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WHAT GOOD MAY COME  
OUT OF  
THE INDIA BILL;  
OR,  
NOTES  
OF  
WHAT HAS BEEN, IS, AND MAY BE,  
THE  
GOVERNMENT OF INDIA.

BY FRANCIS HORSLEY ROBINSON.

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TO THE MEMORY  
OF  
WILLIAM CAVENDISH BENTINCK,  
COMMONLY CALLED  
LORD WILLIAM CAVENDISH BENTINCK,  
LATE GOVERNOR-GENERAL OF INDIA,  
THESE PAGES ARE INSCRIBED, BY ONE WHO,  
PERSONALLY UNKNOWN TO HIM,  
AND BOUND TO HIM BY NO PRIVATE OBLIGATION,  
IS YET DEEPLY GRATEFUL FOR  
•  
HIS EXAMPLE.





WHAT GOOD MAY COME OUT OF

THE

## INDIA BILL.

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THE India Bill has passed, and a new prospect is opened to India. The measure may seem to effect merely a change of the former administration, and this would probably have been the character of the enactment originally contemplated, and intended, like former India Bills, to run through both Houses as a matter of routine. But on this occasion, fortuitously, or to use a more correct word, providentially, the attention of the people of England has been turned to the Indian Empire. They have learned more of the condition of the native population, and of the action of our Government there, than they have ever learned; they have seen that all was not well, nor nearly so well as it might be, and

this through much cloud of ignorance of facts and confiction of statement and evidence. They are not by constitution prone ever to let go a subject they have once taken up; and the consequence is that Parliament, which to a considerable extent represents the national opinion, have framed a measure—not perfect—on the contrary, in many respects deficient,—allowed to be so by those who have brought it forward—but invaluable and full of promise, because, in spite of the speeches laudatory of past Government, by which it was ushered in, the Act amounts to a confession that the present system requires amendment and improvement—that the precise nature of the required improvement is not known—that it is the duty of England to ascertain truly what she has to do in the way of amelioration: and to a resolution, that for this purpose the country, through Parliament, shall be able at any time to take up and consider either parts, or the whole of the Indian system, instead of being fettered and tied up from action for a space of twenty or thirty years, as by all former arrangements.

The present time then seems fit for laying before the public a contribution to the information sought about India. The question asked is, what is really wrong in India, and how can it be put right?

My qualifications to speak on these points are: thirty years official employment in the country;

an unusually familiar intercourse with, and knowledge of the people of India ; an early perception of the existence of faults in the system of government ; a long and laborious study to discover what were those wrong principles, and what the wrong applications of them ; a strong attachment, founded on esteem for their good qualities, for the people of India ; a zealous love for my native country, and a jealousy for her honour, which is altogether bound up with the just and good Government of India, seeing that there can rest on a free people no greater blot than to be oppressors and tyrants over those whose destiny God has entrusted to their hands.

There are many subjects connected with India which I shall not touch, such as the composition and spirit of our army, our relations with the native princes, the proper form of the Home Government, &c. ; not that I am without information or opinions on these points, but because my life has not been spent in dealing with them ; men of great reputation, ability, and eloquence, can with advantage, no doubt, discuss matters, of which they derive their knowledge only from evidence and books, but I know I have no claim to be heard, except as an honest witness, telling truly what he has seen and known, and as a man of plain common sense, detailing the practical opinions he has come to, from so seeing and knowing. My experience is nearly confined to the north-

west provinces ; they are admitted to be, the best governed part of India, so that my statements of what is evil are not likely to be over-coloured if taken to apply to the aggregate of India ; and I am no disappointed railer, for I ran in the civil service a career successful in proportion to what I think my merits, perhaps beyond them.

There has, up to the present time, been much of good in Indian administration ; a statement of the good as well as of the bad is demanded by justice ; besides, so much is indispensable to a due understanding of the subject, only the statement of the fair side may be short, because in that division of the question all that is wanted is an enumeration of what has been done, in order that time and labour may not be wasted on that which demands no more of either.

Thus, then, we may be proud that we have driven war from within our borders, so that a safe field has been opened to the exertion of industry, population has increased, and vast fields of waste land have been submitted to the plough. Law and fixed rule has been, to a considerable extent, substituted for the will of individual governors, the working classes have been freed from a state of serfdom to the wealthy and powerful, works of material improvement have been carried on, robbery by gangs with open violence, has in the north-west provinces, been

suppressed, there has been a commencement of education by the State, and a communication of western science, the intellect has been unfastened by the grant of liberty of discussion in conversation and in print, the country has been held by an army, the great bulk of which are natives of the country, and there is no political police, no such thing as a passport, nor the surveillance by spies or agents of any but thieves and robbers, suttees and human immolations have been made criminal, slavery has been abolished, a commencement has been made of the admission of natives to civil offices of importance on salaries somewhat higher than the wages of menial servants, and, till of late years, all forms of religion have met with equality of respect and toleration.

Some of the things enumerated have been fully accomplished, the rest have all been commenced, and have made more or less of progress. It will be my unpleasing, but unavoidable duty, to show that in many of these things there have been short comings, and that there are besides important benefits unconfessed, causes of just dissatisfaction unredressed, evils unamended, which are sowing wide and deep the seeds of danger to the empire, and of dishonour to the people of England.

