty-one representatives, the Punjab gets only five seats, Bengal three, Bombay two, Madras one, while Behar goes entirely unrepresented. Particularly noticeable is the feature that a donor whose contribution to the University Fund was the largest failed to get elected. His only faults are that he is not a U. P. landlord and was absent. We shall deal with the work that lies before the Moslem University Association in our next, and trust in the meantime that the Hon. Secretary will soon fix and publish dates for the other constituencies to elect their representatives for the Association.

The New Capital.

"Ex-Citizen," who is in fact one of the most intelligent and patriotic citizens of Delhi and who discussed an important "Tablet Scheme" for all notable and historical places in Delhi in the *Comrade* some months ago, writes to us as follows:—"I should like to refer to a matter of more than local interest touched on by Mr. Ramsay MacDonald in his recent contribution to the *Daily Citizen* on the making of the new Delhi. In his usual outspoken manner he calls attention to a "new industry" which "has sprung up in the *bazar* for the making of tablets informing surveyors that this and that that is the resting place of this Khan and that Shah." It would seem as if Mr. Ramsay MacDonald had discovered a sudden and a desperate movement for a wholesale and indiscriminate bestowal of sanctity to the many thousands of crumbling and decaying tombs and stones scattered about Delhi. The statement might not improbably also lend itself to the suggestion that the attempt to hedge round innumerable spots with sanctity is being made wilfully in order to make matters difficult for the authorities and to interfere with the general lay-out of the town. It would be most unforutnate if such an impression gains ground as it has all the potentialities for friction and harm. I can confidently say that no such attempt has so far been made or contemplated and no such desperate movement inaugurated. All that has happened is that the wild and unauthorised rumours of the last year relating to the schemes for the making of the new town alarmed the people and caused uneasiness as to the fate of public burial-places, shrines and important tombs. A mosque had already been demolished and there were persistent rumours that other *Khanqahs* and shrines were similarly threatened, and naturally there was much anxiety prevailing at the time. Out of this necessity a society was then formed for taking steps for the preservation of important shrines and tombs, but it has not been able to do any substantial work so far. Shah Abdus-Samad Sahib has at some few places supplied tablets and carried out repairs, but that is nothing very unusual for him to do. As the leading *Sufi* in Delhi, he has on several occasions before now devoted his time and means to the care and repair of these places. Even the feeling of alarm and uneasiness, so much in evidence last year, has almost disappeared and people have been reassured, thanks to the very tactful and helpful manner in which the Hon. Mr. Hailey handled the situation after you had his attention to the matter. But while all this is satisfactory, it would be as well to remind the public and the authorities that Delhi has had a history and a civilisation and is full of cherished associations, ever so much dearer now that the Indian mind has awakened to a better appreciation of their value and to a sense of duty to them. In his elegy, *Hali* has feelingly spoken of the "gems of rarest beauty that lie buried here," and it only needs an Indian Ruskin to exhibit in fuller detail the historical associations, tombs and stones of Delhi. The wide range of these it is evidently difficult for an average European research scholar or administrator to grasp. His interest is limited to the handful of magnificient or eccentric Kings and few other figures of political importance, while the far wider field of religion, literature, science and art, the far more numerous characters representing the real life and history of this country, do not fall within his purview. Delhi has no Westminister Abbey where the roll-call is easy and the marks secure. Here the tombs are scattered; some have even disappeared (as that of the gifted poet Princess, Zaib-un-Nisa, to make room for the Rajputana Malva Railway line, if Manool's Guide to Delhi can be trusted), and in some cases deligent research will be necessary to locate them. In the circumstances, and in view of the impending complete transformation of the place, it seems quite possible that an effort will be made to secure important places and tombs, such as can be located, from disappearing altogether. In fact I have myself suggested in the *Comrade* the adoption of a memorial tablets scheme, and I trust that such an attempt, if and when made, will not be misunderstood and resented by the authorities. In my suggestion I have made due allowance for the Imperial requirements, and I think in the more important cases it should be possible to effect some such arrangement as has been recently announced in the *Civil and Military Gazette* with regard to the shrine of the *Guru* Tegh Bahadur. The thing is to recognise the importance of the matter, that it is a question of more than local interest which the widening responsibilities of the State and the awakening conscience of the people cannot well ignore. It should not be difficult for the English people, who in their own country so much cherish the vestiges of their glorious past, to allow us a similar human feeling and a like craving."

The Comrade.

The Press Act.

V.

LAST week we endeavoured to prove—we hope with success—that section 4 sub-section (*1*) was the mainspring of the Press Act and that no scheme of modification could be deemed even moderately good unless that section was materially amended. Now we come to what the resolution itself moved by the Hon. Mr. Bannerjea in H. E. the Viceroy's Council on the 9th January itself demanded. We must confess at the very outset that if the Hon. the Home Member had got up after all the non-official speeches and had simply stated that he accepted the resolution on behalf of Government he would have hurled a veritable bomb at the hon. mover and his *confrères*. They could have gained nothing of any practical value and the resolution itself would have acted, politically if not legally, as an estoppel against further demands. Government lost a most splendid opportunity by rejecting the resolution, and, on the contrary, allowed an unfortunate impression to be created that a most modest demand, even when backed by the almost unanimous opinion of non-official members, is intolerable unless there is sustained and vigorous popular agitation in favour of a demand of more generous proportions. Such tactics make the people suspect that the English are bad givers and offer the gift only when a good deal of grace has already gone. And we must confess nothing turns an Oriental into an agitator more certainly than an intimate acquaintance with an Englishman's psychology, his character and his country's history.

The resolution moved by Mr. Bannerjea did not touch section 4 sub-section (*1*) at all, but related to two other matters brought to light by our Pamphlet Case, namely the character of the provision in the Press Act relating to the statement of the grounds of Government's opinion when declaring a forfeiture, and the bar of the jurisdiction even of the High Courts in cases in which the Government's order of forfeiture itself failed to conform to the provisions of the Act. The resolution ran as follows:—

"That this Council recommends to the Governor-General in "Council that an amendment of the Press Act of 1910 be introduced "in the Imperial Legislative Council so as to provide that when any "order of forfeiture is made under the Act, the order must state "or describe the offending words, or articles, or pictures, or engravings, "or whatever it is upon which the Local Government bases its order, "and that section 22 of the Act be so modified as to definitely "empower the High Court to set aside an order of forfeiture not "made in conformity with the provisions of section 4, 6, 9, 11 and "12 of the Act."

Now the Press Act provides for the forfeiture of the following:—

(1) Under section 4, the primary security of a printing-press (which may range between Rs. 500 and 2,000 in the case of a press opened after the commencement of the Act and between Rs. 500 and 5,000 in the case of older presses), together with all copies of the offending publication wherever found.

(2) Under section 6, the secondary security (which may range between Rs. 1,000 and Rs. 10,000) together with the printing-press and all copies of the offending publication wherever found.

(3) Under Section 9, the primary security of a newspaper (which may range between Rs. 500 and Rs 2,000 in the case of newspapers established after commencement of the Act, and between Rs. 500 Rs. 5,000 in the case of older papers), together with all copies of the newspaper wherever found.

(4) Under Section 11, the secondary security of a newspaper, (which may range between Rs. 1,000 and Rs. 10,000) together with all copies of the newspaper wherever found.

(5) Under section 12, any offending newspaper, book or other document wherever found.

In each of the first four cases the law already requires the Local Government to declare the forfeiture "by notice in writing" to the keeper of the offending printing-press or to the publisher of the offending newspaper, as the case may be, at the same time "stating or describing the words, signs or visible representations which in its opinion are of the nature described" in section 4 sub-section (*1*). In the last case however, the Local Government is required to declare the forfeiture "by notification in the local official *Gazette*, stating the grounds of its opinion." Evidently Mr. Bannerjea's resolution was intended to make the procedure in the case of the forfeiture of an offending newspaper book or other document under section 12 similar to the procedure in the case of the four kinds of forfeitures under sections 4, 6, 9 and 11, although the hon. mover specifically said so neither in the resolution nor in his speech. He had borrowed the phraseology of his resolution not from sections 4, 6, 9 and 11 of the Act itself, but from the speech of the former Law Member of the Executive Council, Mr S. P. Sinha, who had, in the course of his, alas! too persuasive defence of the Press Bill in 1908, said that it was no use attempting to convince Government that "it was a drastic measure" because Government had put in all "kinds of safeguards." Mr. Sinha had then "assured the Council of the existence of "another safeguard"; namely, that "when the Local Government makes the order of forfeiture, the Bill provides that it must *state or describe the offending words, or articles, or pictures, or engravings or whatever it is, upon which it bases its order.*" He had added:

> No making an order which is vague, which is indefinite No order without allowing the man to know what he is being punished for, but a definite order stating the very words of the article or describing it as that which the man is being punished for. Is that not a safeguard? Apart from the Tribunal of Appeal, is it not a safeguard to provide that a man will not have his security forfeited without being told exactly what he has written that is taken exception to?

We have the greatest possible respect for the undoubted forensic gifts of our universally esteemed and admired fellow-countryman whose words of 1908 we have here quoted, and even if it were not, so, we feel certain that the opinion of a layman on a point of law would carry little weight against that of a lawyer. We could not therefore, venture to differ from so eminent a lawyer as Mr. Sinha without the utmost urgency, and even then not without the utmost diffidence. But we beg leave to say that the question is not entirely one of law. Whether the statement or description of the offending words or pictures or engravings is, or is not any safeguard for a journalist is a question in which the journalist cannot be altogether put out of court by the lawyer. To our mind it is hardly any consolation to a journalist, much less a safeguard for him, to be told that certain words which he wrote or published under the belief that they were innocuous were offensive in the sight of law if this knowledge leads him no further. This so-called safeguard is no better than a *cul de sac*. We may just as well assure an ordinary citizen that whenever we desire to hang him by the neck till he is dead we shall tell him which of the innumerable acts in his daily life which he had done in good faith have persuaded us to sentence him to death. Such a statement or description may or may not enable him to make his peace with Heaven, but it will not help him very much on earth. We venture to think that the provision in the Act to which Mr. Sinha had referred was intended mainly to assist the person adversely affected when he sought justice from the one Court in the Empire of which the jurisdiction was entirely barred by section 22 of the Act. To say that it was a safeguard "apart from the Tribunal of Appeal" betrays, if we may so, an unfortunate confusion of thought. As a matter of fact the statement or description of offending words, pictures etc., was absolutely necessary if a reference to the judiciary was to be permitted. This would be perfectly clear if we imagined for argument's sake that such a statement was not provided for by law. In that case the notice in writing to the keeper of the offending printing-press or the publisher of the offending newspaper would have merely declared the forfeiture. How then, could he go to the Tribunal of Appeal? What could he state in his application, and what could the High Court judge and determine? No, the statement or description of offending words, pictures etc., was in the main meant to furnish to the person adversely affected some ground at least for his appeal, and to the Tribunal of Appeal both the material to judge and the necessary data on which to base its judgments. In other words, this was no separate safeguard but only ancillary to the *sole* safeguard provided by the Act, namely, a reference of the order of the highest executive to the highest judicial authority.

We have laboured this point merely to show that if the statement or description referred to is to assist the person adversely affected and the Court to which he appeals, it is for them and them alone to say whether the statement or description is sufficient for that purpose. Let us first take the printer or publisher. All that he gets even in cases of forfeiture to which the Hon. Mr. Banerjea's resolution takes no objection is a "description" of an article or articles. In the latest case, that of the *Zamindar*, three articles extending over five columns in length are "described" by their headings and declared to contain words of the character described in section 4 sub-section (*1*) of the Press Act. Does the keeper of the *Zamindar* printing-press realise through such a "description" what it is that he has to prove in the way of a negative in case he chooses to throw good money after bad by appealing to the Lahore Chief Court and undertaking what Sir Lawrence Jenkins called an "almost hopeless task"? Nay, does he even understand any better than he did before what he should avoid in future if he tempts fortune further by opening another printing-press? Surely we can only guess and even conjecture is made difficult by the proscription of not one but three articles. Take the case of the *Badr*, a religious paper of the Ahmadi or Qadiani sect of Mussalmans. Is it to understand that in future controversies with a foul-mouthed Christian Missionary it is to eschew every reference to biology and invent childish miracles to

refute the Christian doctrine of Atonement, or is to believe that because the powers that we are woefully ignorant of the languages of this country, it should carry on polemics with Christian Missionaries in two languages, in Urdu for its own readers and in English for the gentleman entrusted by the Panjab Government with the task of punishing the Moslem Press?

