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TORTURE IN MADRAS.

964 *THE EARL OF ALBEMARLE* said, before I move the Resolutions which I have placed on the Notice Paper, allow me to present a Petition from certain Inhabitants of Madras, complaining of the Infliction of Torture by the Officers of the Government for Government purposes; and praying for your Lordships' protection. The petitioners are anxious that your Lordships should not consider the Report which has been laid upon your table as conveying any adequate idea of the amount of suffering endured by the inhabitants of the Presidency of Madras. The Commissioners themselves virtually acknowledge the incompleteness of their Report, because they say that full inquiry would have occupied two years, and the labours of the Commission were brought to a conclusion in three mouths. Besides this, the Commission sat in the town of Madras, where, owing to the want of means of internal communication, and the extent of the Presidency, being an area of 144,889 statute square miles, or within

965 one-fourth part of being twice as large as Great Britain, it was impossible that many of the sufferers should attend to make their complaints. The Report must, therefore, be considered simply as a sample of the way in which justice was administered, and the revenue collected under the East India Company. Without stopping to contrast the innocent surprise expressed by the home authorities at the prevalence of torture over a territory inhabited by near 23,000,000 of inhabitants, with the fact that there existed in the India House documents, written between the years 1806 and 1852, which proved the prevalence of such torture, I will proceed at once to the question of the torture itself.

To correct the impression which exists on the part of some of the civil servants of the East India Company, who seem to have an erroneous notion of the word torture, and fancy that nothing short of those kinds of pain which, in England, in barbarous times, were employed judicially for compelling evidence, such as the rack, the boot, and the wheel, let me quote the definition of torture given by Dr. Johnson, which is, "pain by which guilt is punished or confession extorted." If I might make an addition to the definition of the great lexicographer, I would add, "or Government revenue extorted." That your Lordships may not think that the torture inflicted is of the mildest description, an impression which you might receive from the extenuatory despatch from the Court of Directors to the Governor of Madras, dated the 12th of September, 1855, I will read a list of the modes of torture practised, which I have extracted from

the Report of the Commissioners. These are, deprivation of food and water; hindering a man from sleeping; hanging a necklace of bones or other disgusting materials round the neck (a punishment peculiarly offensive to a Hindoo); compelling a man to sit on his heels, with brickbats or sharp stones under his hams; striking the heads of two defaulters against each other; tying two persons together in a stooping posture by the hair of their heads; tying a man in a stooping posture to the wheel of a cart; tying a man by the hair of his head to the tail of an ass, and parading him through the public market; forcing a man into a stooping posture with another man on his hack; binding a man to one tree and hoisting his leg by a rope attached to another; suspending a man by his heels to the bough of a tree; suspending him by

966 the wrist, and scourging him while in the air. If my recollection serves me right, there is in that Report an instance of a woman who died under the infliction of this torture. Tying to a tree with a fire underneath, in order to produce partial suffocation; forcing a man to whirl his head in a peculiar manner with his hair dishevelled, sitting in the sun, the process being assisted by scourging (called in the native collector's office, "extracting the devil"); suspending a man by his arms tied behind his back, which, I believe, is the Indian punishment of the strappado; plunging into wells and rivers, until the victim is half, or sometimes wholly, drowned; placing the carpenter beetle, or other gnawing insect, or some stinging reptile, confined within a cocoa-nut shell, on the navel or still more sensitive part of the body, causing great torment; cudgelling with bludgeons with such severity as to produce dislocation; placing the muzzle of a musket on the great toe, and forcing the party to continue with it for hours in the burning sun; placing a stick across the chest with a man seated at each end of it, so as to produce partial suffocation (I have heard that this has been in some cases continued until the tongue protruded from the mouth); binding a limb by twisting a rough rope round it, so as to impede the circulation, the intensity of the torture being increased by the application of a composition of red pepper, salt, and mustard. This torture the Court of Directors have themselves described in their Judicial Dispatch of the 11th of April, 1826, page 7 of the Report. Another punishment is the stocks—a very different punishment from the stocks formerly used in this country; the victim is placed on his back, with his heels in the air, his face exposed to the sun by day, and the damp and cold by night. Then there is lifting up by and tearing out the mustachios—not only a very painful torture, but a great indignity into the bargain; placing the victim on a nest of red ants, also a very painful torture; squeezing the crossed fingers; pinching the fingers between a cleft bamboo; torture by the kittee, an instrument by which the fingers arc gradually bent back until the pain is unbearable; pinching the inside of the thighs; nipping the flesh with wooden or iron pincers; pounding the joints with mallets of soft wood; flagellation with every kind of scourge in every part of the human body, and with such severity as occasionally to cause death (at 967 page 80 will be found a case mentioned by Mr. Lushington of a man flogged to death for non-payment of taxes); tying rags round the fingers and setting fire to them; burning various parts of the body with a lighted cheroot, heated packing needles, and