The natives are dissatisfied; this fact does not rest solely on my testimony; there are other concurrent and competent witnesses. Lord Metcalfe

said that we might one day wake and find India lost; Count Edouard de Warren speaks of native disaffection as a known fact; a distinguished foreigner who accompanied Prince Waldemar of Prussia, interrogated by a very high Indian functionary, in the belief that a foreigner might hear from the natives truths that would not be spoken to an Englishman, received for answer: "*You are very wise and very strong.*" On being pressed as to whether our justice and moderation had not attached the people to us, the answer given by the foreigner was: "*I tell you, you are very wise and very strong; do not give into your English humbug, and talk of their affection.*" In the papers collected by the French Government on their naval system, Admiral Rainé speaks of the known disaffection of the natives as a reason for sending, in the event of a war, a naval force to India to work in aid of that disaffection; lastly, and above all, the Governor-general, Lord Dalhousie, writes confidentially to the Ministry to the effect, that it is not safe to discuss in Parliament the subject of India, and urges immediate legis-

There are classes in India with whom we cannot rationally hope to be popular; they are composed of the old governing families, the aristocracies as they would be termed in Europe; but these classes are a good deal worn out, and have lost their

influence. Still the dislike to our rule, instead of diminishing from the fading away of these classes, and in consequence of the real good we have done, continues, not only unabated, but on the increase. Yet a government, because it is foreign, is not necessarily unpopular in India; principally because there has never been nationality there—only the love of tribe, or of fellow-religionists. There has been too, a long succession of foreign governments in the domination of various Muhammedan dynasties, and among them many are still spoken of with respect, regret, and affection, especially that which gave to India the successive wise and tolerant sovereigns, Babur, Hoomayoon, Juhangeer, Akbar, and Shahjuhan. I remember when I first entered the service, and possessed no authority nor influence, to have heard the British Government praised for their equal-handed justice, their political moderation, and, above all, their impartiality in matters of religion; but such language has ceased for several years to be held to me, though I had risen to a place of considerable rank and supposed influence, a station which, among a servile people, might have been calculated to call forth expressions of a flattering nature.

I will endeavour to trace the causes of this unpopularity. The natives have forgotten, a new generation has not witnessed nor suffered the horrors



of that predatory warfare, which our intervention put a stop to; they have become habituated to the idea of a government of law and right, and they are therefore more sensitive to any acts of despotic and oppressive authority. On the other hand, the Government, and the officers of Government, were less jealous of their authority in the old times when it was quite unquestioned, and therefore despotic acts are more common, are more obstinately justified by the perpetrators, and less severely repressed by Government than in the old time. We have professed in public documents liberal principles, and what education we have given the people inculcates extreme liberal ideas; we have carried out towards the natives liberal politics; we have done all we could to undermine the influence of birth, rank, and social position; our Government, from the time that the Cornwallis' school was abandoned, has been neither more nor less than a despotism administered on radical principles; we have propagated and acted, as far as the natives are concerned, on the levelling doctrine. How it must shock the liberal notions we have sedulously instilled, to find us stop short in the liberal cause so soon as any question arises between the Government and its subjects, or so soon as we come to act between Englishmen and natives. Of late years, as before stated, there has been a greater tendency to despotism

in the Government, as far as the natives are concerned, and less regard to their feelings and prejudices; for formerly our power was not so completely established as to do without native support; we were to a considerable extent obliged to govern the people through their chiefs and men of influence. I have often, in the early part of my service, been obliged to call on the principal landholders of my district to turn out with their followers in order to put down armed bands of robbers.

This state of things has ceased. I passed, the year before I resigned the service, through the very district I had held, somewhat after the fashion of a feudal baron, and I found every trace of those lawless times obliterated, the whole country in a state of quiet submission. But with this beneficial change has also ceased the practice of considering and conciliating the people; I found the officers who had succeeded me, acting with a despotism that I could not have ventured upon, had I been so inclined, without driving the people to insurrection. For instance, whole ranges of houses had been pulled down in the city without compensation or form of law, in order to effect improvements. The Lieutenant-governor of the country, in whose suite I was, passed through the city while the people shouted forth their discontent unlistened to; for his object was to sanction by his presence what had been done, since it had

been effected with his private sanction, and with full knowledge of the means used. The works carried on were eminently useful, and tended to improve the healthiness of the city; but I am not dealing with that question, my object is merely to show how it has happened that, simultaneously with the extension of improvements, our rule has become unpopular. It is true that my conviction is perfect that all the improvements might have been effected without any of the tyranny or injustice, or any of the loss of the affection of the people, but that is not the point at this moment before us. Unfortunately, and most inconsistently, at the same time that we have been pursuing this despotic course, a large number of natives have been taught English, and have read in the productions of the free press a constant succession of articles advocating principles of extreme liberalism; and the magistrates have been proclaiming in words and in judicial sentences, that the law knew nothing of the distinction of rank, or of wealth, or of the sacredness of the sacerdotal character, that it was no respecter of persons, except when the same magistrates took it into their heads to make an improvement, or carry out some plan or fancy of their own.

The same conviction of the uncertainty of our position made us formerly very chary of doing anything to wound the religious feelings of the people.

There are two points on which the natives of India feel most strongly, in regard to which the inherent and almost philosophical apathy of their character fails them—their religion, and the chastity of their women. We used scrupulously to respect both; the latter even now is not trenched upon in Hindostan, for the women of India prefer their countrymen, and from complexion and habits are little attractive to Englishmen.\* In the matter of religion, we formerly carried our scrupulousness beyond the limits of justice—we violated the rights of conscience, and almost persecuted the missionaries of Christianity; no government has the right to trammel men's consciences, either by forcing them to particular forms of worship, or prohibiting them from promulgating their own sentiments of religion, provided the public peace is not infringed by their doing so. However, the missionaries, favoured by the wholesome neglect of the Government, have, by a long course of meritorious labour, shaken to its very foundations the mass of superstition which had rested on India. Education, carried on by Government, has acted in the same direction, and the native mind has, for the first time, been roused to inquire, is our religion true? is there truth in Christianity? The whole frame of

\* The love of the Afghan women for our countrymen was, as every one conversant with the affairs there knows, one principal cause of our expulsion from Cabul.