Let us now turn to the Tribunal of Appeal. Is it in any better position? In the one case that has been taken up to it, namely, our own, the offending words and pictures were "described" no less clearly—nor *more* clearly either—than in the numerous cases of printing-presses and newspapers which have forfeited their securities. Instead of an article or a number of articles, the offending publication was a Pamphlet of several scores of pages. Had it been an article or a number of articles Government would have done what the Act required it to do by merely stating the title of the Pamphlet in question, namely, "Come Over Into Macedonia and Help Us", which it had done in the notification. Would that have satisfied us or the Court? It is certain that it would have satisfied the requirement of the Hon. Mr. Banerjea's resolution. But Government went further and stated that the Pamphlet contained words which were "likely to bring into hatred or contempt certain classes of His Majesty's subjects in British India." Whether this is sufficient or not is not the question at present. But it made it clear that except the two alternatives of bringing certain classes of our fellow-subjects into hatred, or into contempt, the words were not likely to incite to murder, nor to any offence under the Explosive Substances Act, nor to any act of violence, nor to seduce any officer, soldier or sailor in the Army or Navy of His Majesty from his allegiance or his duty, nor to bring about one or more of the remaining 40 out of the total of 42 dire results—the learned Advocate General is not analytical enough to resolve section 4 sub-section (*1*) into more than 30 factors—intended to be prevented by the Press Act. Now sections 4, 6, 9 and 11, on the model of which section 12 was sought to be amended, make no provision even for this. Having "described" the offending words by referring to the heading of an article, or name of a publication, in a notice in writing to the printer or publisher, the Local Government need not even tell him which of the 42 offences described in section 4 sub-section (*1*) has been committed, but may proceed to confiscate the security, printing-press and all. It is clear that Mr. Bannerjea's "reducible minimum", if accepted, would have reduced rather than added to the extent of the "safeguard" already provided in section 12. The law has, in fact, provided greater "safeguards" in cases relating to what Sir Reginald Craddock calls "the objectionable book or document which will in many cases—in fact in most cases—be of most trivial value" than in cases in which a security, which may amount to Rs. 10,000, and a printing-press of unlimited value may be declared to be forfeited. This is only another of the paradoxes of this wonderful piece of legislation rushed through the legislature at break-neck speed in five days.

But although for obvious reasons we are anxious to show up its absurdities, we did not set out to do so in the present instance. Our object was and is to prove that even the statement of grounds provided for in section 12, which is a more extensive safeguard than the mere statement or description of words and pictures, is not sufficient in the opinion of the Judges themselves for the purpose of a reference to the judiciary if it is to be only of the nature to be easily found in Government Notifications. Let us, therefore, cite the three seniormost Judges of the Calcutta High Court. Says the Chief Justice:

> [illegible] that it appears to the Government in any particular case that [illegible] words of the nature described in section 4(*1*), the first [illegible] that occurs to anyone whose duty it is to enquire is why [illegible] appear what are the grounds of its opinion. Those responsible for the Act foresaw this, and so they specifically provided [illegible] Notification should state the grounds of the Local Government's opinion.
>
> [illegible] to the Notification no such grounds are stated; *nothing is* [illegible] *a fact set forth, there is merely a citation of those* [illegible] *section which are invoked.* The Notification seems to [illegible]—"It appears to the Local Government that these [illegible] to bring into hatred or contempt a class or section [illegible] Majesty's subjects in British India, and the grounds of its [illegible] are that the words are likely to bring into hatred or contempt [illegible] classes of His Majesty's subjects in India."
>
> [illegible] *the repetition of an opinion cannot be its grounds,* and yet that is [illegible] that the application furnish in the shape of grounds. *This is* [illegible] *insufficient and not a compliance with the terms of the Act.*
>
> Moreover, I think that this direction in the section is mandatory and that the legislature intend to impose and has imposed on the Local Governments an imperative obligation to state the grounds of its opinion.
>
> * * * * * *
>
> I have already dealt with one phase of absence of grounds in the Notification. *This defect and the Government's failure to place before us any materials beyond those provided by the applicant have materially added to our difficulties in discharging the peculiar duties cast on us by the Act.* The Notification does not even specify the classes that might be brought into hatred or contempt, or which of these two diverse sentiments is apprehended. And so when Mr. Norton rose to address the Court he had to seek this information from the Advocate-General.

With the foregoing opinion Mr. Justice Woodroffe concurred. As for the third Judge, Sir Harry Stephen, he wrote in the course of a separate judgment:

> It appeared to the local Government that the pamphlet before us contained words that were likely directly, indirectly or (to abbreviate) in any possible way, to bring Englishmen or Christians being His Majesty's subjects in British India into hatred as a class. They accordingly published a Notification in the local *Gazette* declaring the pamphlet forfeited and giving as a ground of their opinion that the pamphlet was likely to bring Englishmen and Christians into hatred—the fact that it was likely to bring them into hatred. . . . . I am of opinion that the Notification is not according to law. Looking at the section, and indeed at the Act as a whole, I have no doubt that the provision in section 12 that the grounds of opinion on which the Local Government have acted must be stated, is mandatory and not merely directory. *There can be no doubt that it is found for the protection of any person whose property may be confiscated, and not merely for the purposes of administrative convenience. The ground of opinion must in this case, if not always, be a fact or facts, and no fact is disclosed merely by a specific relation of the elements that the law requires to be present in order for legal consequences to follow.* I have already described the statement of the grounds in terms which seem to me to lead to an *absurdity*, but I have taken pains to make them correct. I cannot say what facts should be stated. I do not think, for example, that it can be the case that the Local Government should state to us all the information on which they have acted, for I cannot suppose that we are to revise their action as a whole. On the other hand *we have, it appears, power to revise their action to some extent, and for this purpose some statement of facts seems essential* . . . . . Though I cannot say what facts are to be stated in order to disclose the ground for the opinion on which the Local Government acts, I think *it may be the case that a statement of facts too meagre to give an applicant under section 17 any real assistance would be sufficient to satisfy the requirements of section 12.*

In a previous article we have quoted in full the opinion of Sir Har. Stephen and would only mention here that he was greatly embarrassed at being placed in a position in which, according to him, no Judge in the British Empire has been placed since the remote days of early English jurisprudence. He had been called upon to decide a question of fact on such evidence as was supplied by a single document; the side on whom the onus of proving his case was cast was not placed in a position to give any evidence; the other side had not called any witness, thereby escaping cross-examination; and the question that the Judge was to decide depended upon the social and political status of a community with regard to which no information had been supplied to him, while it had never been his duty to acquire any information in the matter, and what information he did possess was unverified and general to a high degree,—in fact to so high a degree that he frankly confessed it was impossible for him to share in other people's feeling of respect for his opinion in the matter as it would be derived from a respect for his high office only.

Turning to the proceedings in Court, we get some passages perhaps even more illuminating. The Chief Justice had said:

"We do not know the facts, only the Government has the facts. " . . . . We can do nothing except in the eye of the public whatever "our convictions may be as to the character of the Government. "We cannot form any opinion apart from the facts. . . . . "It is intended that the Court should be in as good a position as "the Government to judge the merits of any proscribed thing. "That is why the grounds should be stated. It may be within the "knowledge of Government that certain innocent words bear a "sinister significance which we may not know." On another occasion the Chief Justice said that "grounds mean facts and not law," and when the Advocate-General said, "When we mention that the "pamphlet is of such a character and we therefore proscribe it, we "give facts," the Chief Justice replied: "That is to say 'we are of "opinion because we are of opinion.'" Mr. Justice Woodroffe said: "*The less particulars are alleged the more difficult it is to say "that a publication does not come under section 4.* We are left to "guess a lot of things." Addressing the Advocate-General his lordship added: "*According to your argument nothing need be set "out at all.* Government may be in possession of the grounds and "yet they are not bound to declare what these grounds are."

From the foregoing expressions of the opinions of the there seniormost Judges of the premier High Court in India the following conclusions emerge clearly and must not be lost sight of:—

(1) That the statement of grounds is a mandatory condition of a valid declaration of forfeiture.

(2) That the repetition of an opinion cannot be its grounds, and that *facts* and *not* "merely a citation of the words of a section which are invoked," or, in other words, "the specific relation of the elements that the law requires to be present in order for legal consequences to follow" can be the grounds of an opinion.

(3) That the statement of grounds is "an essential part of the Legislature's scheme, for it might help the High Court to perform

the duties cast on it under section 17," and the absence of such a statement would "sensibly add to the High Court's difficulties in discharging the peculiar duties cast on it by the Act." That, in short, "it is intended that the Court should be in as good a "position as the Government to judge the merits of any proscribed "thing."

(4) That "the less particulars are alleged the more difficult it "is to say that a publication does not come under section 4."

(5) That as the Act stands, "it may be the case that a state-"ment of facts too meagre to give an applicant under section 17 any "real assistance would be sufficient to satisfy the requirements of "section 12."

(6) And that, finally, those appearing for Government in a Press Act case are not averse to arguing that "nothing need be set out at all."

We shall consider next week what reply Government deemed it fit to give to these scathing criticisms of the law as it stands and the customary procedure of Government.

The Indian Moslems' Tasks.

VII

In concluding our survey of Moslem affairs in India, it seems desirable to group together the various aspects of the Moslem problem in order to give to it the right perspective it needs and emphasise the points requiring the immediate and undivided attention of the community. The first object that every enlightened and patriotic Mussalman may be expected to have in view is to have his community efficiently organised and richly endowed with every faculty for self-development. Many decades of ceaseless effort will be necessary before the goal of his aspiration comes in sight. When the goal is reached and the Mussalmans of India are raised to a plane of social and intellectual efficiency needed for a fruitful existence under modern conditions, the horizons would expand and the life-purpose would grow clear in the light of growing thought. What is required to-day is preparation, training, the release of mind and spirit from the tyranny of environment—in short, education.

We have said enough what the Mussalmans need in the matter of their moral and intellectual equipment. Indian education itself is in a stage of what is usually called experiment, *i.e.*, a fragmentary and tentative search in which both the State and the people are engaged to find the ideal and fix the type. The position of Moslem education is relatively worse. The statistics of literacy, as compiled in the recent Census Report, disclose a state of things that cannot but be exceedingly alarming to the well-wishers of the community. In primary education the proportion of the Mussalmans is below their numerical percentage in the population. In secondary education they lag grievously behind the other communities, while in higher education their position is growing steadily worse. The percentage of literacy on the whole has risen in the community during the last decade, but the rise has been quite disproportionate to the growth of literacy in the whole of India. In other words, while education is growing steadily but slowly among the Mussalmans, the pace of educational progress among the Hindus is quicker by far; and thus it is manifest that the former are losing every year in the relative strength and importance implied by communal efficiency. The Moslem need, however, is not simply to provide means for the quantitative growth of education in the community, but to improve the quality of education itself by adapting it to the social, moral and spiritual needs of the Mussalmans. The Moslem educational programme should, therefore, comprise two-sided effort—the organisation of education on communal lines as well as the provision of facilities to make it readily accessible in all its useful branches to the mass of the people.