Searing irons; wrapping the body in cotton steeped in oil, and setting fire to it; compression of the sensitive organs of the body; driving thorns under the nails; filling the nostrils, eyes, and other parts of the body with cayenne pepper; applying the bamboo pincers to women's breasts. In their dispatch of the 12th of September, 1855, the Directors refer with great satisfaction to a passage in the Report, paragraph 70, page 35, in which the European officers are acquitted of giving countenance to the infliction of torture, and in which also, it is alleged, that the natives place implicit confidence in the integrity of the European officers. Now, I will state some facts bearing on these points, and then leave your Lordships to draw your own conclusions. For my own part, I cannot agree with either assertion. First, with regard to the confidence placed by the natives in the integrity of European officers. Now, I have made copious notes from the Report of the evidence of the natives themselves, which expresses anything but confidence in the European functionaries, but I will confine my quotations to what Europeans themselves say on the subject. At page 86, Mr. Minchin, sub-collector of Nellore, states:— The fact that no cases of torture have been inquired into for the last seven years must force on the mind the conviction that the body of the people believed that the system of personal ill-usage for the collection of revenue was at least connived at by the Government and its officers. The answers to any questions on this point have been always confirmatory of this humiliating truth. At page 89, Captain Boileau, civil engineer, of Nellore, states:— The idea of torture being tacitly tolerated by the Government or its European officers is so far prevalent that a belief is expressed that any complaint made of torture inflicted for the nonpayment of the kist (rent) would not be attended to. At page 95, Mr. Saalfelt, agent to Messrs. Arbuthnot and Company, a very important witness, from his necessarily constant intercourse with the natives, states:— Not a single individual can be found bold or resentful enough to make torture a subject of complaint, simply because the idea is prevalent among the people that such acts are tacitly tolerated by the Government.

968 At page 97, the Rev. E. Webb, of Bellary, says:— He must add in conscience that the impression entertained by the people is that by many European servants of the Government the whole subject is avoided, and that it is tacitly permitted as a sort of irremediable evil. I have myself received the reply from more than one gentleman in the service of the Government when reference was made to this mode of obtaining evidence, 'We have nothing to do with that, it is all sub rosâ.' These gentlemen would, without doubt, have severely punished a case of the kind satisfactorily proved. At page 115, Mr. F. W. Goodwyn, Civil and Session Judge, Salem, says:— As far as I could ascertain or judge, the idea was prevalent among the people that such acts were tacitly tolerated by the Government or its European officers. If directed to do so, I can furnish some details which appear to me to support the above opinion. At page 216, Mr. Bourdillon, collector of Arcot, quoting the evidence of a native revenue officer of North Arcot, says:— The ryots do not think that the Government and collector do authorise such acts; but they think the collector does connive at it, and that if any

charge of this kind were given, the collector would inquire into it formally, but at the end he would dismiss it on the ground that the charge was not proved. On this account the ryots are backward to make complaint. What constituted connivance? If it is said that non-connivance meant ignorance of the fact, that plea certainly would not be substantiated. Ignorance of the existence of torture among the civil servants of India was impossible. The hon. Walter Elliot had made a very able report on the subject of torture, had drawn up an analysis of the evidence, from which it appears, at page 230, that— Of 215 responses elicited, only seven express a disbelief in the existence of the practice, seventeen give no positive opinion, while 197, of whom 112 are public officers engaged in the civil administration, &c., concur in stating their belief in the prevalence of the evil to a greater or less degree." Again, Judge Cotton, of Masulipatam, says, that if the civil servant were asked, "Does torture exist?" from the highest to the lowest subordinate official the answer must be in the affirmative. I may be very uncharitable, but I cannot conscientiously acquit the civil servants of India of all non-connivance of torture. Connivance of some kind was shown by the almost universal repugnance of the civil servants to convict a subordinate of the offence, even upon the strongest evidence.

969 Take one district alone—that of Coimbatore. At page 131, it would be found that Mr. E. B. Thomas, a magistrate in that district, states that "torture, properly so called, had ceased to prevail." Mr. M. J. Wallhouse, another magistrate, also states that he "considered his knowledge of facts enabled him to pronounce that the statements in the speeches circulated by the Government (i. e. the speeches in the other House) were pure fictions," as regarded that district, and yet, on looking a little further, it would be found that two men had been tortured to death in his district. Look now to page 299, and your Lordships will see the Torture Calendar for this same Coimbatore. I find that from 1847 to 1853, there have been thirty-one convictions, involving no fewer than sixty offenders, all public officers of the Government. Two of the convictions are by Mr. E. B. Thomas, the very collector who states that "torture has ceased to exist," and thirteen convictions involving twenty-three cases, by Mr. M. J. Wallhouse, the magistrate who pronounces "the existence of torture to be pure fiction." True it is that in the record of convictions, the kind of torture is veiled under the vague title of ill-treatment, but in that list we find the stocks, the handcuff, and the scourge. Now I will only select two cases, and they shall be two of the thirteen convictions of Mr. Wallhouse. I adduce them to show that the inadequacy of the punishment on the delinquent affords evidence of connivance. The sixth conviction on the list, date 1848, four men for torturing the prosecutor, and taking away fifty rupees he had in his house. That is torture and burglary. The principal in this case is fined the sum of ten rupees, being one-fifth of the robbery he had committed. Five officers are convicted of torturing a man for the purpose of extorting revenue, the amount not stated. Three of these are fined eight shillings each, and two, four shillings each. In not one case out of the thirty-one convictions does dismissal from office seem to have followed. In this country dismissal would follow in every case, and in most of the cases a penal

servitude of four years' duration would be the slightest punishment which a Judge would inflict. Let me now call your Lordships' attention to the causes of torture, and I think I shall show they are distinctly traceable to maladministration. Let us first look to assessment of the land.