Hindoo society is agitated by a seething fermentation at this moment, caused by this inquiry. Imprudently and most unfortunately, the Government and a large proportion of its most influential civil officers, instead of remaining neutral, the only justifiable policy in a country full of different religions, have taken up a partisan line of conduct. There was a law making it the duty of the Board of Revenue to see to the due administration of all religious and charitable endowments. This law, a fair and wholesome law, excited a clamour among the small religious party who have effected something like a monopoly of India, and the Court of Directors were forced to send out orders to forbid any of their servants, as such, from administering to, or having anything to do with endowments not Christian.

In issuing this order they did an illegal act; they assumed a dispensing power; no law in India can be made or repealed except by the Government in Council, yet these orders have been acted on in India in the teeth of the statute, which stands unrepealed. But a short time before I left India, Bheem Sing, a Russuldar of irregular horse, a most distinguished soldier, retired from the service, came to me, as member of the Board of Revenue, and told me that, as his end was drawing nigh, he wished, in the default of natural heirs, to leave his whole fortune to the State, for the purpose of founding

a school in which English might be taught, the Government at the same time taking care of the buildings of a temple he had erected, and paying a stipend to a Brahmin. About the same time, a Muhommedan, of great rank and wealth, proposed a similar but very splendid foundation connected with a mosque. I was forced to tell both persons that the temple and the mosque must be struck out of the schemes, otherwise the Government could not assume the trusts. I shall never forget the looks of mortification, anger, and, at first, of incredulity, with which this announcement was received by both, nor the bitter irony with which the old Russuldar remarked, "that no doubt the wisdom of the new *gentlemen*," (sahib logue, so they designate the English,) "had shown them the folly and ignorance of the gentlemen of the old time, on whom it had pleased God nevertheless to bestow the Government of India."

The temple and the mosque stand, the schools and the splendid hospital have no existence.

The Government have systematically resumed, of late years, all religious endowments; an extensive inquiry has been going on into all endowments, grants, and pensions; and in almost every case in which the continuance of religious endowments has been recommended by subordinate revenue authorities, backed by the Board of Revenue, the fiat of confiscation has been issued by the Government. It

has been asserted in Parliament that it is our duty as a Government to further the progress of Christianity. Mr. Melvill, the Secretary to the East India Company, a man treated by the Committee of Parliament as much of an authority, indicated the conversion of the natives as the condition of releasing them from the position of a conquered race. Major Herbert Edwardes, in his published work, tells the world and the people of India, that our wars in the Punjab were wars for Christianity, and it is to be feared that this is the conviction of too many influential men.

All these things the natives of India note with bitterness and view with exaggeration. They remember that, during the formation and consolidation of the Mogul Empire, the wise house of Timoor divested themselves of the Muhammedan principle of proselytism, admitted the Hindoos to their highest service, entrusted to them important military commands, respected their religion; and while they did so, remained great, prosperous, and beloved. They also remember that, when the power of the dynasty was at its height, Aurungzib reverted to the old proselytizing system, and that in one generation its power crumbled away. They reflect much on past history, and the belief is strong among them that we are following the same track, that we have consolidated our power, and that we mean now to force our religious system upon them, and they are to some

extent right. There is a party—the party which just now have seized the direction of affairs in India—who are disposed to lend the influence of the Government to the propagation of Christianity. They would make the Government of India Christian, while the people are Hindoo or Muhommedan.

Forgetful of the lesson England has had in the failure she has met with, and the curse she has brought on herself, by the attempt to make the Government of Ireland Protestant while the people were Catholic; blind to the fundamental truth that Government, like God's rain and sunshine, should benefit alike the professors of all forms of religion; blind, above all, to the fact that there is no surer way to make a conquered nation hate a religion, than to force on them the religion of their conquerors; they would repeat the folly which, happily for England herself, was rejected by Scotland, and has led to so much misery in Ireland; and this in a country separated by half the globe, and where the proportion of Englishmen to the population to be converted, is some tens of thousands to a hundred millions. The fruits of these weak and reprehensible doctrines are beginning to show themselves. In the last considerable tumult at Benares, the defence of their religion against their Christian governors was set forward as the war-cry of the mob; and there is hardly a doubt that the Muhommedans over all



India have exchanged pledges to rise if their forcible conversion be attempted. This is a state of things which on mere prudential grounds seems to demand the exercise of caution and moderation.

Left to the free exercise of their will, I have no doubt that eventually the natives will embrace some form of Christianity; but the greatest obstacle I see to their doing so, is that the Government and its officers are taking a proselytizing part. Most mischief is done on this head by the members of the civil service—mischief, I mean, to the cause of Christianity. The principal duties of the civil servants are to collect taxes and punish crimes; offices useful and indispensable, but odious to the mass of the people, and undoubtedly part of that odium falls on the religion of which they set themselves forward as the advocates. It is a wise knowledge of the incompatibility of the offices of an administrator of human justice, and of a minister of the Gospel, which prevents many conscientious and zealous clergymen in England from accepting the commission of the peace. The fanatical view of religion comes also unfortunately in aid of that unhappy dislike to the natives of India, which has of late years grown up among the functionaries of Government. The natives are, to many misjudging men, not only black fellows, liars, and rascals, but enemies of God. The *odium theologicum* envenoms the hostility arising from

difference of nation and of class. It is scarcely necessary to prove that this feeling of dislike exists; but it may be as well to mention that the natives were described in Parliament as so false as to render the administration of justice among them impossible, as unfit to be trusted in any but subordinate and ill-paid appointments. One high functionary has published a work\* criminating of their great men of old, and abusive of those young men among them, who are struggling after the light of western political and religious knowledge, which we ourselves have shown them in our newspapers, magazines, public papers and educational institutions. Such a work from a private person would be harmless; but it comes before the public from the pen of one of the chief Secretaries to Government, and with the recorded approbation and patronage of Government. Is such a measure wise, or even prudent? The existence of this feeling towards them is known to the natives, and rankles in their hearts. It is shown by their careful avoidance of the society of Englishmen. Formerly they were frequent visitors at the houses of the officers of Government, and their constant companions in field sports; now they never approach them, but when compelled by the demands of business or self-interest. Nor is this aversion at all extra-