As regards the organisation of Moslem education, it is needless to insist that the effort should proceed from the top. It is imperative that the highest educational ideals evolved by the community should find a local habitation first of all. They should first produce their atmosphere and fertilise the soil from which would spring forth vitalising ideas needed to stimulate and uplift the people. In other words, the creation of the Moslem University is absolutely necessary if the organisation of Moslem education is to be undertaken with any hope of success. Primary and secondary education may grow without a Moslem University to direct it, but it can never be the same power for good as it would be when it has a definite type and ideal before it and is fully responsive to social needs. The greatest energies of the Mussalmans should, therefore, be applied to bringing the University project into practical shape. This is by far the most important item of their educational programme. Now, the Moslem University project is hanging fire and mainly through the fault of the Mussalman leaders themselves. The community has already indicated with unmistakable clearness the sort of university it will have. And it is useless to disguise the fact that certain decisions announced by the Secretary of State through the Government of India in regard to the matter run counter to the wishes of the Mussalmans. The question of affiliation is the soul of the University scheme. And although we have reason to believe that Sir Harcourt Butler, the Member for Education, at first favoured the Moslem demand and even pressed for its acceptance by the Secretary of State for India, he nevertheless dropped his earlier attitude as soon as Lord Crewe was led to place his veto on the proposal. We trust, however, that both the Government of India and the Secretary of State are still open to conviction, and, in any case, the Mussalmans should concentrate their efforts on the question and take early steps to lay their considered views before the Government in a manner that would carry weight and ensure success.

Moslem education in the primary and secondary stages must necessarily lack the desired impetus as long as the communal spirit does not resolve itself into definite ideals in the atmosphere of a living university. Much, however, can be done in the meantime to prepare the ground by providing such facilities as would attract Moslem boys in ever-increasing numbers to receive instruction in the existing primary and secondary schools. Local *anjumans* and associations should take the matter in hand and organise efforts to meet the local needs. Fresh committees should be formed where none exists, and no pains should be spared to tackle with the whole problem in a resolute spirit. The Circular of the Government of India on the subject of Moslem education has already evoked a sympathetic response from the Local Governments, and it may reasonably be hoped that definite lines of co-operation between the authorities and responsible Moslem bodies in each province would soon take shape with a view to remove the obstacles that lie across the path of Moslem education, especially in regard to its primary and secondary stages. Instruction in primary schools should be made free in areas where the chief obstacle is the poverty of the Mussalmans. There are, however, numerous places where apathy and constitutional distaste are the chief causes responsible for Moslem illiteracy, and the only way to overcome these is to organise a propagandist campaign informed with the zeal of the missionary. The type of Moslem "leader" that has mismanaged Moslem politics and trampled many a communal interest under foot in his mad careering for cheap fame, has obviously no taste or aptitude for such a task. Men of a wholly different type are needed for the purpose. We will not be surprised, though it may cause some confusion in other quarters, if some of the "hot-heads" of the community lead the way and help to solve one of the most anxious problems of Moslem education by their energy, enthusiasm and perseverance.

The provision of facilities for giving industrial training and technical education to an adequate number of Moslem boys is also a desideratum that is apt to be lost sight of. The economic development of India is a process yet in its infancy, but it is growing fast and assuming importance commensurate with its magnitude. Political power and social initiative naturally gravitate in the direction of wealth and intelligence, and the community that takes the most active part in the building of India's economic future will inevitably come to exercise dominant influence in her counsels. The Mussalman's poverty is already a great handicap to him, and if he does not take heed in time the future will have no mercy for his plight, and he will be literally reduced to the position of the hewer of wood and drawer of water. The only way to avoid such a forbidding prospect is to take the necessary measures now for preparing a sufficient number of Moslem boys every year for industrial occupations and professions requiring technical skill and knowledge. The problem of women's education is not less important. We have already discussed it at some length and would only point out how urgent it has grown. Social efficiency will never be achieved by the Mussalmans as long as Moslem women remain sunk in ignorance. All progress postulates enlightened mothers and intelligent and efficient housewives. To have its one half turned into a perpetual dead-weight is not an ideal equipment for a community to live and strive amid the conditions of the modern world.

In the political sphere, we have endeavoured to show that the Mussalmans have to maintain their communal individuality as well as to co-operate with the other communities for the general good of the country. Towards the British rule their attitude is one of hopefulness and trust, for they have never ceased to believe that it alone guarantees the conditions necessary for their advancement.

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indeed for the peaceful progress of India as a whole. The period stress and storm through which they have passed has not been out its effect on the temper of their rulers, and there have not wanting mischief-mongers who have endeavoured to sow suspicion about the spirit and objects of the recent movements of Moslem That a number of British officials should have grown uneasy at the Moslem excitement and its widespread character was only natural. But we can hardly admire the mental balance of not a few among them who began to spurt wrath because, forsooth, the Moslem had begun to smart with pain. There are no people in the world easy to govern as the Indians, and none so accessible to sympathy as the Mussalmans. If only their detractors understood what the Mussalmans have gone through, they would have hesitated to indulge in fierce invective and abuse, even if they could not have sympathised with them in their We need not set about to analyse the causes and character of Moslem excitement. We would only remind the creators of "the Peril", like the *Times*, that the Moslem community would not have been as quiet and desirous of peace as it is to-day if the recent Moslem excitement had contained in it elements hostile to British rule. Mussalmans desire nothing but peace. They would not willingly the confidence and goodwill of their rulers. It is equally hoped the rulers will not let their imaginations be fed on bogeys of various shapes which are mere emanations from heat-oppressed Undeserved suspicions and unmerited frowns only serve to people into an attitude that might ultimately prove to be a real danger to the peaceful progress of the country.

We made some general observations in our last in regard to the case of co-operation between the Hindus and the Mussalmans the common good of both. The political advance of India in the form of self-government cannot but be the most cherished aspiration of all patriotic and self-respecting men in the two communities. advance will continue to be indefinitely retarded as long as approximation of political method does not take place and political ideal is not made to fit in with the conceptions of All existing differences have their root in the Nationalism of the Indian political platform appeal to the real intimacies of the communal heart The enthusiasm of the average politician is due not inspiring nature of the political ideal as to the perfervid patriotism that it has awakened in his breast. The Nationalism should neither be exclusively Hindu nor Mussalwider conception including the aspirations of both. such as would disarm the suspicions and fears of minorigive them every assurance about the safety of their communalities and their faiths. These results can only be attempting something like the federation of Indian faiths political basis. The problem is not difficult to solve. right spirit and temper are needed to prepare the way for The Mussalmans who have begun to move with fresh should realise full well that their participation political activities of the country would be effective and when their intellectual and moral equipment is adequate A weak and ill-organised Moslem community unequal to the struggle necessary for maintaining and making its claims heard, but also be a the people of India as a whole.

have outlined in these articles the right ideals for the and although the new political ideals were the outapparently painful parturition, we trust the travail The best thing that the Mussalmans can do with their place them, not on too great an eminence where may be too remote to guide their footsteps, sufficiently high level to be visible from safe enough distance to prevent their being the hurrying crowds. The battle of ideals should and every one should set about to frame a present- on those ideals, and working programmes policies. The Mussalmans cannot do better with education, and those who talk a great deal "destructive criticism" should provide for the community constructive work". This only the sanction for a Moslem as would by now have come into being if the State had not interfered in such a disconcerting manner the day, can provide, and the solution of the Moslem difficulty is to us the touchstone of a disinterested desire Mussalmans from a love of excitement and to set them peaceful progress. This is at once an appeal and a who is sincere and earnest take up the one and

Garden Cities for India.

(By Mr. P. A. V. Iyer.)

Of all questions relating to Man, at all events, as far as he is concerned with the world we live in, of which only, by the way, we can in any sense be certain, none is so highly important or so greatly neglected as his physical well-being, what doctors would call Health. It is unnecessary for the purpose of this article to enter here on any elaborate technical discussion of the subjcet—it is the rightful province of doctors and hygienists—but I may state what I should think is a self-evident proposition, *viz*, to Man his health is all important, on the basis of which his superstructure in this world and may be in the next must be reared; but unfortunately the average public Health is worse off to-day than at any time before. The second part of my statement may not be so conclusively evident, for there be folks who will contend that at no time was the science of public and private Health so finely developed and men and women were better enabled to attend to their bodily conveniences as now. I quite agree. But I contend, nevertheless, that owing to various causes within and beyond our control, we of our generation are certainly moving more and more away from the normal standard of health. In fact, it is my sincere belief that, be the cause what it may, we of to-day are, to put it mildly, more unhealthy than those who preceded us a good while ago. This may not be our fault: I verily believe it is not. But that appears to me to be the fact. It is easy enough to imagine that, when the population was much less than it is now and men and women were enabled to live in villages; when the competition for a living was not so keen as at present and people could lead a comparatively quiet, secluded and peaceful life; when wants were but few and work less severe the general, masses of the people led a more or less simple life of what is called "a plain living and high thinking." Now all that is changed. We have been very fruitful and multiplied ourselves enormously. Great masses of the people have been pushed away from their homes and are obliged to congregate in crowded cities and towns. Wealth has increased and so our wants. Factories and workshops have followed close, and produced narrow lanes, stuffed houses, and a poisoned atmosphere. Result, a stunted race. All this is the outcome of too literal a practice of Christ's words: "Be ye fruitful, and multiply."

There is no doubt that the exceeding augmentation of the population is the cause of it all. Far be it from me to condemn marriage or its outcome. But I am looking only at the results. And this evil, if it can be called such, of over-population is nowhere so evident as in our larger cities and towns, which themselves were called into being to accommodate a surplusage of the people. I am afraid, however, that the thing is past recall, and we must accept the conditions as we may find them. But it rests with us not to make them worse and to mitigate and deaden as far as is possible the ills that they may have brought about. It is to us but a too familiar sight—the crowded town, the tall smoky chimneys, a heterogeneous population a portion of which reeks in murder, misery and filth, while none of it is exempt from the general contaminated atmosphere, adulterated supplies of food, etc. I have already said that facts must be taken as they are, and we must see therefore what steps we can take to oppose these corroding influences with such as may lead to better health and better living. In England, the problem of the crowded city has been solved by what has been termed the "Garden City Movement." Originally started in one of the greatest manufacturing parts of the country, Oldham in Lancashire, this laudable endeavour has spread throughout England, and has transformed the "devil workshop" into a veritable Garden of Eden. We in India are rapidly copying the West in her industrial methods, and it will not take long, if it has not been already upon us, for the identical depressing conditions to be reproduced in Indian towns and cities. We would do well therefore to copy this also from the West, and so save our workmen, the back-bone of the country, from moral and physical ruin.

Unfortunately, no connected narrative of the Garden City Movement in England is available. But very useful information can be gathered from a study of some of those gardenised cities of which we have record. I shall detail therefore the conditions obtaining in these English cities in this and subsequent articles I will contribute to this Journal, and see what they have got to teach us in India.

I take now Hampstead. Hampstead, according to a Home paper, has always presented so many attractions to residents that it is not at all surprising the district was selected as a site for an experiment in connection with the Garden City Movement. An exceptionally high elevation, a fine open country to the north and the immediate neighbourhood of the widespread and beautifully natural Hampstead Heath—an open space of 240 acres in perpetuity—render the situation practically unique. By the addition of Parliament Hill the area now secured to the public amounts to about 500 acres, and the advantages to residents are obvious. For those who desire a breezy and bracing locality, it would be difficult to find a position to equal this, and probably none to surpass it in the vicinity of a

great city. The district consequently possesses a remarkably interesting history, for numbers of English celebrities have chosen it for their homes within the past two hundred years.