970 One of the facts proved is the necessity of torture for the realisation of the revenue, and I think that fact alone will establish the point that there existed the grievance of over-assessment. When rent could only be obtained by means of torture, it might safely be assumed that the land was rented too high. Mr. Seymour, when fortunately for the natives of India he visited India—for otherwise these atrocities might not have been brought to light for another half century—asks Mr. F. N. Maltby, collector and magistrate of Canara, whether the Government had taken the best measures to put it (torture) down, and he (Mr. Maltby) replies, that he could never say that, so long as they maintained in many districts a rate of assessment which he believed to be excessive. Mr. J. D. Bourdillon, collector and magistrate of North Arcot, enumerating the causes of torture, instanced the high assessment of the land:— With a moderate assessment," says Mr. Bourdillon, "land would have become a valuable property, and a man would not only have taken care not to incur the loss of it, but in case of adversity would always have had in itself the means of satisfying the Government demand upon it. Further, had the assessment been moderate, that circumstance would have powerfully tended to raise the character of the people, for when men begin to possess property, they also acquire self-respect, and the knowledge how to make themselves respected, and will no longer submit to personal indignities. With regard to the necessity of torture for the realisation of revenue, Mr. W. Sloane, Sudder Ameen (a judge empowered to try causes to the extent of 1,000 rupees), of Vizigapatam, states— "Parties who have had the fullest means of knowing the truth of what they stated, have told me that, without resorting to torture, tehsildars (native collectors) and heads of police would find it impossible either to collect revenue or detect criminals. Mr. J. M'Kenzie, merchant of Bimlipatam, an important because an unwilling witness, whose extenuation of torture, and contradiction of himself the Torture Commissioners have pointed out, states— Certain I am that if the ryots come to entertain the belief that the tehsildars (native collectors) dare not and will not use any other means to collect the revenue than those authorised by the strict letter of the regulations, the void in the Madras Exchequer will be large indeed. I have heard of the experiment being tried in some not distant districts, and the results were such as might have been anticipated. The annual jumabundy (rental) reports were far from being satisfactory.

971 Mr. J. J. Minchin, Acting Sub-collector of Nellore says— I believe that there is not one native official who does not expect that the new system will be followed by a decrease of 50,000 rupees in this division, and of a lac or a lac and a half (£10,000 or £15,000) in the whole district. If all the other collectorates were in the same condition as Nellore, the defalcation of the Madras revenue would be nearly 8 per cent, or

£350,000, a sum which in such a case must be considered as extracted by mere force of torture.

Having shown that torture and high assessment are inseparable, I will take another example from the Report, and prove the converse. I will now show how moderate assessment is marked by the absence of torture. In the town of Madras, where there is a fixed and moderate rent, and not an annual assessment, where the police and revenue departments are separate, and where there exists the supervision of an active intelligent European population, torture is unknown; but of the twenty other collectorates, there are only two in which there is an absence of torture, namely, Canara and Malabar. In these two districts, the assessment is low, and the proprietors are not a numerous class of pusillanimous occupants, but a few sturdy, independent, and somewhat recalcitrating landowners, who have inhabited those districts immemorially, and who will not submit to be over-taxed. Both in Canara and Malabar, (say the Commissioners), the land tax is generally light, the people are flourishing, the assessments easily and even cheerfully paid; the struggle more often being, who shall be allowed, than who shall be made to pay the Government dues. (This was evidently in order to establish a title to the land.) Land has acquired a saleable value, and allotments of waste are eagerly contended for. Who, (continue the Commissioners,) can be surprised then, at hearing one and all the European dwellers in those favoured spots declare, that there torture for revenue purposes is comparatively unknown? I will not now revert to the tax moturpha, but will speak of the ryotwarry, which is, if possible, as absurd and impolitic as the moturpha itself. I have several times attempted to awaken the attention of your Lordships to a sense of the sufferings of the Madras people, with respect to this very tax. I will here read a definition of the term "ryotwarry," in Wilson's Indian Glossary, and the very definition sounds like a libel on a civilised Government—