\* See Sir Henry Elliot's work on the Historians of India, particularly the Preface.

ordinary, for it is difficult to convey to the people of England an adequate notion of the harshness and rudeness with which even the highest people in India are treated. Nothing seems more to astonish those few natives of India who visit England, than the civility with which they find themselves received, especially by the higher classes.\*

Another source of discontent among the natives is the partiality shown to the European servants of Government, especially to the members of the civil service, and the severity with which the offences of natives are visited. Within a very few years, the following, among other cases, have come to my knowledge.

A native officer disposes of a pony by raffle among his subordinates ; he is dismissed from office. A civil servant disposes of a house among his subordinates by the same method ; he receives a reprimand, and an order to return the money and take back the house.

A native of very high character in a moment of passion beats a menial ; he is dismissed. A member

\* The Indians are acute judges of manner. A native gentleman said to me : "Lord Dalhousie is a person of high breeding." "What makes you think so?" "Why, when he went into the great mosque this morning, he took off his hat ; but Mr. Thomason, the Lieutenant-governor, and the gentleman with him, kept theirs on."

of the civil service beats a policeman so as to disable him for life, and besides turns him out of his employment; the Government bestow a reprimand on the civil servant, but award no compensation to the sufferer, who is left destitute.

Many native officers have been dismissed for taking supplies without paying for them. A civil servant pays for no article of domestic consumption for eighteen months; in that case I was sent to remonstrate privately with him, and induce him to pay his just debts, which I succeeded in doing. He met no punishment but a private reprimand, and yet this was his second offence of the same kind.

A civil servant takes a dislike to two highly respectable revenue native officers; knowing that they would be protected by the Revenue Board, he does not attack them in that department, but he institutes proceedings against them as magistrate, imprisoning them, and, under pretence of enforcing rules of jail discipline, shaves their beards off, an intolerable insult according to the notions of the people. The sentence of imprisonment is reversed by a higher court, but the sufferers receive no compensation, and the civil servant is suspended from employment for barely six weeks.

Only the other day, it appears that the judges of the Suddur Court at Bombay threaten a native

barrister with punishment, because, pleading in his own court, he claims an equality of treatment with an English barrister admitted to plead by favour. I could cite, I am sorry to say, many more cases of misplaced lenity, and many of misplaced severity ; but I have said enough to convince any unprejudiced person, that so long as this state of things is allowed to continue, our Government cannot be popular even with its immediate servants, unless they belong to the favoured classes.

The special privileges attached to Englishmen in India are another great grievance. No British subject can be tried for any offence, saving petty assaults, except by the Supreme Court in Calcutta, which privilege, in the remote provinces, amounts to impunity. As far as my memory goes, I do not think there has been a single instance of the punishment of a British subject for the murder of a native within the last thirty years ; but there have been many such murders committed. Military men, without a radius of four hundred miles from Calcutta, are not subject to any civil tribunal, and they cannot be tried even by a military court, except by order of the Commander-in-chief. I was officially cognizant of a case in which there was, in my opinion, and in that of the local magistrate, complete proof that a man had been beaten by order of a military officer, and tied all night to a gun, so that

he died. A medical officer certified his belief that the man died from the conjoined effect of the blows and exposure. I represented the case to the Government, who sent the matter to the Commander-in-chief. That officer instituted an inquiry, reprimanded the delinquent, hoped it would be a warning to him for the future, and told the Government he did not think it advisable to bring him to trial.

Now, if felonies are thus slurred over, it may be imagined what a mass of petty and irritating outrage is committed by British subjects, in and out of the services, all over the country. It is a universal custom to force men and women to carry burthens for travellers, to press cattle and carriage for the transport of luggage ; and it is but too common to take food and forage without paying for them.

The imperfect action of the Company's Courts, in which is invested the administration of justice throughout the country, (the jurisdiction of the Queen's Courts being limited to the boundaries of the cities they are held in,) is another cause of discontent. They are, in the first place, incompetent to hear suits brought against the officers of Government, excepting those connected with the revenue, and then only for acts done in their official capacity. There is no mode of prosecuting a magistrate, whatever wrong he may commit. I remember a case of which I became cognizant as member of the Board

of Revenue, in which a collector and magistrate had taken a piece of ground from a man on which to build a police station, without paying for it. He applied for redress, and was refused it. He then went into Court, and came out with the information that as the man who took his land had done so, not as a collector, but as a magistrate, the court had no jurisdiction. So strongly is the irresponsibility of the magistrates felt, that the highest Court in the country, when I was in it, objected unanimously to the subjection of British subjects to the magistrates of the country; and they did so on the specific ground that the power of the magistrate was too absolute, and that there was no redress by action for damages, or otherwise, against the abuse of authority by a magistrate, no means of enforcing compensation for injury done. In the next place, the Courts are not independent. A judge can be removed by Government for any order they do not like. This power has not of late years been used, but there it is; and, unless a judge be prepared to risk his place, he dare not act in opposition to Government. I have known a judge refuse to join me in issuing an order, which he thought right, because it would draw down upon him a reprimand from Government. There are, besides, other ways of influencing a Court: thus I have been aware of a Governor communicating privately with the judges of the highest court in the