The estate chosen for the commencement of the scheme adjoins the Heath at one point and extends for a mile and a half towards Finchley. There is considerable difference in the levels, which is well described by the term "undulating," but at several parts the land rises to a height of over 300 feet above sea-level. To those who have known this garden suburb from the inauguration on May 2nd, 1907, when Mrs. S. A. Barnett cut the first sod, it is astonishing to note the progress made in the brief period of six years. Work was commenced by a Society formed for the purpose, termed Hampstead Tenants Limited, and at the end of the first year, this body had raised in shares £3,417, and in loan stock £6,668, but, at the end of the fourth year, the share capital had advanced to £22,711, while the loan stock stood at £37,780, and the value of the completed estate is estimated at £142, 000. Another Society termed "The Second Hampstead Tenants," was formed later, and the completed value of the land and houses controlled by that body, it is estimated, will equal £200,000. Still another Society—"The Third Hampstead Tenants."—has been formed, and in this case, estimate for the completed work is yet higher, no less than a quarter of a million. Necessarily, however, a large proportion of the third scheme has yet to be carried into execution, but it is remarkable that the three bodies combined will control a total value in houses and land of nearly £600,000. The committees or managers of the three societies have been singularly fortunate in securing the aid of distinguished modern architects who have had special experience in connection with similar undertakings elsewhere. The result is that every road includes examples of tastefully designed houses which combine artistic effect with carefully studied utility. In the groupings and at corners of the chief roads, the benefits arising from the exercise of individual taste, combined with an endeavour to realise a general style adapted to the undertaking, are particulary manifest. The general effect is excellent, and it well indicates, as the managers claim, how scientific planning improves the appearance of an estate.

It must be remembered it is made obligatory that not more than twelve houses shall, on the average, be allowed to each acre of the area, and this enables a generous proportion of the estate to be reserved for open spaces, ample roads, and good gardens. It is claimed also that a step forward has been taken by "the banishment of the heavy suburban back wall." The managers say it is "an urban superstition that side-walls mean privacy, but they afford no real seclusion, and utterly disfigure what else might be one of the pleasantest things the various residents could enjoy, a green openness full of flowers trees, and lanes." Hedges of flowering plants or shrubs are therefore encouraged, and these add more to the beauty of the suburb; particularly as more kinds of flowering trees have been planted than is usual on such estates. A most commendable attention is paid to the general upkeep of the gardens, grounds and open spaces, and it would seem that the spirit of considerate custodianship pervades the whole estate. The personal interest felt by the tenants who are investors in the societies, also ensures the greatest care in the maintenance of the houses in good condition, thus effecting a considerable economy in the annual outlay for repairs.

All these societies are registered under the Industrial and Provident Societies Act of 1893, and the rules provide that non-tenants as well as tenants become investors. The interest may not exceed 5 per cent, which is that actually paid on shares, 4½ per cent. on loan stock of £50 and upwards, with 4 per cent., on smaller amounts. No individual, whether tenant or not, can hold more than £200 worth of shares, thus preventing any encroachment by way of unlimited purchase by one person." A very wise safeguard. As regards the tenant investors, it is required that "each person shall ultimately obtain loan stock o' the amount of £50, or two years' rent of the house occupied, whichever is the greater." This can be paid up at once or paid in instalments, but both are credited with interest on the amount paid up. It is worth noting that the first Society obtained possession of the land on a quite exceptional lease, equivalent to a freehold, renewable every 99 years, the explanation being that " the Hampstead Garden-Suburb Trust being for the benefit of the public in perpetuity could not part with freehold ;" but the difference seems to be mainly technical.

Before concluding the present article, I may as well make a brief reference to what has been done in Belfast, King Carson's Capital you know, in this regard. The account I give below is summarised from a report presented by the Principal of the Municipal Technical Institute of the place. Some five years ago, writes the Principal, one of our Belfast citizens who was brought much into contact with working men, conceived the idea that if he could secure pieces of open ground and divide these up into small plots, he might be able to provide useful occupation for the spare time of the men in whom he was interested. A beginning was made and a piece of ground containing about six acres was duly rented. This ground was suitably fenced and divided into a number of plots rectangular in form, each plot containing about 400 square yards. The plots were let out at annual rentals of ten shillings each. So successful was this first effort that from time to time other pieces of ground were secured and dealt with in a similar manner and to-day, there is under cultivation, within the municipal boundary of Belfast, a total area of some fifty acres; there are over 600 plot-holders. Most gratifying of all, the movement is steadily growing and only within the past few days one of our large trading societies has decided to enter into this work and on a large scale. In selecting ground for allotments, efforts were made to find areas which were situated in a position reasonably convenient to the dwellings of the working people and this desirable result has been secured in almost all cases. The ground available has not always been of the best quality for purposes of horticulture. In some cases, it has been too sandy; in others too wet, or too rough, or too hilly; some pieces of ground were little better than brick rubble but by deligent and persevering effort on the part of the holders the plots have been brought into a most gratifying state of cultivation—a fact which reflects the highest credit upon the workers. It should be mentioned that, at each of the main allotment areas, one plot is set apart as a demonstration plot. On this plot all materials are provided by the Corporation; in all other cases plot-holders provide their own gardening tools, seeds, manures and other requirements. In developing his ideas, Mr. Charles W. Black (the citizen to whom reference has been made) endeavoured to launch his scheme so that there should be attached to it the minimum of rules and regulations. He made it a rule, however, that the crops grown on each plot should include six kinds of vegetables, and that a border of flowers should be grown along the edge of the plot. This condition has been loyally carried out. Some eighteen months ago, the need of trained direction for the allotment holders began to be seriously felt. As the result of representations made to them, the Corporation, through its Technical Instruction Committee, appointed a Horticultural Instructor. The duties of this Instructor are varied, and include visiting the plots and giving to plot-holders such advice as may be asked for or as seems desirable, the delivery of evening lectures on such topics as "The Soil," "Soil Operation," "Manures, their Value and their Effect on Particular Crops," Fruit, Vegetable and Flower Culture," etc., The Instructor is also available for giving advice to persons who have small gardens attached to their houses, and enquiries from such persons are frequently received. In addition to the above duties, the Horticultural Instructor gives advice to Committees who are arranging flowershows, exhibitions of cottage gardening and similar movements.

A further interesting development has taken place recently. Persons who are so situated as not to be able to obtain allotments are taking up window-box Gardening. This development has opened up a wide field of usefulness for citizens who have time and opportunity to enter into social service, and who wish to ameliorate the conditions under which their poorer fellow-citizens live. In this branch of work, a beginning was made by preparing a number of specimens of window-boxes, those ranging from the small rough packing box obtainable either *gratis* or at the cost of a copper coin, to the more elaborate article which can only be made by the skilled joiner. To these specimens was added a collection of hanging baskets of various forms. A series of sketches was prepared and supplemented by written notes for the purpose of indicating in a simple manner how the boxes were to be filled with materials to allow of drainage and with soil. Lists of suitable plants were drawn up, prices were stated, and diagrams were printed to indicate how the plants could best be arranged in the boxes. Armed with these materials the Horticultural Instructor entered upon a round of lectures on window-box Gardening. From night to night, he visited the various districts of the City, delivering the lectures to interested audiences. Since these lectures have been inaugurated, there has been a marked increase in the City of the number of window-boxes. In several cases the whole of the houses in a street have been provided with window-boxes and they contained plants at the expense of persons interested in philanthropic work. The benefit to the residents of these streets by the brightening of the houses has been very noticeable. The interest in this simpler kind of Gardening continues to grow and lately applications have been received from residents in those working class streets where there are small railed-in areas in front of the dwellings, asking if soil and plants could be provided.

Still other developments of the programme of Horticulture have been brought into operation. For example, during the present session, some one hundred and fifty National School Teachers in the City of Belfast have entered upon a course of Nature Study, the instruction being given by the Horticultural Instructor whose work has been supplemented by lectures delivered by experts in special sections of the subject, supplementary to their study in the class-room. The teacher-students pay visits to neighbouring districts of botanical and geological interest. It is confidently hoped that, as a result of

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the most praiseworthy efforts of the teachers who are undergoing this training and the impetus which is thereby being given to this branch of educational work, that the desire will be planted deeply in the breasts of our school children to pursue this fascinating and healthful branch of study.

The Technical Instruction Committee of the Belfast Corporation also provide systematic instruction in School Gardening for National School Teachers and, to facilitate this work, have rented a plot of ground on the outskirts of the City. On this plot, School Gardening work is being carried on in the most thorough manner. The plot is divided up into small sections, each in charge of a teacher student. A portion of the plot is reserved for various classes of special experiments. In this school gardens are planted with different varieties of apple trees, pear trees, raspberries, strawberries and vegetables, while a portion of the area is set apart for flowers. In the instruction given to this group of teacher-students, a special feature is made of scientific methods of Gardening.

Indian Moslem Outlook.

The following are extracts from H. H. the Aga Khan's article in the January number of the *Edinburgh Review:*—

External Affairs.

But the Mohamedans newly awakened to national consciousness by the education England has given them, are not limited in their view by the vast ramparts of the Himalayas or by the waters of the Indian Ocean. There is between them and their fellow-believers in other lands an essential unity, which breaks through differences of sect and country, for it is not based on religious grounds alone. Carlyle somewhere says that all men of the English speaking race are subjects of King Shakespeare, and in the same way all Mussulmans are subjects of the Arabian Nights. They share the glorious heritage not only of the Koran (which they are taught in early childhood to read in the original Arabic) but of the history and philosophy of Arabia, the incomparable poetry of Persia, and the romances and legends of Egypt and Morocco and Spain. Drinking from these imperishable springs, Moslems, whether Turks, Persians, Arabs or Indians, and whether or not they have also come to the Western wells of knowledge, are bound together by a certain unity of thought, of sentiment and of expression. The feeling of brotherhood thus engendered is not dammed up within the confines of devout faith. On the contrary, agnostics and atheists of Moslem origin have felt the Turkish and Persian misfortunes just as much as the most orthodox faith. To ask why the Indian Mussulman, blest with a beneficent rule, should concern himself so much about international issues affecting his co-religionists, is as futile as asking why men on the rack should cry out with physical pain. That the excitement has not been connected with the question of the Caliphate is shown by the fact that Shias have been moved by these emotions no less strongly than Sunnis. All sections of the Moslem world are moved by a deep sentiment originally called into being by the Prophet's summons of all the faithful into one great brotherhood, and welded through the centuries into a lasting bond by a common faith, a common literature, a common outlook and a common history.

British Policy.

Indian Moslems strongly hold that in the reconstructive wars before the Constantinople Government the moral support of Great Britain is called for in her own interests. The break-up of Turkey and the partition of her Asiatic provinces must be disadvantageous to Great Britain in any conceivable scheme of distribution. France would lay claim to Syria, Germany to Anatolia with Northern and Central Mesopotamia and Russia to Kurdistan and Armenia. Great Britain would be left to take Arabia and Southern Mesapotamia, and would thus become possessed of another wild country without possibilities of great development and with a long and exposed frontier. Side by side with this cumbersome and barren increase of territorial responsibility, the British Empire would be brought into closer contact with the great continental Powers whose immense armies are less dependent on the sea for their communications. The route to India, already removed from exclusively British keeping, would be further exposed to attack by several other Powers. For these reasons a strong and stable Turkish Government in Asia ought to be a cardinal principle of British international policy. To Mohamedans it is reassuring to know that the above considerations are clearly realised by the just and wise statesman who now rules India. Lord Hardinge won the greatful thanks of the community by the moral encouragement he gave to their practical sympathy with the Turkish troops and people by placing himself at the head of the Red Crescent Movement, which was so splendidly responded to by all classes of Moslems.

The Domestic Situation.

But with the Turkish re-occupation and retention of Adrianople the tension has been relaxed and the Indian Moslems are once more turning their thoughts to internal affairs. The critics have been perturbed by the appearance on the scene of a new type of Moslem, who, apart from Islamic religion and sentiment, has gone through exactly the same education and training as young Hindus of the same social class. This type did not formerly exist, for in the old days the Hindu and the Mussalman of the same social class were brought up on an entirely different educational basis. The young Mussulman had to make it his chief concern to be well cultured in Persian and Arabic. There were thus few points of contact between Mohamedan and Hindu, and in the stage of political development India had reached much less ground for and possibility of unity of effort than now. Take any typical young Mohamedan of the upper middle classes to-day, and it will be found that, apart from the traditional religion of his family inculcated by his mother, his education has been entirely on the lines of a Hindu of the same class. Even in the case of a student from a Moslem institution like the Aligarh College, the course of studies, the training of the teachers and their outlook, and the probable profession of the student in the future, are the same as in a Government or a Hindu college.