972 Ryotwaur, familiarly applied to the revenue settlement, which is made by the Government officers with each actual cultivator of the soil for a given term, usually a twelvemonth, at a stipulated money rent, without the intervention of a third party. Here there is, ostensibly, an undertaking, on the part of the European, to enter into a direct and annual settlement with every peasant proprietor without the intervention of a third party, but in reality neither the surveyors of the land, nor the assessors and collectors of the tax are Europeans, but natives, the higher class of these men receiving a salary of £70 or £100, and the lower only a salary of £12; and as they live at ten times that amount, they of course eke out a livelihood by the very power which this tax gives them. The Government has not furnished me with the returns for which I have moved; I must therefore make use of such documents as I can lay my hands on. An able article, which appeared the other day in *The Times*, fixed the number of proprietors in Madras at 5,000,000; I and the number of European servants, it appears by the Torture Report, who ostensibly survey and assess that number of farms was seventy. Seventy Europeans to assess every field of 5,000,000 farms! The idea was absurd. As a

necessary consequence, the people of Madras were left to the mercy of a legion of underpaid, undisciplined revenue officers, armed with all the powers of the police, and exercising those powers without supervision. Mr. Walter Elliot in his evidence upon this subject, at page 83 of the Report, says— The number of ryots paying an assessment of less than ten rupees (20s.) per annum is 630,704. Now, in the five northern Circars, the average number of pauper ryots is 30,000 for each, or 150,000 for the whole. The population of the Circars is 4,284,139. If proportions in the other fifteen provinces be the same the number for the whole presidency will be 786,426.

How has this number of pauper proprietors been created? Are they a *damnosa hæreditas*, left us by the Mahomedans? No; they have been created by the cruelty and fiscal rapacity of a Government more barbarous than that of the Mahomedans—by the Government of the East India Company. An account of the manner in which a pauper proprietary has been created is ably given by Lieutenant H. L. Grove, employed in the Godavery Works:—

973 From my constant residence among the natives I can assert that, without using force, a considerable portion of the revenue never could be collected, and the same difficulty will exist so long as men, who are wretchedly poor, and utterly unfit for anything but coolee (day labourer's) work, are permitted, either voluntary or (mark this, my Lords,) by force, to become cultivators. In every village there are some bits of waste or bad land, which the wealthier ryots will not cultivate; but as the Circar's (Government) annual demand must somehow or other be paid, the names of some of the poorest inhabitants (and even sometimes without their knowledge) are put down for these bad bits. In vain do the unhappy creatures declare that they know nothing about cultivation, that they have no implements, cattle, or plough, or that they were ruined last year by the loss of their crops. They are told that the Circar's money must be raised, and they are promised tuckavee (advances) to purchase what they require. If the man is still unwilling to take the land, the village authorities bring him to the notice of the Amildar (collector), who orders him to his cutcherry office, where, by threats and force, both moral and physical, he is induced to cultivate. Now, call this what you will, it is *psædial* slavery. If a man is forced to cultivate in order to yield revenue, and forced to work upon the public works without reward, what is this but substantial slavery?

I will now show the great impolicy and cruelty of the tuckavee (advances) system, from the evidence of a native, to which great importance is very properly attached by the Commissioners. This gentleman, A. Nulla Moothoo Pillay, Quit-rent Amildar (collector) of the Madras Collectorate, p. 222, says— Whenever the ryots wanted tuckavee (advances) for buying cattle, or in any way to help themselves in cultivation, the half of the amount which they applied for would be appropriated among the Talook (Government) servants, and the other half given to the ryots, who applied for the whole; but when they demand fully the advanced sum, they (the Circar servants)

use the most cruel torture towards those that resisted or hesitated to pay the amount which they had received only in part. Another cause of torture is the union of the functions of police officer and revenue officer in one person. In 1792 Lord Cornwallis completely separated the administration of revenue from that of police in Bengal, and in 1802 his regulations were introduced into Madras. In 1816, however, they were rescinded, and the offices of judge, magistrate, and collector, were centred in one person. Several able protests were made against this barbarous and unprincipled measure, from one of which I will read a short extract, although I recommend all the quotations given in the

974 Report from this able State paper to your Lordships' serious perusal. Mr. Fullerton, a Member of the Madras Council, afterwards Governor of the Straits Settlements, in a Minute dated January 1, 1816, says— It is not, I conclude, intended to make police or the administration of the criminal law subservient to the collection of revenue— meaning, of course, that it was the intention of his honourable masters to do so—to vest in the collector such a degree of overwhelming authority as will enable him to dictate the terms of cultivation, to infringe on the personal liberty and the free exercise of the labour of the ryots, and extract, by an organised system of compulsion, a revenue beyond the natural result of voluntary engagement. It appeared that the East India Company did intend by this step to dictate the terms of cultivation, to infringe on the personal liberty and free exercise of the labour of the ryot, and to do all that Mr. Fullerton deprecated. Two years after this protest, namely, in January, 1818, when full experience had been acquired of the cruel working of the measure, the Revenue Board issued a Minute, contrasting Lord Cornwallis's, or, as they were then called, "the new regulations," with the ryotwarry. They said— The new regulations required revenue to be subordinate to justice, while the ryotwar system has rendered justice entirely subordinate to revenue. I hold our East Indian Government of the present day responsible for these evils inflicted upon the unhappy inhabitants by their predecessors, because, with all the evidence before them which has been collected as to the cruel working of the present law, they have actually, in their despatch, written as late as September 12, 1855, recommended that the union of the revenue and judicial functions should be carried into effect in Lower Bengal, where, as I have every reason to believe, the practice of torture even now exists, and requires no new cause to be added for its infliction.