country, and giving them his views and arguments in a case of importance, in which he was anxious to secure a decision for Government and he got the decision. It is impossible to read men's hearts, and the decision must be taken to have been given on conviction; but the fact of the communication between the Governor and the judges was known, and where such things happen, the distrust of independence of the Court must be great. I have known an instance of a Governor-general calling for an explanation of one of the same Court's decisions. I have known a magistrate hold secret authority from Government to disobey the orders of this Court on a particular point. In the third place, the courts are inefficient. I was myself appointed to the chief court, though I had been a revenue officer all my life, because it had got into such confusion that it was thought necessary to nominate some one unconnected with the squabbles existing in it, to make the machine work at all. I have seen many men sitting in that Court as incompetent, and more incompetent than myself. The lower courts are, of course, of no better composition, and, if they were, they have no certain law to administer. There is no code but a code of procedure, and that is most complex and obstructive of the course of justice. The rights in land are undefined by statute. There is absolutely no commercial law, there is no law of inheritance, marriage, or divorce



for Indian Christians, not British subjects. And here it may be mentioned, that this state of the country, this uncertainty of rights, and the great power lodged in the hands of the collectors and magistrates, although Englishmen are personally exempt from their jurisdiction, form powerful preventives to Europeans undertaking extensive works and speculations in India. Hence one sees them becoming scarcer as they get farther from the Supreme Court, although it would be natural for them to cluster more thickly in the more congenial climate of the north of India.

Everywhere out of Calcutta, the position of the European settler is this: either he possesses the favour of the authorities, in which case he has unfair advantages; or he is under their displeasure, in which case he is at an unfair disadvantage. But neither position suits an independent prudent man. I have known a highly respectable English merchant told in open Court, by a magistrate, that "the Government had their eye on him, and that he was a marked man," because he had taken a part in a case which the magistrate did not like.

For myself, if I were now to settle in India I should feel safe, because I know how far the Courts can help me to enforce obligations, and where I should have no security except the honesty of those I dealt with, and because I have there station, interest, and friends, and am known to be able to take

my own part; but were I without friends and without an intimate knowledge of the working of the institutions, I should commit an act of folly in trusting my fortunes at any great distance from the Supreme Court. This Supreme Court is enormously expensive, it administers English law with all its absurdities and inconsistencies made yet more glaring from its position in a foreign land; its litigation has ruined hundreds, and swallowed up millions of property; yet it is respected, nay, more, it is highly valued by Englishmen and by many natives, because it is independent of Government.

There are other things done in India, and actually approved of by Government, so startling, that, looking back on them after being subjected to the influence of English habits, laws, and manners, I am almost led to doubt the accuracy of my own memory. As an instance, I will mention that a man of respectability complained to the Board of Revenue that he had been induced, by the hope of obtaining the favour of the collector, to subscribe to a dispensary in a certain district; that he had been disappointed, that he had withheld his subscription, and that in consequence he had been subjected to a series of petty persecution, especially that he had been continually summoned to a distance to be asked why he had not paid up his subscription, and he prayed us to protect him. We called on the collector for his

answer; he did not deny the facts. We reported the matter to Government, and begged that orders might "be issued forbidding our collectors to collect anything but the dues of Government; but we were told in answer that the collector was right, and the man was left without redress, and eventually paid his subscription.

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This practice of taxing the people at the will of the magistrate, for purposes of charity or utility, is becoming a serious burthen upon the natives, and has often been made the subject of complaint to me. I have said, "Why do you subscribe against your will?" and I have been silenced by the reply, "What would become of me if I were to displease the magistrate and collector?"

Some years further back—I think about 1835 or 1836—a magistrate, with a view to put a stop to burglaries and thefts, ordered, that in every village a party of the inhabitants, according to a fixed roster, should perambulate the village and its purlieus all night. He had no more authority to do this than to order the Governor-general to keep watch and ward. He reported to Government at the end of the year what he had done, and actually, instead of a reprimand and removal from his situation, he was highly commended, and all the other magistrates were urged to follow his example. And they did so, almost without an exception, so that the whole country was

nocturnally worried and disturbed in this way for a year or two, till the madness of the project became too evident, and the whole thing died away. •

But I gladly cut short the detail of the numerous acts of folly and feebleness perpetrated in India. I have said enough, I think, to demonstrate that the disaffection which exists is traceable to the despotic character our administration has of late years assumed, simultaneously with its sedulous diffusion of liberal doctrines; to the proselytizing spirit it has adopted; to the unhappy dislike of the natives as natives and as heathen, which has crept in among the servants of Government; to the many acts of abuse, oppression, and arbitrary misgovernment, arising as much from misguided zeal, as from evil intention, which, on the part of the administrative officers, harass and vex the people; to the inequality of treatment which the natives meet with; and to the inequality of condition—all British subjects having great legal privileges and immunities; and lastly, to the inefficiency and the want of independence in the judges of the Courts; the inefficiency hindering them from dealing fair justice between man and man, the dependence acting with the same effect when a dispute between Government and any of its subjects comes before them.