These considerations are even more applicable to the increasing throng of Moslems coming to England and joining Hindu fellow-countrymen at the Universities, the Inns of Court, and the Technical Schools. This potent change, which has attracted much less attention than it has deserved, is not much if any older than the still youthful twentieth century, and it has only begun to make itself felt effectively in actual political life within the last two or three years. The men brought up under the new system are coming to the front and have influenced the increasing approximation of political views and sentiments among educated men of the different communities. The unity is a measure of the growth of Indian nationhood, and it is the part of wise statesmanship, British and Indian, in the domain of internal affairs, to seek, not so much to satisfy the Mussulmans as Mussulmans or the Hindus as Hindus, as to win the hearty co-operation of all moderate, loyal, and reasonable opinion wherever it exists. It is the only policy that will succeed, in Lord Morley's phrase, in 'rallying the Moderates' and thus forming the most effective instrument in the discomfiture and impotence of the small but active element in Indian life which, as Lord Sydenham has said, must be reckoned as permanently hostile to British rule. While at the one extreme there is a handful of revolutionaries, at the other there is a worthy, substantial but decreasing class of men of the old school who think it right to accept whatever the Government, or even the officials, may decree without exercising any critical faculty thereon. But between these two there is a vast mass of Indian opinion passing through a transition stage, alert, sometimes fault-finding, perhaps suspicious, perhaps not very clearly knowing what it wants, and greatly perplexed and disheartened by such questions as the treatment of Indians in South Africa, greatly anxious and worried about the future of Indians in East Africa and in the island of Zanzibar. With all his weaknesses, this type of man, if rightly handled, is essentially reasonable at bottom, loyal to the King, and fully aware that India's welfare and happiness depend on the continuance of British rule.

The Moslem community may co-operate with the Hindus on a vast number of public questions, but they have their own special needs and outlook not confined to the international issues to which I have referred. Both the educational and political condition of the Hindus is far in advance in time, and also in relative extent, of that of the Mohamedans; and it is not to be forgotten that the difference of religion between them goes to the roots of their social polity.

The League.

It has been the work of the All-India Moslem League to give the Mussulmans a political platform and to prevent their disappearance as a national entity on account of the indifference to political issues which formerly characterised them. The League came into existence only some seven or eight years ago, and so far from its work being done, it has reached a stage of evolution in which, if wise counsels prevail, it can do greater service than in the past. The crisis in the affairs of the London League, brought to a head by Mr. Ameer Ali's resignation, confirms my conviction that the time has fully come for the Indian Mussulmans to realise that the future of the community depends not upon this or that particular leader but upon the people themselves. If there is any danger that excitable younger men may lead the League to an attitude of suspicious impatience, it is for the calmer and more reasonable section to bestir itself and to keep the organisation in its own hands, and meet the opposite party, not with abuse but with argument. The situation is one in which talents hitherto undiscovered may be drawn out for the good of the community in the country as a whole. I am confident that the great mass of educated Moslem opinion is sound and sober, and I believe that in India open discussion on the platform of the League, freed from the restraint of a permanent presidentship, will be the best means of bringing the weight of this opinion to bear on the questions of the day. But the situation of the London League is different, for there the community consists exclusively of two classes—elderly men of weight and standing on the one side, and inexperienced students on the other. It is

obviously impossible for the latter to instruct and influence English opinion on Moslem affairs without guidance from the former. Hence while I am most anxious to see a reconstruction of the London League, I feel it is essential that this should be based upon co-operation with the residents, and I, for one, could never join or support an institution run by students only."

THE OUTLOOK.

Another matter upon which strong feeling prevails is that there should be fuller scope in local affairs for loyal but at the same time free criticism. The widening of the powers and the functions of the Legislative Council has done much to give point and force to public sentiment on the larger issues, and this is necessarily reflected in the comments of a Press which, with all its great imperfections, is advancing in ability and is beginning to be really responsive to public needs. The days when not merely the considered will but even the capricious whim of the collector of a district was received without question and obeyed without hesitation have gone by, and in the sphere of every day administration, no less than in the more conspicuous arena of the Legislatures, Supreme and Provincial, it is necessary for those in authority to give due weight to the general consensus of opinion. The district officer should at least know the direction in which public opinion tends, whether or not he can act upon it with due regard to the wider issues of which he has to take account. Through the varying stages of Indian evolution British rule has shown that power of adaptation which is essential to organic vigour. This has been strikingly exemplified in the marked success with which the Morley-Minto reforms have been woven into the administrative fabric. I look to the future with hope and confidence, because I am convinced that British statesmanship will continue to respond to the growth of national consciousness in India, and will thus bring an awakened people into still closer sympathy and co-operation with the aims and ideals of the enlightened rule that has revolutionised the conditions and the ideals of Indian life within living memory.

Mr. Ramsay MacDonald's Return.

Press Association Interview.

Mr. Ramsay MacDonald, M. P., returned from India at the week-end, and was promptly interviewed by the representative of the Press Association, with regard to the impressions left by this, his third visit.

SOUTH AFRICA THE CHIEF CONCERN.

"I think the chief concern in India at present," said Mr. MacDonald, "is what is going on in South Africa, and the effect the treatment of Indians in South Africa is having on the public opinion in India. This question in uniting all classes, all creeds, and all sections of the community, and they are all very resentful of what appears of them to be the indifference of the Home Government. Indians who know the problems of Imperial Government as well as Mr. Gokhale will admit that the Home Government can do nothing but advise the South African Government in a friendly non-official way. Their claim seems a very reasonable one. They say that India is in the Empire, and it claims for its people Imperial citizen rights, and that if they are treated unjustly, as they undoubtedly are in South Africa, they consider that their custodian is the Imperial authority, and not the local authority. When they find that the Imperial authority has apparently no power to protect them, they ask: 'What is the use of Imperial citizenship ?' The Indians say, however, 'We are subjects of the Empire, and when we are treated as slaves in one part of it, the Imperial authority ought to step in and protect us'.

"Over and over again I tried to explain to Indians the weakness of the constitutional position of the Home Government, but I could make no impression on their minds. I attended various meetings—as a mere spectator—called for the purpose of collecting money and passing resolutions about the South African situation, and I have rarely been so impressed by the earnestness and determination of masses of men. Mohamedans vied with Hindus in their speeches and offers of help, and I should not be at all surprised if in time to come this will mark a very decided departure in Indian politics."

THE "YOUNG MOSLEM."

"This question (he continued) is aiding the coming together of the Mohamedan and the Hindu. The young Mohamedan is now following the lines of the Indian National Congress, and if there should be any rupture between the old Mohamedan school, headed by Aneer Ali, and the young Mohamedan movement, headed by Mohamed Ali, there is no doubt whatever that the young Mohamedan movement would come out on top. With this union of the Mohamedans and the Hindus is growing up a more definite demand for what is practically self-government in India".

THE VICEROY'S MADRAS SPEECH.

"It was very interesting to notice, for instance, with what tremendous enthusiasm Lord Hardinge's Madras speech about the treatment of Indians in South Africa was received in Indian society. Anglo-Indians took the view that Lord Hardinge had exceeded his functions as a Viceroy in talking directly to the Government of a self-governing Dominion, and technically, perhaps, they were right. But there is not the least doubt that next morning every literate Indian who read newspapers regarded him as a hero. They regarded it as a very promising departure, and they will continue to ask that that should become a recognised function and the right of the Governor of India. Of course, at present such negotiations are conducted through the India Office, which makes representation to the Colonial Office, and in the course of this filtration of representation the Indian view is very often lost."

"Did you hear any expressions of opinion in India on the reply of Lord Crewe to the Deputation at the India Office with regard to the treatment of Indians in South Africa?" Mr. Ramsay MacDonald was asked.

"Well," he replied, "as you have asked me, I will tell you. I heard a great many expressions of opinions, and on the whole they thought the reply was rather weak."

THE CHANGE IN THE POLITICAL MIND.

"What has chiefly struck you as the greatest changes in India of recent years ?"

"I think the changes in the political mind of India during the past four years have been very great," Mr. MacDonald replied. "The establishment of the Morley Councils, with their Provincial and Imperial character, has opened a new avenue for Indian political thought and activity. These councils have put the Indian National Congress into the shade a little, but it has brought the Indian politician into closer contact with political reality. Taking the situation generally, Indian opinion is differentiating itself more and more from the Anglo-Indian opinion and is demanding more representation, more administrative powers, and more authority in its own Government." Questioned with regard to improvement in Indian opinion since his last visit, Mr. MacDonald expressed the view that there was no change for the better. "I think, if anything, it is drifting away from us. The extremists are an insignificant faction, who may do mischief because at any given moment they can avoid the police. But they are of no practical consequence. The section that is going away from us, and becoming less and less sympathetic, is the quiet, educated, professional and business section. The old officials who treated the Indians with liberal sentiments are not so prominent as they were. I was discussing this matter with a well-known non-official Indian, and he made the interesting remark that the effect of the Imperialistic wave that passed over the Empire a few years ago was to change the spirit of the public service of India for the worse. He complained of its assumption of superiority and aloofness."

THE QUESTION OF THE CIVIL SERVICE.

"The question we shall have to face," continued Mr. MacDonald, "with far more care than ever we have done, is how we are going to make our Civil Service one of statesmen and not merely one of office administration. I think that we have got men there who will compare with almost anybody we have got at home, but I doubt if the Service, as a whole, has as yet become aware of the new political conditions under which it has got to work."

THE LABOUR PROBLEM.

"What is the position of the Labour movement out there?" Mr. MacDonald was next asked.

"There is the beginning of a definite Labour movement out there, and factories are increasing very much. I went round the factory districts with two sets of people. One set were men who would correspond with the trade union officials here, and I also went round the following morning with the chairman of the Bombay Improvement Trust, looking at the houses and the general living conditions of the people. The great complaint is that the Factory Law is not properly administered, and that the housing conditions are exceedingly bad. Wages are going up; in fact, I was told by an English manager of a mill —a man who belonged to the Labour Party at home—that they had to pay more for labour per loom in Bombay than they did in Lancashire. There is a great scarcity of labour, and wages will continue to rise."

Interview with the "Daily Chronicle" Representative.

Mr. J. R. MacDonald, M.P., has just returned from India, where he has been taking part, as a member, in the work of the Royal Commission which is inquiring into the public services of the Indian Empire. Yesterday Mr. MacDonald talked over his experiences with a representative of "The Daily Chronicle."

He has had to leave India before his colleagues on account of the approach of the Parliamentary Session. It is hoped that the report of the Commission will be issued before the end of the year.

Mr. MacDonald spent most of his time in Delhi and Calcutta. Asked about the new captial he said:—"I saw the foundations, and I discussed the matter with many officials and non-officials. I am bound to say that the general feeling is getting less and less favourable on several grounds."

"First, the expense of building is going to be much greater than the original estimates showed. That is going to mean a big

appreciable burden upon Indian finance, and a slackening of expenditure on matters like education.

"Secondly, the feeling is growing that the Government of India, being centred in Delhi and Simla, will be isolated from the real living movements which are going on in Indian politics and administration. That change will not be good for the country.

"It will undoubtedly change the relations between the central and the provincial Governments. There will be a struggle between the two as to which is to be supreme in local adminstration. The result of that struggle can only be conjectured; I think it will produce a great deal of friction, which will result in no good.

"The third reason is that the buildings, especially the houses, are to be on a scale which present salaries will not be able to keep up."

How did you find opinion in Calcutta upon the question of the removal of the capital?

THE NEW DELHI.

"Calcutta opinion is still rather bitter, but the consequences which the people of Calcutta anticipated have not come about. The objections to the change are much more serious than those founded on the idea that the old capital will be injured. It is just as flourishing without the Indian Government as it was with it. A small bit of house property previously required for the Government buildings has decreased in value, but that is all. On the whole, I should not be surprised if we hear a good deal about the new Delhi from these points of view when the House of Commons meets."