The remedies for these evils are obvious. The assessments must be reduced, and they must not be made annually. Instead of entering into arrangements with each individual collector, the Government must fix the amount of rent or land tax for a long and for a definite period, and whenever an augmentation takes place it must be one of a fixed and specified amount not exceeding 5 or 10 per cent. The necessity of having a large amount of European functionaries must be admitted, although

975 its practicability may be denied. There are 1,000 civil servants in India to a population of between 100,000,000 and 150,000,000, being one European to every 100,000 or 150,000. The thing is absurd, but the evil will not be remedied so long as they maintain the principle affirmed by the Act of 1853, that is, so long as the covenanted servants of the Company receive ten times as much as the servants of the wealthiest country of the world, whilst such poverty exists as in the Presidency of Madras with its 700,000 pauper landholders.

I have to ask your Lordships' indulgence for having detained you so long. I have discharged a painful duty, but the responsibility now rests with you. You may be pained at the fiendish malignity of the native servants, and ashamed of the disgraceful apathy, to call it nothing worse, of the civil servants, but I do not know in what terms to speak of the rapacity of that Joint-Stock Company to which Parliament and the Government of this country have farmed the Indian empire, the greatest dependency that this or any other country ever possessed, as if they had been leasing a private estate to tenants at will. On your Lordships will rest the responsibility, and you owe it to God and your country to blot out the evil and apply the remedy. I now move to resolve— That by a Report lately laid on the Table it is proved to the entire Conviction of the House that Torture, or the Infliction of Pain, for the Purpose of Confession or Extortion, has long been practised, and still continues to be practised, by the Native Officers of Government in the Realisation of the Public Revenues and the Administration of Criminal Law, to a greater or less Extent, throughout all the Twenty Provinces constituting the Government of Madras: That the aforesaid Torture, although clandestine and unauthorised, has been for many Years known and admitted by the constituted Authorities at Home and in India, as shown by the Public Records: That this House views the aforesaid Practice of Torture, affecting so many Millions of Her Majesty's Subjects, whether as an Instrument for the Realisation of the Public Revenues or the Administration of Criminal Law, or for any other Purpose whatsoever, as repugnant to natural Justice, abhorrent to Humanity, and highly disgraceful to the Character of this Nation: That this House hereby pledges itself to pursue the speediest and most effectual Measures within its Power for the Annihilation of the odious and barbarous Practice of Torture within the above-mentioned Government and Presidency of Madras.

THE DUKE OF ARGYLL begged to express, on the part of the Government,

976 their entire concurrence with the opinion of the noble Earl as to the light in which they ought to regard the practice of torture, which, unhappily, had been proved to exist in one of the presidencies of India; and to admit fully that it was the duty of the Government to take every measure in their power to put an end to it as speedily as possible. It was the more necessary that he should do so promptly and frankly, because, as their Lordships might have perceived, the facts brought to light by the investigation of the Torture Commission had been quoted, not only in this country,

but in various parts of Europe, as proving the indifference of the British Government; and he was not sure that they had not been quoted as showing that it had the sanction of the British Government. Therefore it was the duty of those who spoke on behalf of the Government to declare how utterly they abhorred and detested the resort to such practices, and that they considered that they were as much opposed to the interests as they were to the honour and character of the country. But with regard to the course the noble Earl recommended the House to pursue, he had a few words to say. The Resolutions which the noble Earl had proposed were, he presumed, intended to be simply the declaration of the opinions and feelings of the House with regard to the facts brought to their knowledge by the Torture Commissioners. He was far from saying that the House ought not to come to some expression of opinion, the subject having been brought to their attention. He thought, when the existence of such a practice was brought to their notice, it was fitting that some step should be taken; but their Lordships, he thought, would agree with him that whatever Resolutions they might come to should state the facts as accurately as possible, and ought not to be so worded as to convey the impression of complicity or silence on the part of the Government to foreign countries or to the people of this country. He would draw their Lordships' attention to the facts. It was scarcely three years since Committees of both Houses of Parliament were engaged in an inquiry preliminary to the renewal of the East India Company's charter. For many weeks and many months the two Houses of Parliament were engaged in investigating every possible charge that could be brought against the administration of the East India Company. Those charges were supported before

977 the Committees by the evidence of persons who were influenced by no friendly feeling towards that Company, and who were desirous that some organic change should be effected in the government of India. He had the honour, with some of their Lordships now present, to be a Member of one of those Committees, and he thought he spoke for them as well as for himself when he said that, during the whole of that inquiry, not a whisper was heard as to the existence of the practice of torture in India, nor was it brought under their notice by any witness whatever. He was aware that some were of opinion that the inquiry might have been prolonged with advantage, and he was not prepared to deny that sufficient time for the investigation for all the questions arising out of our Indian government had been given. Nevertheless, one would have expected that if it had been a known fact that the East India Company resorted to the infliction of torture for the collection of their revenue, that would have been the first and most obvious weapon used in debate by those who were opposed to the renewal of the charter; and he mentioned it as a remarkable fact in connection with the case, that not a word upon the subject was mentioned during the whole of the discussion. Their Lordships would remember how the discovery originated. In the course of July, 1854, on the occasion of a Motion brought forward in another place, an hon. Member stated that torture was practised in the Presidency of Madras. That statement was denied at the time by those Members of the House of Commons who

were more immediately connected with the Government of India. His right hon. Friend (Sir C. Wood), who was President of the India Board at the time, stated that he could not positively deny an accusation he had never heard before, but he would cause a strict inquiry to be made. The report of the debate was sent out to India immediately, and in September, almost as soon as it arrived, a Commission was appointed to inquire into the whole subject. So rapidly did the Commissioners execute their duty that in the April following their Report was concluded, and the whole mass of evidence was brought under the consideration of the Indian Government. That Report was sent to the Home Government, and within ten months of the accusation being first made in the House of Commons, the matter had been sifted and thoroughly investigated.