It remains to consider what principles, what line of policy, and what particular measures, are proper

to remedy the evils, and allay the discontent confessedly existent. From what has gone before, those who have taken the trouble to accompany me thus far, will be prepared for the statement, that there is no hope of amelioration unless those who administer the new Indian system, keep perpetually before them two great principles: perfect equality of treatment to all classes in matters of religion, so that it may become a truth in India, that no man suffers oppression, disqualification, or disadvantage, by reason of his religious belief; and perfect political equality—that is, that no man, by reason of birth or station, should enjoy any political or municipal privilege, or exemption beyond his fellow-subjects. Both these positions will be allowed by enlightened men to be sound in the abstract. Experienced practical men will perceive that they may be in policy modified in countries where one religion, or one race, is peculiarly dominant in strength or numbers over the rest; and prudent men—but above all, prudent, moderate men—knowing India, whose ideas have not become Brahminized, Muhomedanized, or fanaticized, will see, that the great variety of race, colour, and institutions that prevail among the population of India, render these two principles the only safe ones for ruling so heterogeneous a mass; and that mass just entering into a state of fermentation, from the communication of

modern politics, science, and literature, and from the preaching of a religion, of which the ruling principle is, "Prove all things," which takes its stand on the free exercise of the intellect, in opposition to the quietism of a trust in authority and tradition, such as is involved in the sedative systems of Hindooism, Muhommedanism, or Roman Catholicism.

Therefore a wise minister, administering the Indian empire, will take steps to check at once any action on the part of the Government in the direction of the extension of establishments of whatever denomination. Too much has been done in this way already, and with the usual effect of defeating the object aimed at, for the only denomination whose numbers are decreasing in India, is that of the well-paid Established Church of England. From her daily converts are made by the Presbyterians, Independents, and even the Roman Catholics. That Church, moderate in doctrine, decent in observances, ruled over by exemplary and learned prelates, is withering away, as all Christian churches all over the world have withered, under the influence of the favour and protection of the State. Again, such a minister will see carefully to the fact that the local Government almost all over India has fallen into the hands of men generally of fair character and abilities, but who are linked together, and act together, to the exclusion from power and influence of those who do not participate, or simulate to participate, in the principle that

the influence of Government, and the whole line of its policy, is to be brought to bear as directly as possible in the furtherance of the conversion of the natives to a certain form of Christianity, known as the Evangelical; and he will take care to let it be known, that, while the fullest freedom and protection is given to the independent missionary, the officers of Government are not to risk their attention to their duties, the peace of the country, or the safety of the Indian empire, by direct missionary labours. This prohibition should apply to all proselytizing sects, whether Muhommedan, Protestant, or Roman Catholic. I recollect a whole district being set in a ferment on the conversion of a Hindoo youth by the influential Muhommedan officers of Government, while continual conversions made by Muhommedans, not in authority, never caused any disturbance. The task proposed to the Indian minister will be one of difficulty, for the party is strong in England, and still stronger in India, where a long course of years has, with unchanging constancy, been employed in their organization, so that there is, at least under the Bengal and Agra Governments, hardly any man at the Presidency or in the interior, exercising an office involving direct government, who does not adhere to this party. Men of ability and character, who do not belong to it, are kept quiet by the judicious distribution of administration, on merely consultative appointments; nevertheless, it is evident that this

state of things cannot eventually be maintained against the increasing intelligence of the country, and the increasing conviction that government is a thing in its nature secular, and not ecclesiastical. The new system of appointments to the civil service will help to shake this *imperium in imperio*, the strength of which has been much consolidated by the circumstance that, from the exclusiveness of Indian interest, the civil service in particular, which is the Government service, has become one large family connection, almost every member of it being connected with the majority of his fellow-servants, by relationship or marriage.

In dealing with the great cognate principle of political equality, the Indian minister will be met by a strong opposition on the part of the body of Englishmen there resident, who have been allowed to grow up into the possession of privileges ; and these privileges, according to a bad part of human nature, have bred a hatred and contempt of the natives who are without them, a contempt which makes them shrink from being made amenable to the same laws and the same courts, as the despised portion of their fellow-subjects. Nevertheless, this opposition must and will be overborne by the strong sense of the injustice of the present system, which the mother country will feel when she becomes acquainted with it. But that opposition will be much softened if the Courts are made efficient and independent ; capable of affording



redress even for injuries inflicted by the officers of Government. Until this is done, that opposition is justifiable. There is no insurmountable obstacle to effect the desired changes; let Mr. Cameron be consulted, let the measures proposed by him be carried out, and you will have an excellent system of Indian justice; no man is more master of the subject. But no system will satisfy the public that does not involve first, complete independence on the part of the judges; and second, the power of bringing in a court of easy access, an action for damages against any officer of Government who, in the exercise of his authority, shall inflict an injury contrary to law; lastly, there must be a law to administer, and whole classes must not be left, as they now are, without a law of marriage, divorce, or inheritance. With duly qualified judges, with such a scientific, and, because scientific, simple code of procedure as modern law-knowledge could produce, half the perjury and chicanery about which so much outcry is made to the disadvantage of the natives, would disappear, for they are the produce not of innate vice in the natives, but of bad courts and bad laws. Else why should perjury and corruption of justice be everywhere cited in India as springing up under our rule? or why should Englishmen resident in the country, resort to them, as I have often heard them state they do, in mere self-defence? What would be the result in England if you set over the courts, a Frenchman, not a lawyer, allowed him

to employ clerks on fifty pounds a-year, to take the depositions of witnesses without his listening to what the evidence said, or seeing what they and the bystanders did? There is enough of false swearing in England as it is, but what would be the amount of it under such a system? Yet this is the system in India.\*

Nothing effectual can be done to govern India well, if those who undertake the office come to it with the opinion, apparently now fashionable, that there is neither truth nor honesty in a native of India. This opinion has principally grown up from the testimony of the servants of Government in India, and it may be asked who so qualified to give one? but it must be remembered that the bulk of these men leave England in early youth, with no knowledge of the world, and hardly any of the frauds which prevail in social life in England, as well as elsewhere. They are all of one class, and that the class supposed to be most favourably circumstanced as to morality. They are in India singularly shut out from temptations, and excluded from any knowledge of the vicious classes of their own race; hence they invariably compare the Indian rogue with the respectable Englishman; and the result is a very incorrect estimate, both of the English people and the Indian, too much to the advantage of the one, and too much to the disadvantage of the other.