Did you find any improvement in native opinion since your last visit?

"I am sorry to say I did not. I think if anything, it is drifting away from us. The extremists are an insingnificant faction, who may do mischief because at any given moment they can avoid the police. But they are of no practical consequence.

"The section that is going away from us, and becoming less and less sympathetic, is the quiet, educated, professional and business section. The old officials who treated the Indians with liberal sentiments are not so prominent as they were.

"I was discussing this matter with a well-known non-official Indian, and he made the interesting remark that the effect of the Imperialistic wave that passed over the Empire a few years ago was to change the spirit of the public service of India for the worse. He complained of its assumption of superiority and aloofness.

"Now, the young Mohamedan movement is going on exactly in the same way as the Indian Nationalist movement. The administration of the Press laws is meeting with violent opposition on the part of the Mohamedans who have recently been victimised by this and that, and other things, have made the beginning of a Mohamedan-Hindu *entente*.

"I would not like to say how far that *entente* will go, because there are a good many obstacles in its way. But this I will commit myself to. If there should be a rupture between the old school of Mohamedans, headed by Amir Ali, and the Young Mohamedans, headed by Mahamed Ali, the latter would win. All the tendencies are in favour of the latter, and that means political difficulties.

NATIVE EARNESTNESS.

"Another thing has contributed to the difficulties which we shall have to face, and that is the treatment of the Indians in South Africa. Indians who know the problems of Imperial Government as well as Mr. Khale will admit that the Home Government can do nothing to advise the South African Government in a friendly non-official way. The Indians say, however, 'We are subjects of the Empire, and when we are treated as slaves in one part of it, the Imperial Authority ought to step in and protect us.'

"Over and over again I tried to explain to Indians the weakness of the constitutional position of the Home Government, but I could make no impression on their minds. I attended various meetings—as a mere spectator—called for the purpose of collecting money and passing resolutions about the South African situation, and I have rarely been so impressed by the earnestness and determination of those men.

"Mohammedan vied with Hindu in their speeches and offers of help, and I should not be at all surprised if, in time to come, this will mark a very decided departure in Indian politics.

"Its general effect is to make Indians feel that they have no a part in the Empire, and that they receive no protection from it. When Lord Hardinge made his speech about the South African treatment in Madras, he did a thing which, perhaps, he had no constitutional right to do; but there is not the least doubt that he in doing so every literate Indian who read newspapers regarded him as a hero.

"And upon these lines Indian political opinion will go. It will want more and more to have an independent voice on Imperial arrangements so far as they affect India. And that will raise difficulties in every self-governing Dominion under the British flag."—*Daily Chronicle.*

The Eighth Delhi: City of Ruins and of Tombs.

Mr. J. Ramsay MacDonald, M.P., writes in the *Daily Citizen*:

Delhi is a vast churchyard, sixty square miles in extent, with a little corner still inhabited by a swarm of huddled human beings. For what reason, Providence only knows, the Government decided to build new palaces and new offices, and bring itself bag and baggage to this city of ruins and of tombs. We wanted to shake the dust of Bengal from our feet and shut the unpleasant voice of the Bengali from our ears, and so we determined to regild the thrones of the Moghuls and sit down upon them.

When a great thing is done many people say they suggested it; no one, so far as I have been able to gather, is bold enough or proud enough to avow parentage for this project. Like the little imps who beset one in Aden and Port Said, craving *backsheesh*, the new Delhi has "no fadder, no mudder."

There have been seven Delhis already. You find them in ruins on the plain between the right bank of the Jumna and ridges of high ground running more or less parallel with it, but some miles off. They are beautiful in their wreck and they are watched over by the domed tombs of those who sat in their judgment halls. Away on the southern horizon rises the tower of the Kutub Minar, which has stood through earthquake and conquest for seven centuries; bounding the view to the North is the present Delhi, dominated by the minarets and domes of the great Mosque and the Ridge with its Mutiny memories. Between is a brown land of silence, desertion, and death. In the midst of it the eighth Delhi is to be built.

To-day it is alive with busy labourers. Mounds are being levelled, rocky heights are being cut down, ruins are being removed. Columns of dust fill the air, the shrill chatter of voices is everywhere, hammers and mattocks add to the confusion of the noise. They say that in a week or two at least 20,000 people will be at work.

BUILDING A CITY TO ORDER

For in India labour is cheap and machinery is dear. There are no gigantic arms of mechanical diggers about, few snorting engines, nothing of Western engineering. They are working as they worked for Akbar, or Shah Jehan. Swarm of men and women, with swarms of little children squealing and playing in the dust are filling little baskets with sand and in long procession are carrying it away on their heads and returning for more. A great medley of labourers is making blast holes in the rocks, another medley is filling trucks with boulders. All is chaos of movement, of noise, of colour, but the rough places are being made smooth and the high places brought low, and they go home at night in long lines of bullock wagons singing catches of song in high-pitched shrill voices.

It is a prodigously queer thing this escapade of building a city to order. It is to cost an enormous sum of money—at least £6,000,000; its success is not at all certain; it has had to be preceded by a great temporary city of lath and plaster which has wasted Indian resources like a famine. Every step the builders take has to be considered lest their foot falls upon a tomb. A platform under a tree built by some one who desired to think and pray under a grateful shade becomes sacred in these days when holy places have to be purchased so that roads may be made and foundations dug; a new industry has sprung up in the *bazar* for the making of tablets informing the surveyors that this and that that is the resting place of this Khan and that Shah. Nobody but a skilful and patient diplomatist could have emerged from the maze of holiness, false and real, which lay on the land.

Among the shrines to be preserved is that of the ninth Guru of the Sikhs, Teg Bahadur, who previous to his martyrdom at the hands of Aurungzeb foretold the coming of the European "from beyond the seas to tear down thy *purdas* and destroy thine Empire." His ashes lie in a shady garden, and will be encompassed by the great public park which is to adjoin the new Government House, where the Lord Sahib of the conquerors is to sit in State. This at any rate, is appropriate. Humayun and the other Moghuls look from a distance stately and apart, their tombs wearing an aspect of lofty aloofness; Guru Teg Bahadur nestles nearer at hand, under the shadow of the new order the coming of which he foretold.

OLD WIVES' TALES.

There are some strange superstitions about Delhi. When old wives' tales are listened to one hears that whoever are to be the builders of the eighth city are to be luckless in there rule. And this is the eighth one. There is certainly a haunting doom of decay about the place. It still runs to tombs and the wilderness. The foundation stone of the New Delhi which the King laid is miles away from where the city is now to be built. It stands like an Asoka pillar brooding on the whimsicality of fate.

One evening, I walked out to where the Durbar was held. The roads that had been made at so much expense were but scars among the

jungle grass, the raised terraces were cracked and bitten by the pouring rains, the jungle had crept softly up like one stealthily returning to a home from which he had been temporarily turned out. On the broad raised mound where the King was crowned and where the mighty ones of India gathered in blazing splendour to do obeisance to him a bushy shrub grew. As I approached I saw standing on the flat where the thrones were, outlined against the crimson evening sky, head in the air and antlers thrown back, the form of a black buck. It bounded across and down and fled away into the darkness.

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Aligarh "Old Boys" and Moslem Troubles.

[We regret we could not find space in our columns for the admirable speech of Mr. Jafar Kalami, an "Old Boy" of Aligarh who responded to the toast of the Old Boys Association at Calcutta proposed by Sir Theodore Morison at the Association's Annual Dinner, held at the Great Eastern Hotel, at which the late Principal of Aligarh was the principal guest. We now give some important extracts from Mr. Kalami's speech.]

Of late the younger generation of Islam has begun to show signs of awakening and I feel proud to say that the Old Boys have also taken their proper place in this great renaissance. Now, gentlemen, let us see what that renaissance means and also diagnose its causes. The present renaissance is nothing new or revolutionary but on the other hand it is in full conformity with the teachings of Mohamed and the word of God. This new renaissance, which has been in certain quarters called disloyalty, ingratitude and what not, is really the outcome of the events of the last two or three years—events which even a reckless prophet could never have prophesied before they had actually come to occur. The unholy Italian raid on Tripoli, the consequent massacres of poor Arabs, their children and women, the Balkan conflagration, and the vicissitudes of Persia and Morocco, in short the troubles that descended on the poor Moslems all over the world were not the only pains and sufferings of Islam. But to crown all, the light and unhappy manner in which some of the British Ministers treated our sufferings was most exasperating and humiliating. England rules over more Mussulmans than any other Power, more than even the Custodians of our Holy Place the Kaaba. Gentlemen, how could you possibly tolerate the idea that the first minister out of all European ministers to threaten Turkey with dire consequences if she did not abandon Adrianople after its recapture should be the Prime Minister of England? The brilliant march and recapture of Adrianople by the Turkish army under the illustrious Enver Bey created new hopes in the bossoms of Musulmans all over the world, and it was then that Mr. Asquith stepped forth on the political platform of Europe and demanded the surrender of Adrianople to the Bulgarians for no fault of theirs. Besides these foreign affairs, matters in India clearly detrimental to the Moslem interests sprang up, but thanks to the wisdom, statesmanship and sagacity of our illustrious Viceroy, much mischief was averted. These events opened the eyes of the Mussulmans in India and made them realise the necessity of unity, self-help and self-respect. The products of Aligarh are also Mussulmans and hence these vicissitudes that I have mentioned before affected them likewise. Having imbibed their sentiments at an institution which teaches unity, self-respect, and self-reliance above other things, they felt the calamities more than others and they consequently preached the Gospel of unity, self-help, and self-respect amongst themselves. They fearlessly, frankly, and honestly warned their Government against injuring their feelings and interests from the press and the platform, and this kind of constitutional agitation was painted as disloyalty by a certain section of the Anglo-Indian press in this country and the British press in England. Aligarh men were not only called disloyal and ungreatful but a charge of entertaining anarchical sentiments was laid at their door. Nothing could be more ridiculous and I take this opportunity to repudiate this charge with all the vehemence and earnestness I can possibly command. Gentlemen, I have so far tried, I hope not in vain, to show that the present renaissance is nothing but a natural stage in the course of evolution. English people should pride themselves that their efforts in ameliorating the condition of the Mussulmans, whose destinies Providence has placed in their hands, have at last been crowned with success. Gentlemen, Mr. Asquith addressing the Benchers and the Members of Lincoln's Inn at a dinner given in his honour in 1908 said that no lawyer could ever be a revolutionist; similarly, gentlemen, I declare to-night that no Aligarh man could ever be disloyal or an anarchist, for it would be against the very training he has been given at his Alma Mater. The essence of loyalty is inculcated in the very soul of every Aligarh Boy ever since he enters the great institution. Moreover, the teachings of Islam are against the very idea of being disloyal to the sovereign who has been termed as *zillullah*. To repeat once more, I would say that the present awakening is the result of evolution and not revolution, and also of the Western education that has been given to us. Gentlemen, let me assure you that the younger generation of Mussalmans in India in general and Aligarh "Old Boys" in particular are loyal to the core. Their devotion to the person of the King and the laws of the realm is unshakable and unimpeachable. This is the message of the "Old Boys" I can convey to you all present in this hall and, to the world outside this hall I convey the same message through you, gentlemen of the press. Our political creed is and always will be unselfish loyalty to our sovereign, love for our country and a frank and straightforward criticism of the actions of the Government whenever it does wrong. Whether the Government would like it or not, it is incumbent upon us all as the loyal citizens of this great empire to warn the Government against the pitfalls and the risks rather than keep silent and as cowards throw bombs. To put the whole thing in a nutshell, the "Old Boys" are true and will ever be true to the traditions of their Alma Mater and the great trust left to them by their late lamented leader Sir Syed. They would cling to it as fast as possible till they perish. It is my earnest desire that those whom this message reaches will cease maligning us in future with ridiculous insinuations of disloyalty, ingratitude etc. But if they still desire to persist I would simply repeat for them what the Almighty said about the unbelievers:

ختم الله على قلوبهم و على سمعهم وعلى ابصارهم غشاوه

(God hath placed a seal over their hearts and over their ears and over their eyes is a veil.)