978 These facts, he submitted, did not evince any reluctance on the part of the British Government or of the Indian Government to inquire into the allegations, and, as far as it could do so, to provide a remedy. The Resolutions moved by the noble Earl did not allude to a fact dwelt upon by the Commissioners of Investigation, that the practice of torture, though existing under British rule, had not arisen under British rule, and was not due to it. In almost the first page of their Report the Commissioners showed that under the various Governments immediately preceding our own in India, torture had been practised and recognised as a means of extorting both revenue and confessions. That being the case, it ought to be stated in any Resolution which might be passed by that House, and which would go forth to the world, that the practice had not arisen with us, but had been inherited from the various Governments which had preceded us. Then as to the continuance of the practice under British rule. In page 34 of their Report, the Commissioners give some singular statements of the habits of the people contracted under the despotism of former Indian rulers. To show how difficult it was for such practices to be eradicated, they say— It seems to be the universal opinion among the Natives themselves, that, in criminal cases, the practice is not only necessary, but right. It excites no abhorrence, no astonishment, no repugnance in their minds. ... We have instances of torture being freely practised in every relation of domestic life. Servants are thus treated by their masters and fellow-servants; children by their parents and schoolmasters, for the most trifling offences. ... It seems a 'time-honoured' institution, and we cannot be astonished if the practice is still widely prevalent among the ignorant, uneducated class of Native public servants. ... There is not a Native public servant, from the highest to the lowest, who does not well know that these practices are held in abhorrence by his European superiors. But, however the practice of torture had originated, and however long it had been continued, could it be said with truth that the British Government had connived at its continuance? In page 35 of the Report the Commissioners said— We see no reason to doubt that the Native officials, from the highest to the lowest, are well aware of the disposition of their European superiors. ... We have seen nothing to impress us with the belief that the people at large entertain an idea that their maltreatment is countenanced or tolerated by the European officers of Government. On

the contrary, all they seem 979 to desire is, that the Europeans in their respective districts should themselves take up and investigate complaints brought before them; the distance which the Natives will often travel at great personal loss and inconvenience to make complaints, even of a very petty nature, to the collector or sub-collector, is, of itself, a proof of the confidence which they place generally in those officers. ... The abstinence of the Native officials from such practices in or near stations where Europeans, be they civilians, surgeons, commissariat, or other officers, reside, and the prevalence of torture increasing in proportion as the look appears less exposed to European scrutiny ... and the whole cry of the people which has come up before us is to save them from the cruelties of their fellow-natives—not from the effects of unkindness or indifference on the part of the European officers of Government. These passages supported his argument, and he quoted them, not from the appendices, but from the Report of the Commissioners, which set forth the general impression left by the whole evidence upon the minds of honourable and independent men. Now, with respect to the ignorance of the Company or the local Government—and considering that it was clearly proved the practice was largely prevalent over the whole of India—the ignorance of its existence might seem extraordinary—the Commissioners said— There are many circumstances in the peculiar condition of this country which may well account for the prevalence of even a systematic and general practice of personal violence, used for the purpose of extortion among the native population, without the general run of Europeans being aware of it. After mentioning that, in the first place, there were only three European magistrates for a district larger than the whole of Wales, and that, therefore, anything like a minute superintendence was impossible, the Commissioners went on to say— The certainty that no Native would knowingly venture to have recourse to any such practice in the presence of an European sets at rest any surprise at the very few cases in which any of our countrymen have personally witnessed the operation. Again the Commissioners remarked— Few of the civil engineers, few of the missionaries can testify from personal knowledge to the existence of torture; and, what is a more important matter of consideration, few of the medical men attached to zillah stations have any experience of the practice. When it is remembered that they have charge of the gaols, that it is their duty personally to inspect the prisoners, and that by being at the head of public dispensaries they must necessarily become acquainted with great numbers of the poor, suffering from bodily ailments, it cannot but excite surprise to find almost every one of them declaring that neither 980 do their records show, nor does their own experience furnish them with, cases of complaints of personal violence. When they found such to be the experience of medical officers, they need not be surprised at the amount of ignorance prevailing among the higher officers of the Government, and the members of the Government at home. At another point in their Report, with regard to the duties, of the European officers, the Commissioners said— It may here possibly suggest itself to those unacquainted with the duties of the European officials in the provinces, that they are obnoxious to blame for not personally investigating all the complaints which find their way before them; and that were they so to do, a great check would necessarily be