\* See Shore on Indian Affairs.

I have often been diverted at the astonishment of returning servants of Government in England, when they found they were, from their knowing less of the country, more cheated, and more deceived than ever they had been in India. Take, for instance, domestic servants. In India, you hear Englishmen exclaiming against them, and longing for English servants; let the same men come home, and you hear only one opinion, and that is, that good and honest servants are only to be found in India. The real fact is, that, from a long course of evil government, the natives of India are deeply tinged with the vices of all oppressed people; that to their rulers they are somewhat cringing—somewhat too ready to say what is agreeable rather than what is true; that their religions inculcate many wrong principles of morality, though not any complicated system of vice; that they believe in political corruption, having through long ages been taught that the business of Government is to plunder the people, and of the people to cheat the Government. But they are mainly just and honest in their dealings with each other; they are true to trusts, faithful in the discharge of duties when fairly rewarded for them, and as ready to stand by a kind master in danger as any race of men. This is the character of the mass, and there are individuals amongst them who need not shrink from a comparison with the best and ablest men in Europe; such was Rammohun Roy, such is the Rev. Krishun

Mohun Banerjee, and such are many similar men ; and the number of them is yearly increasing.

Is it safe, is it wise to exclude men of this kind, or men approaching them in merit and qualification, from the service of the Government? Such men, on the contrary, should eagerly be sought for. With equal ability, and far greater knowledge of the people than the better English civil servants, they would be satisfied with salaries of one half or two-thirds the amount; for you have to pay to the English functionary the price of exile in an uncongenial climate as well as the price of his labour, while the Indian can claim the price of his labour alone. There is now no law—there never has been one—prohibiting a native from holding any civil appointment whatever. It is a mistake to suppose that there are any appointments, or class of appointments in India, which can be held only by the members of the civil service. I recollect an instance of a military officer acting as magistrate in the Regulation Provinces. I was myself successful in getting, in the same provinces, supposed to be the peculiar appanage of the civil service, an engineer appointed deputy collector, in order that he might settle the land-tax of a tract of country which he was draining. The Indian minister has then full power to instruct the Governor-general and the governors to appoint worthy persons among the natives to any station where the doing so will be for the advantage of the

State ; and if such an instruction be faithfully carried out, many of the natives will speedily be found in high places. There has been enough of discernment and liberality in many of the Governors-general of my time to warrant the conclusion that such a power will be fairly used by future Governors-general. If it had been placed in the hands of a William Bentinck, an Auckland, a Hardinge, an Elphinstone, or those of the present Governor-general, the State would by this time have possessed a small body of high native functionaries of the first class of ability and honesty ; and these men would have been obtained without the expensive process of training up youths by a regular education, of whom only a percentage become really valuable servants ; while their presence in the service would have been a perpetual stimulus to the exertions of the English covenanted civil servants, a stimulus now totally wanting. The introduction of the natives to this class of employments will be, and ought to be, gradual. It would be an error to set apart a number of appointments to be exclusively filled by natives ; the true principle will be, when an appointment falls vacant, to appoint to it a native when you find one clearly more fit for it than the available English members of the service.

The existing civil service must then remain a separate service necessarily for many years to come, and, under the new system of open competition it

ought to become eventually composed entirely of men of great ability, whose duties will be rather those of regulating and superintending the whole system of administration, than of conducting the details of business, which will principally, but not exclusively, fall on the natives. The English servants will become the connecting link between the intelligence of India and the intelligence of England in the business of government, and either in this future condition, or as they at present stand, the necessity of a system of severe, though not narrow discipline, for men holding their position, appears evident.

The laxity of discipline which at present exists is owing to the fact of its being placed entirely in the hands of the Governors. The result is, that the power in a great measure falls into the hands of one of the Secretaries, and he (or if the Governor be a civil servant, he also) is probably connected with the delinquent whose case comes before him. Such a man in such a situation is exposed to solicitations, which few are able to resist, who have in their characters an average amount of mercy. The restoration of the criminal to his position in no way affects their prospects detrimentally, and the consequence is, that, as some one has truly observed, the removal of a civil servant is an impossibility, except in the case of complete inefficiency produced by extreme old age.

The new system of appointment will cut off those

sympathies with the members of the Home Government, which were supposed to contribute considerably to the impunity of the civil service, and it will break up to some extent the intimate family connection existing among its members; but something more is required, and that of more immediate application. The remedy I propose is to model the moral discipline of the civil service on that of the army. I would have each delinquent tried by a court-civil for any official delinquency, and the punishment apportioned by them. The Governors would then be able to oppose to solicitations the sentence of the Court. I do not think that these courts would show undue leniency; courts-martial inflict severer punishments than are inflicted on civil servants, and one sees the reason of it; each man who behaves well—and the majority do behave well—feels that the retention in the service of those who conduct themselves ill, is an injury to him, it gives him an unworthy competitor for distinguished employment; the interest which kept such an one in the service, may any day put him over the honest man's head, if he is not above him already. There is also another and a better feeling that tells, and this is pride in the good name of the profession. This is much more acute in the mass of the service than in the Governors and Secretaries, who are a good deal separated from it by their position, and have generally pretty nearly done with it.

In all the cases I have cited, and in many others I have not cited, I observed among the working part of the service, with whom I was in very frequent communication, a deep feeling of indignation and disgust at the culpable lenity shown to the parties concerned. Before closing the subject of the civil service, to which I belonged, I think, that as I have extenuated nothing in writing of them, I have a right to some credence when I say, that they are, as a body, honest, zealous, and most industrious; that they have a rather high percentage of able men among them, and a large proportion of hard-working men, who do their duty creditably; and this in spite of the weakness of Government, which, while pitilessly severe to natives, abstains in the case of civil servants from punishing adequately proved misconduct, and actually encourages illegal and arbitrary acts of power.