Now, turning to our Association, I have very little to say, for our Association is still in its infancy. Its organizers and supporters have chalked out for themselves and for the generations that would succeed them a programme which can be favourably compared with the programmes of other great institutions which aim at doing good to their country. We hope in the near future to play our proper part, however humble it may be, in the regeneration of our mother-land and our community.

Armenian Reform.

(From a Correspondent.)

At the present time a great many people in this country (and elsewhere) are very freely expressing ideas upon what they call the Question of Reforms for Armenia. The majority of them, it may be incidentally remarked, have never been in the part of Turkey which they refer to as Armenia, and as far as one can judge very few of them have ever been in Turkey at all. Probably it is this fact that makes the problem seem to them so simple of solution. For their writings would lead anyone to suppose that the Turkish Government has only to issue an order for the "reforms" to be brought about at once, for the country to assume another aspect, for everyone to become contented, for all crimes to cease, and for the Kurds, Armenians, Turks, Circassians, Lazes, Greeks and many other people who live in the eastern *vilayets* to become forthwith a king of "happy family." This, however, is far removed from the reality.

There is no doubt whatever that an improvement in the administration of the part of the Turkish Empire referred to is essential for its very existence; and the Turkish Ministers would certainly be well advised to do all they can to have these improvements carried out without delay. But is there any good reason to suppose that the Turkish Ministers are not quite as well aware of the real facts of the case as their self-appointed mentors? Certainly the Minister of the Interior is quite sincere in his wish to bring about the improvement desired, and no doubt the majority of the members of the C. U. P. support him. But there are several aspects of the question.

The Armenians demand a government under European control and the Powers, it appears, would like them to have their way. But on the other hand, the Turks do not feel able to fall in with such an arrangement, and the Powers are unwilling to force reforms on them by means of an armed display. The Turkish Government ask for foreign officials to be lent to them to carry out reforms, but the Powers will not allow these officials to accept the positions offered to them by the Porte, and so a deadlock takes place.

The people who suffer on account of the impasse thus brought about are the various races who inhabit the eastern *vilayets*; for during the negotiations and discussions little or nothing is, or can be done to better their lot. To the practical man with a knowledge of local conditions it seems strange that the Turkish Government cannot be granted the services of European advisers in the Eastern *vilayets* for a stated period; and then if it should be found that no progress was being made another plan could be tried. But if suitable men were selected to act as administrators, advisers, or inspectors in these *vilayets*, and if they were not hampered by having their powers too clearly defined, there is no doubt that they would be able to effect a very great improvement in the country.

Legal inspectors would be able to see that cases were tried without unnecessary delay, and the adminstration would be also

the Turkish officials to give common-sense decisions on the thousand and one questions that crop up every day at a Government centre. As things are at present, a Turkish official in a country town, who is living in daily intercourse with the various local notabilities, when he is called upon to decide some point affecting various interests and religions is naturally inclined to take the part of his co-religionists. If, however, there were on the spot a European to advise or assist him the Turkish official would, in ninety-nine cases out of a hundred, be only too glad to give a practical and just decision; for should it be subjected to adverse criticism the responsibility for the act would fall upon the shoulders of the European official; while if it met with approval the Turkish official would get the credit.

The prime difficulty, of course, in such an enormous tract of country is to say where a beginning shall be made, and to assure that the funds available shall be used to the best advantage. Any scheme of reforms, to be effective, must provide for improving the condition of affairs from the foundation upwards, and by making small improvements first. It is useless, and worse than useless, to talk of making electric tramways when the riding tracks between important towns are dangerous to pass along for lack of care in improving them. A start should be made in each *vilayet* to improve the organisation in the village communes, *i.e.*, the Nahies, and thereafter a certain amount of progress could be gradually made to permeate the administrative system.

On such lines as these it would be possible to achieve solid results that would bring lasting benefits to all the inhabitants of the vilayets concerned. What is wanted to carry them out is good-will, goodwill on the part of the Powers quite as much as, if not more than, on the part of the Turks. At the present time Turkey was inundated "advisers" and disinterested helpers more than advice from well-meaning but too often incompetent faddists. One of her chief difficulties is that while she can get any quantity of the latter, she cannot, for one reason or another, apparently get enough of the former.

A great many sympathisers with the Armenians are constantly crying out for so-called "reforms," but beyond saying that they want "European control," "justice," and "progress," they make no practical suggestions that are capable of being carried out forthwith. As a person who had a right to speak with authority on the subject remarked recently: "When doctors are in consultation concerning a patient they try to employ a treatment suited to his case and his means, and also one that can be applied in the circumstances of the case. But in the discussions concerning reforms for the Eastern *vilayets* all these essentials are commonly lost sight of. In Turkey, laws, regulations, and directions are often not applied or attended to at all. New laws are not required; but existing laws should be applied with common sense. At present this is not done. But as the Turkish Government is anxious to improve the state of affairs, why, for the sake of the Armenians, can an attempt be made to do it?" Perhaps the Powers could provide an answer to this question.

The most hopeful feature of the perplexing problem is that, in commissioning Lieutenant-Colonel Hawker to organise the Gendarmerie force, on the lines already described in *The Near East*, the Turkish Government has actually taken an effective step in the right direction. There are now at Trebizond nearly 1,500 soldiers in a process of conversion into efficient gendarmes. Schools have already been opened for officers and men, and a considerable sum has been paid for uniforms for the 15,000 men who will shortly form the force for the seven *vilayets*. The Government, clearly, is doing its best for Colonel Hawker, and if it continues to do so we may confidently expect that as far as his share of solving the great problem is concerned it will be a case of "something attempted, something done."—*The Near East.*

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Confessions.

The Despatch of the Government of India.

The following Despatch of the Government of India has been published among other papers on the subject of confessions, presented to Parliament by His Majesty's Secretary of State for India:—

No. 5, dated Simla, the 24th July 1913.

From—The Government of India, Home Department.

To—His Majesty's Secretary of State for India.

We have the honour to communicate for Your Lordship's information the result of an examination which we have made in consultation with Local Governments of certain important considerations relating to the recording of the confessions of persons accused of criminal charges.

2. The enquiry formed part of a general examination, which was initiated in 1911, of the provincial rules in force governing various matters connected with the investigation of offences by the police, the object of which was to apprise all local Governments of the action which had been taken in other provinces towards dealing with the same subjects, and to ensure the further scrutiny of the local regulations with a view to remedying possible defects in them and embodying provisions which had been found useful elsewhere. With our Home Department letter of the 12th July 1911, we accordingly circulated a precis of the orders in force on the subject of the procedure to be followed in the production before magistrates of accused persons who had intimated a wish to confess, and in the actual record by magistrates of the confessions of persons who were thus brought before them, and while inviting opinions regarding amendments which might suggest themselves, we particularly asked for answers to the following questions, namely:—

(1) whether, on a balance of advantages and disadvantages, it facilitated the ends of justice to have confessions recorded at all before the trial commences, except in very special circumstances and by the orders of the District Magistrates;

(2) whether, assuming that the practice of recording confessions before trial continued, it was practicable to introduce more stringent safeguards against abuse; and

(3) whether the actual procedure of magistrates in recording confessions was susceptible of improvement.

We annex copies of the replies received (enclosures nos. 2 to 11), and in reviewing the matter we have had regard to various suggestions which have been mooted by questions in the House of Commons and in the course of discussion in the Imperial Legislative Council, indicating possible lines of reform. Briefly these may be said to comprise the prohibition of all record of confessions prior to trial, or a legal instruction to the effect that no conviction could be based upon a confession once made but subsequently retracted, unless the commission of the offence was materially corroborated by direct evidence.

3. As Your Lordship is aware, the powers of magistrates to record statements or confessions made in the course of police investigations are defined in section 164 of the Criminal Procedure Code which runs as follows:—

"164 (1) Every Magistrate not being a police-officer may record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.

" (2) Such statement shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

" (3) No Magistrate shall record any such confession unless upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he records any confession, he shall make a memorandum at the foot of such record to the following effect:—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A. B.,
Magistrate.

" *Explanation.*—It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case."

The major issue raised in the discussion of this matter involves the cancellation of these provisions; the minor issues cover the possibility of adopting further precautions with the object of securing that confessions are only recorded if voluntarily made. Underlying the consideration of the whole question is the desire to prevent any miscarriage of justice, arising from the record of confessions which are not willingly volunteered, or which are taken down in circumstances in which it cannot be guaranteed that they contain a full statement of what the accused person really wishes to say; and with that desire it is needless to state that we are in complete sympathy. The dangers to be avoided are the misuse of their powers by the investigating police in order to induce persons charged with offences to make false admissions of guilt, and the intervention of inexperienced magistrates who do not appreciate the necessity of ascertaining the circumstances in which a statement is made or of recording it carefully and in

detail. We have no wish to deny these risks or to refrain from any measure calculated to minimise them, and we think that it may fairly be claimed that they have long been generally recognized, as is shown by the instructions already issued. There are, however, considerations which deserve to be carefully weighed before the simple expedient is accepted of abolishing the recording of all confessions made before trial, and in dealing with the question we think it essential that it should be approached, not from the standpoint of condemning the whole police force as unscrupulous, but rather with the desire to encourage among the police a spirit of pride in their work, to discourage attempts to substitute confessions for intelligent detective methods, and to emphasise the disgrace which attaches to resort to the ill-treatment of prisoners. We believe that this feeling is to be found among the new generation of police to a greater extent than is frequently credited, and our policy should proceed upon its recognition rather than upon an attitude of widespread distrust.

4. Reverting to the main consideration whether the recording of confessions prior to trial shall be allowed at all, the salient feature of the correspondence is the practical unanimity of judicial authority against any prohibition. With the exception of the Lower Burma Chief Court, three Judges of the Madras High Court and one Judge of the Bombay High Court (differing, in the two instances last mentioned, from the majority of their colleagues), the leading Courts in other provinces traverse the arguments advanced in our letter of the 12th July 1911, and urge that no such departure of practice is required. That these high judicial officers are unwilling to approve of any such prohibition is a valuable indication of the fact that these confessions are not regarded in the majority of cases as false or tainted; in fact, the instances in which the courts express a positive opinion that a bogus confession has been obtained by reason of the tutoring or ill-treatment of the prisoner by the police are, we believe, few. It happens, no doubt, that the courts may think it unsafe, in the absence of other evidence, to convict upon the basis of a retracted confession, but this is not necessarily synonymous with a finding that the confession was untrue or that it had been obtained by improper means. The local Governments are in general agreement in this matter with the courts. The Government of Madras regard the idea of prohibition as unnecessary and inopportune; that of Bombay is convinced that to forbid the recording of confessions before trial would be to put a serious hindrance in the way of administering justice, which might end in the necessity of altering the law so as to make police officers competent to testify to statements made to them by accused persons. The Government of Bengal and the late Government of Eastern Bengal and Assam concur in the view of the Calcutta High Court that a man alleged to be implicated in a crime should be permitted to make any statement he likes before a trustworthy and experienced magistrate. The Lieutenant-Governor of the United Provinces draws attention to various orders which are in force prescribing the proper use of confessions, and the Lieutenant-Governor of Burma regards a confession as evidence, for what it is worth, which should not be intentionally ignored; he holds that it would be disastrous to discard the evidence of confessions. The Chief Commissioner of the Central Provinces considers that the abandonment of the magisterial record of confessions would in no way reduce either the temptation, or the opportunities to put pressure on accused persons, and if this, therefore, is the main object of change, it would not be achieved. The Chief Commissioner of the North-West Frontier Province would encourage the making of confessions, leaving it to the judiciary to assess them at their proper value and to bring to notice any allegations of their having been extorted by improper means.