offered to the repetition of similar causes of complaint. But they who would thus argue know but little of the nature and extent of the duties which any European officer in a district has to discharge, and are ignorant of, or forget, both the immense size of our collectorates, and the small number of Europeans employed for the ordinary administration of the affairs of each province. So much with respect to the ignorance of the practice. But he must observe that in former years the existence of these practices had been brought under the notice of the Indian Government, and in this book were to be found many quotations from dispatches of the Directors, and from circular orders of criminal courts and revenue boards, calling the attention of collectors and magistrates to the existence of torture, and giving the most stringent directions for putting an end to it. They would find that since 1810 or 1812, when the existence of torture was first brought to the notice of the Government, on ten separate occasions various criminal courts had issued stringent orders to the police and revenue officers to put down the practice. The most important question was this—had any one act of the Government tended to continue the practice? The noble Earl who brought the question forward had used strong language in reference to the East India Company. But it was very difficult to say what share the East India Company had in the matter. The East India Company was under the Board of Control, and any censure directed against the East India Company was, in fact, directed against all the various Governments which had had control over that body, and were responsible for the exercise of their powers, in so far as these could be made effectual. Moreover, he (the Duke of Argyll) thought the language of the Resolution was stronger than was warranted by the facts, although, no doubt, one of the regulations had an unfortunate influence in perpetuating the practice of torture. He meant, with reference to the junction of the police and revenue duties in the hands of one body. With regard to this regulation, there was a passage in the Report of the Commissioners, in which he cordially concurred. He would read it to their Lordships, because he thought it important to call their attention, not merely to the sentences which were exculpatory, but to those which were incriminatory of the Government. The Commissioners said— Thus it will be perceived that the collection of the land revenue was entrusted to the very class who had from time immemorial been accustomed to practise the most cruel and violent tortures upon the persons of the unfortunate prisoners in their custody, accused or suspected of crime, and that with the full cognisance and even approval of their fellow-countrymen at large. Now, it certainly docs not seem to be drawing an overstrained inference to argue that the peons accustomed to elicit confessions in criminal matters through the instrumentality of torture would not be slow to have recourse to the same or similar appliances for the extortion of dues in revenue matters; especially as the practice was of long standing also in this department of the State administration under Native rule, and no innovation or surprise upon the habits and customs of their fellow-countrymen. We do not mean to say that there may not have been an equal, or possibly even a greater amount of personal violence in the collection of revenue previous to 1816 than subsequent to that epoch; but while the diminution is traceable to other causes, the concentration of all police and revenue duties in the

same hands appears to us necessarily to have destroyed that check which would have resulted had these powers been committed to two distinct bodies. The noble Earl had alluded to the protest of Mr. Fullerton against this combination of duties, but he had avoided all reference to the still higher authority by whom that system had been recommended. During the discussions upon India two or three years ago, the noble Earl (the Earl of Ellenborough) spoke of Sir Thomas Munro as the greatest name in the history of India, and as standing nearer in mental calibre to the late Duke of Wellington than any other public man of modern times. Sir Thomas Munro, moreover, was a man who took the Native population especially under his protection. Yet it was this Sir Thomas Munro who opposed Mr. Fullerton, and supported the measure which it was now said, perhaps correctly, had tended to the continuance of torture in India. It was hardly fair, then, to charge the Company 982 with the intention to continue the practice of torture, and to get revenue at any cost, by making that charge, when the change was supported by such a man as Sir Thomas Munro. He would now direct their Lordships' attention to what was now being done, and what was proposed to be done, to eradicate this abominable system from the Presidency of Madras. By reference to the last few pages of this Torture Report, it would be found that Lord Harris, the Governor of Madras, concurred in every suggestion of the Commissioners. Lord Harris wrote thus:— I concur generally with the views of the Commissioners with respect to the remedies which should be adopted for rendering the general administration of the Government more effective, and at the same time equitable and beneficial to the people. Some of the measures mentioned, more especially those respecting the police and magistracy, have been under my consideration for some time, and I should have already moved on these subjects on which discretionary power has already been given to this Government by the hon. Court in its dispatch No. 8, dated August 23, 1854, but for the delay which has occurred of more than six months in procuring information on the police force of Bombay. The evidence brought forward in these papers strengthens the views which I had already arrived at on these subjects, and there is a very remarkable confirmation of the advisability of the separation of the revenue and police in the absence of charges against the police of Madras. I hope this Government may soon be able to embody a comprehensive and valuable change in the unsatisfactory system now in force. At the same time, the whole subject requires serious consideration, and must, with the greatest desire of improvement on the part of the Government, take considerable time in its completion. On one point to which attention is drawn by the Commissioners I think an immediate change might be beneficially made—that as regards the state of the law on this subject; and I would propose that the Advocate General and Government Pleader should be called on, in concert, to propose such alterations as would be likely to remedy the evils mentioned. He read that extract to show that the Government of Madras had resolved upon immediate action, and was in favour of almost every suggestion made by the Commissioners, although he saw difficulties in the way of carrying them into effect, especially in the employment of a greater number of European officers. It seemed to be universally admitted that it was difficult to increase the number of Europeans in