The great mass of the population of India consists of the class called "ryuts," who are agricultural labourers, cultivating small plots of ground, and paying the rent of their land either to the State, or by some party designated by the State. The condition of these people in the north-west provinces is, at present, good; because, through the labours of one who has died while these pages were being penned, ungraced by any mark of honour from the State he served, unknown by his countrymen, but gratefully remembered by millions in India—through the labours of Robert Bird, the Government were



brought to authorize the revenue officers to assess, for a space of sixty years, moderate rents on the ryuts, and to forbid the enhancement of them by the zumindars, to whom was delegated the right of collecting these rents. But this fixity of tenure, which has placed millions in a condition of happy remunerative industry, rests on no sure foundation. It can be upset by any Governor. It is at the mercy of the courts of law. A solemn and stringent enactment is required on this subject, to secure the prosperity of this numerous class of men, who are the strength of the country. This fixity of tenure is no new thing in India. It is on the records of the former Governments of the country as the due of the peasant, and the best rule for the financial interests of the State. It is the thing oftenest referred to by the ryut, and is as continually and earnestly claimed, as ever were the laws of Edward the Confessor by the Saxons. Fixity of tenure, under its proper limitations, which are well known in the north-west provinces, should be extended to every part of our possessions, especially to Bengal, where the opposite principle of rack-renting has been allowed full play, and where, in consequence, the ryut is worse off than in the days of Clive, where this most valuable class of men have been completely shut out from the benefits of our rule, which to them has as yet been an unimixed evil.

It is this miserable condition of the ryuts which

has rendered the suppression of robbery by gangs impossible in Bengal, as it is the good condition of the ryut which has caused that crime to disappear in the north-west. Statesmen and magistrates should never forget that the greatest teacher of morality is a full belly. The formula of fixity of tenure, as understood in Upper India, is perfectly simple and intelligible. The cultivator, being an actual resident on the estate, occupying a house thereon, settles amicably the amount of rent to be paid for his land with the party entitled to collect. If there be a dispute, the rent is fixed by the officer of Government, assisted by indifferent arbitrators. The rent, once fixed, is recorded by Government, and cannot be enhanced but by consent of parties during the remainder of the lease, unless the productiveness of the land should be materially increased from some cause independent of the exertions of the ryuts; such, for instance, as the construction, by the rent collector, of a well for irrigation, which would in those hot countries sometimes quadruple the value of the land; in that case the rent would have to be assessed *de novo*, by the same process, but if the ryut built the well all the profit would be his.

If it is intended that the natives should become attached to our dominion, the crusade against the Hindoo and Muhommedan endowments must cease. I do not mean that cases of manifest, fraudulent alienation of the revenues of the State should pass

unchallenged, but that out of consideration to the feelings of the bulk of the Queen's subjects in India, the question of the resumption of endowments should always be treated with a bias in their favour. This is practical wisdom; the reverse of it has been shown in the inordinate provision for the ministers of the Church of England in India, who at all but the very large stations, are the only sinecurists left in India.

Some people may think that it would be wise and salutary to adopt the voluntary principle in India; I do not go with them. The people of India are at present attached to their religions, and attribute a character of sanctity to their existing religious endowments; I am confident that if we were to discontinue the support by the State of all religions, including the Christian religion, we should in all human probability give rise to a general insurrection. We run a great risk of a similar result, when we systematically reduce Hindoo and Muhommedan establishments, while we maintain and go on increasing our own Church establishment.

It must be the labour of Government at home, and in India, to do away with all political distinctions; there must no longer be a body of British subjects, but every man in the Queen's Indian dominions must be raised to the level of a British subject; every mark of conquest ought to be effaced. That our form of representative government is at present totally unsuited to the people of India is clear to all men

who know India; whether the natives of India will ever take to it, is a question that lies hid in futurity; and while they are unfit, Englishmen who resort to India, must submit to the loss of political action. But there is no obstacle except the narrow-mindedness of a few bureaucrats to the concession to all classes of men of the fullest personal liberty, to a scrupulous regard for good laws, and the independency of well-chosen, efficient judges, and to the general diffusion of education and enlightenment.

Under such a regimen we may continue to hold India for an indefinite period, to our and her advantage, and open for her such a prospect of wealth, happiness, and dignity, as she has never known. For our own country there is waiting a glory, such as no people has yet acquired: the glory of restoring to the first rank of virtue, religion, and civilization, a people who, before the name of England was known, had laid the foundation of that knowledge and civilization, which from them, through the Egyptians, Greeks, and Romans, has come down to us; an inestimable gift, which we may return to them, increased in amount, and with the added blessing of perfect civil and religious liberty. But this high glory can only be attained by the patient efforts of that people of England, in whose hands the government of the empire is virtually, though indirectly placed. They must not lose sight of the Indian question, they must keep constantly in view the

principles I have endeavoured to elucidate; they must watch that their will is not frustrated by little knots of men working for their own interests, or on sectarian, not national principles. The statesmen who at present conduct the administration of the British Empire are, I believe, much imbued with the views I have brought forward; but neither they, nor any man, however highly gifted, can carry those views into action without the backing of the people of England, given after their ancient fashion, steadily, earnestly, and, above all things, moderately and forbearingly.

FRANCIS HORSLEY ROBINSON,

LATE MEMBER OF THE BOARD OF REVENUE,  
NORTH-WEST PROVINCES.

THE END.

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