5. In the face of this consensus of opinion we are not prepared to support the radical modification of procedure which has been suggested. Practically the upshot of the discussion is that much experience shows that confessions are frequently willingly made in circumstances which afford no ground for doubting their truth; their prompt record by a responsible magistrate at least ensures that there is no conflict as to what the accused actually did say, and as long as statements made to a police officer are inadmissible in evidence, this result can only be secured in this way; the degree of credence to be attached to such a statement is for the court to determine, but because abuses may occur there is no cause to refuse entirely to accept this source of information; the proper remedy is to minimise the chances of its being abused. The advocates of prohibition are ordinarily actuated by two expectations, firstly, that it will do away with one of the principal incentives that the police have for ill-treating accused persons, and secondly, that it will compel the police to rely upon evidence and the pursuit of clues, in place of the confession of the accused, as a means of securing the conviction of the guilty. Of these two arguments most weight attaches, probably, to the second, which usually influences those executive and police officers who incline towards this policy, although it should be possible to achieve the end in view by other means. But the prohibition of confessions would do little in itself to diminish the risk of the ill-treatment of the accused, because the obtaining of a confession is not the sole, or even the principal motive which induces incompetent or dishonest police officers to resort to a mixture of coaxing, threatening, worry and ill-usage; their object is rather to induce the accused to give up stolen property or to indicate where some clue may be found, and the opportunities of putting pressure on him with this in view would still exist. If this is the case it seems to us to be unwise to ignore the proved fact that the novice in crime in this country is frequently unable to keep his guilty knowledge to himself, while even the more hardened criminal not infrequently insists upon unburdening his mind, and the prohibition of confessions would only deprive the courts of evidence which in many cases may be quite reliable and of value, without ensuring that a higher standard of police investigation will be attained in consequence. That confessions, after they are made, are frequently retracted is not surprising; once the accused finds himself awaiting trial there are his fellow-prisoners and, in some instances, possibly even the prison-warders, to advise him to withdraw his statement and adopt a line of defence, which they sometimes suggest. It is easy to represent that retractation can do no harm, while it may turn the scale in his favour, and after the first moment of excitement in which the confession was made these considerations may well prevail; but that fact does not inevitably indicate that the first confession was false, and, for what it is worth, we are strongly of opinion that the court should be able to consider it.

6. Our conclusion in this respect need not, however, prevent the adoption of any measures calculated to discourage the police from placing reliance on confessions and thus neglecting to pursue definite clues, to diminish the risk of the ill-treatment of accused persons, or to give surer guarantees that confessions made under section 164 are really voluntary and are carefully recorded, and we proceed to discuss *seriatim* the various suggestions which the correspondence has revealed. Some of these were put forward in our letter of the 12th July 1911, others have been advanced by local Governments.

(*a*) *Proposal that the police should be forbidden to question a prisoner once he has been arrested.*

The Madras Government recommend the issue of instructions to make it clear that when the police are endeavouring to discover the author of a crime there is no objection to their making enquiries of, or putting questions to, any person from whom they think they can obtain useful information, but that when once an accused person has been arrested, while they may, and indeed should, listen to any statements which he may voluntarily make, they should be strictly forbidden to interrogate him or press him to make a statement. The primary duty of the police after arrest is to take an accused person before a magistrate within the time prescribed in section 61 of the Criminal Procedure Code, and it is only in very exceptional circumstances that he should thereafter be returned to police custody. We understand that the instructions actually issued in Madras further stipulate that if the police desire to question an accused after arrest, the permission of the magistrate must be obtained. We welcome these suggestions as most useful, and are prepared to direct their general adoption. It is true that no rules will prevent the police from questioning a man if they wish to do so and have the opportunity while he is in their custody, but if they do so, they will know that they are acting contrary to rule, and it is only by the steady pressure of instructions that they will be made to understand that attempts to obtain confessions are not only improper but a sign of want of intelligence or a lack of industry. It would be irrational to forbid the interrogation of a man while he is merely a suspect, but once he has been arrested (and he should not be arrested on insufficient evidence) he should not be pressed to incriminate himself. The object, in fact, is to limit the use of section 164 as far as possible to cases in which the accused is really anxious to unburden his mind before a magistrate. Making allowances for differences in the Indian system as to the evidential value of statements made to the police, the remarks of Lord Brampton on the point in an address to English constables [of which we annex an extract (enclosure no. 12)] seem to us clearly to summarise the appropriate principles to be followed.

(*b*) *Proposal that a prisoner who has confessed should, in no circumstances, be returned to police custody.*

This was mooted in our letter of the 12th July 1911, and the general views of those consulted is that an absolute prohibition of remands to police custody after confession is impracticable, since the prisoner may be required to identify persons or property, to assist at the discovery of property, or generally, to be present while his statement is being verified. It is moreover to be remembered that it is not the prisoner who has made a confession that stands in much danger of ill-treatment; it is true that he might be further tutored, but it is rather the man who has been sent up to make a statement and who, at the last moment, declines to do so, whom the police are likely to molest. While, however, a rigid restriction of remands is opposed, there is evidence that the caution in exercise of the power to remand may rightly be insisted upon, and

14th February.

after consideration of the various suggestions made we think the following principles should be insisted upon:—

(i) A remand to police custody should not be given unless the officer making the application is able to show good and satisfactory grounds for it; a general statement that the accused may be able to give further information should not be accepted.

(ii) No such order should be passed by an officer of lower status than a stipendiary magistrate exercising 2nd class powers.

(iii) Whenever possible, where the object of the remand is the verification of the prisoner's statement, he shall be remanded to the charge of a magistrate. (The Calcutta High Court would forbid the presence of the invistigating police and direct the magistrate merely to confine his attention to verifying the facts alleged, while refraining from any attempt to obtain admission in corroboration of new facts, but in practice, we think it impossible to attempt an absolute direction to this effect. The presence of the investigating police may, in certain circumstances, be essential, while the magistrate may be trusted to exercise a proper discretion.)

(iv) The period of the remand should always be as short as possible.

(v) A prisoner who has been produced for the purpose of making a confession, and who has declined to do so, or has made a statement which, from the point of view of the prosecution is unsatisfactory, should in no circumstances be remanded to police custody.

(vi) So far as is practicable, confessing prisoners while in jail awaiting trial should be separated from others.

All these safeguards should materially diminish any risk of abuse of the power to remand to police custody, and at the same time they recognise the practical conditions in which investigations, etc., are conducted, which in some instances preclude the issue of absolutely hard rules.

(e) *Proposal that confessions should only be recorded by a magistrate having jurisdiction, a 1st class magistrate or a specially empowered 2nd class magistrate.*

There is practical agreement among those consulted that the more experienced and responsible the magistrate who records a confession the better. While the risk that a junior magistrate is likely to be improperly influenced by the police is apt to be exaggerated, the presumption is that the more senior officers are more likely to observe carefully the prescribed procedure and to bring a more mature judgment to bear. Good reason has been shown for discarding the condition that the magistrate before whom the accused is brought must be the one who will commit or try the case, but we are willing to limit the recording of confessions to sub-divisional magistrates, stipendiary magistrate of the 1st class, or of the 2nd class if specially empowered. We have not overlooked the opinion of the Madras Government that an absolute restriction to 1st class magistrates, who may be on tour may be inconvenient, or the suggestion of the Government of Bombay that recourse might be had to a magistrate of lower status if a higher officer cannot be reached within a specified time, which is analogous to a rule already current in the United Provinces to the effect that "every confession which a prisoner in police custody wishes to make should be recorded by the highest magistrate, short of the district magistrate, who can be reached in a reasonable time." The Calcutta High Court would also recognise that a magistrate of lower status may be called in if no other is available, but on the whole, we think that such instances of practical inconvenience will be few, and we would be prepared to ignore them in view of the advantages of restricting the record of confessions to courts of status and experience.

(f) *Proposal that no prisoner should be produced for record of his confession unless he has spent at least one night out of police custody.*

The answers received indicate that while the principle underlying the suggestion is recognised to be sound, no definite rule to this effect is practicable. We think that all that can be done is to deprecate the immediate examination of an accused person, directly the police bring him into court, and to suggest the advisability (where possible) of giving him a few hours for reflection, in circumstances in which he cannot be influenced by the police, before his statement is recorded.

(g) *Proposal that no accused person shall be produced before a magistrate to make a confession until he has been examined by the district superintendent or assistant superintendent of police.*

A rule to this effect is current in the Meerut district of the United Provinces, but while it is desirable that the orders of such an officer should be taken at this stage (and equally before a remand to police custody is asked for), a definite instruction to this effect is likely to be ineffectual, as the higher police officers are frequently absent on tour. The procedure might be enjoined as desirable, when practicable.

(f) *Proposal that when a confession is recorded the investigating police shall not be present.*

This suggestion is offered by the Bengal Government, with whom the High Court agrees, and in the United Provinces there is an instruction to this effect, as also that the fact shall be noted on the record. The precaution seems reasonable, and we would support it for general adoption.

(g) *Proposal that confession should ordinarily be recorded in open court and during court hours, unless for exceptional reasons.*

This too is favoured by the Bengal Government, the idea being, presumably, that all shall be done openly and above board. There may be circumstance requiring a different procedure, but ordinarily that suggested should be feasible, and it possesses some advantages.

(h) *Proposal that confessing prisoners should be questioned by the court whether they have complaints of ill-treatment to make.*

Of the Local Governments who have noticed the point, those of the United Provinces and Eastern Bengal and Assam support the idea, but the Government of Bengal is opposed to the inviting of complaints, and the Allahabad High Court notes that the procedure would be of little benefit. The Chief Commissioner of the North-West Frontier Province considers that it is open to strong objection. It appears to us that the essential point is that the magistrate should satisfy himself that the confession is being voluntarily made, and we would prescribe no direct interrogation of the kind suggested. If an accused person has been coaxed or intimidated into making a false confession, he will certainly have been tutored to deny that he has had any pressure or force put upon him.

(i) *Proposal that a magistrate should question the confessing prisoner with the view of ascertaining the exact circumstances in which his confession was made and the connection of the Police with it.*

This is advanced by the Government of Madras, and it merges in a wider proposition which emanates from other quarters (noticeably from Burma and the Central Provinces) that it should be the endeavour of the Court to record the confession in as much detail as possible, with a view of affording material from which its genuineness can be judged and of testing whether it is freely made or is merely the outcome of suggestion. We are aware that anything like the cross-examination of the accused has been rightly deprecated by the courts, but it seems to us to be desirable that, without any attempt at heckling or endeavour to entrap the accused, a magistrate should record his statement with as much detail as possible. The more detailed a confession the greater the chances of correctly estimating its value. It is also useful to know precisely how it came to be made, to what extent the police had anything to do with the accused prior to it, and in the confession itself the fullest possible particulars of the incidents involved. The questions and answers would of course be recorded, and any misuse of the procedure would thus be detected. It would also be expedient that the magistrate should add to the certificate required by section 164, in his own hand, a statement of the grounds on which he believes that the confession is genuine, the precautions which he took to remove the accused from the influence of the police and the time (if any) given to him for reflection. In the United Provinces nine definite questions are prescribed calculated to ensure that the confession is being voluntarily made, but such detail is, on the whole, to be deprecated. But if a record of the general character indicated was made, the attention of the magistrate would be directed towards the possible risks against which he had to guard, and the full circumstances of the confession would be stated at the time.

7. These proposals cover the differet safeguards which, after careful examination of the circumstances surrounding this difficult question, we are prepared to recommend, and if they meet with Your Lordship's approval, we will address Local Governments requesting them to amend their rules in conformity with them, after such consultation with the different High Courts, etc., as may be necessary. So far as possible we would prefer to proceed by the issue of instructions, but the necessity of amending the law can be further considered when the policy to be followed is finally approved. We will await Your Lordship's reply, however, before any action on these lines is taken.

8. As it appeared to be possible that Your Lordship might desire to make public the discussions on the important questions now raised we have obtained the concurrence of the Judicial authorities who have been consulted to that course.

We have the honour to be,

My Lord Marquess,

Your Lordship's obedient servants,

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