that Presidency at the present moment, and it was the more to be regretted, because without that increase it was impossible to make speedy way in the abolition of the system, which was clearly proved to prevail in proportion to the distance from the stations of 983 the European officers. With regard to the separation of the revenue and police departments he could not but express an earnest hope that such a measure would be found practicable. He cordially concurred in the opinion expressed by the noble Earl, that it was most inconvenient and dangerous that the annual assessment of land—itsself a most objectionable practice—should be conducted by a set of men whose habits were such as had been described, and he trusted that some means would be discovered to effect a severance between those two great services. At the same time he was bound to remind the House that the Commissioners had themselves admitted that there were serious difficulties in the way of so desirable a measure of reform. They commended and desired it, but avowed that the question was beset with embarrassments. A dispatch from the Presidency of Madras, received as recently as that morning, showed that the local Government were anxious to abolish the annual and to substitute a fixed assessment of land—a measure which would go far to supersede the necessity for employing those Native servants whose interference had been productive of such unfortunate results. In fact, the whole question was engaging the serious attention of the Government both in England and Madras. With respect to the Resolutions now before the House, they did not hold out any hope of a practical remedy for the state of things complained of; they merely indicated the opinion of the House, and pledged their Lordships to such measures as they might be able to take. Nor, indeed, could it well be otherwise, for their Lordships could not practically take any steps unless they proposed some great organic change, in which they would require the co-operation of the other House of Parliament. In the meantime all they could do was to call the attention both of the local and home Government to the subject. If, therefore, the noble Earl was resolved to press the Resolutions on the adoption of the House, he (the Duke of Argyll) would take leave to propose certain verbal alterations in the first and second, the effect of which would be to place the subject rather more fully and fairly before the country. Thus amended, the Resolution would read as follows:— I. "That by a Report lately laid on the Table it is proved to the entire Conviction of the House that Torture, or the Infliction of Pain for the Purpose of Confession or Extortion, has long been 984 practised in India, and, that though derived from former Governments and steadily decreasing both in Severity and Extent under British Rule, it still continues to be practised by Native Officers of Government in the Realisation of the Public Revenues and the Administration of the Criminal Law, to a greater or less Extent, throughout all the Twenty Provinces constituting the Government of Madras: II. "That the aforesaid Torture, although clandestine and illegal, has been for many Years known to exist, and has been repeatedly denounced and condemned by the constituted Authorities at Home and in India, as shown by the Public Records: For the third and fourth Resolutions of the noble Earl he should propose to substitute the following— III. "That this House observes, nevertheless, with great regret and Disapprobation, the very inadequate

Punishments which have been frequently inflicted upon the Perpetrators of these atrocious Crimes: IV. "That this House relies upon the zealous and continued Exertions of all Persons in authority in this Country and in India to extirpate a Practice disgraceful to the Character of our Government and calculated to render it odious to the People of India. He trusted that their Lordships would be of opinion with him that these Resolutions would meet the exigencies of the case and adequately vindicate the honour of the Government.

THE MARQUESS OF CLANRICARDE

said, that while he must commend the tone in which the question had been treated by the noble Duke, and though he was willing to believe with him that the Home Government was without complicity in these dreadful practices, and that no British Minister, of whatever politics, was cognisant, or, if cognisant, could view them with any other sentiments than those of horror; he could not so easily acquit the East India Company. He should not, however, have risen to offer any opinion on the subject had it not been for what had fallen from the noble Duke with regard to what he called the British Government. It was difficult to say what was meant by the East India Company, and as difficult to say what was meant by the British Government. But one thing was certain, namely, that when the Government was spoken of in India, the East India Company, to whom it pleased Parliament two years ago to commit the government of that country, was meant; and when it was asserted that that Company was ignorant of the practice of torture in India, he denied it, and would prove his denial by the records on the table. He could believe it 985 possible that the Governors who were sent out to India were ignorant of these practices, but it was difficult to say whether it were a greater shame to be ignorant, or to be cognisant, of their existence. Their Lordships should remember that the subject had not come to the cognisance of Parliament from having been brought substantively before the House of Commons. The discovery arose from the incidental assertion of an English gentleman who had travelled in that country, on occasion of a Motion on the land tenure in India in the House of Commons. In the course of the debate, that Gentleman asserted that to his knowledge torture was inflicted on the Natives of India not only in criminal cases under inquiry, but also in the collection of the revenue. This assertion was met by a distinct denial on the part of certain Members of the Lower House, who were connected with the Company, some of whom had been thirty years in the Company's service; and one Gentleman, who exerted great influence over the Indian administration, namely, Sir James Hogg, actually twitted the hon. Gentleman with having gone into remote districts in the prosecution of vague and idle inquiries. But notwithstanding these disclaimers, the truth was brought to light by the subsequent Commission of Inquiry, and it was to Mr. Danby Seymour they were indebted for the disclosures they were then discussing. The East India Company had denied the practice of torture so far as applied to the collection of rent tax, but not in other respects; but he repeated the East India Company must have known of the infliction

of torture, and wilfully and disgracefully concealed it. Lord Harris, who had lately arrived at Madras, and was, doubtless, ignorant of those practices, said, and it showed the ignorance or deceit of the persons by whom he was surrounded, "He would not hesitate to repel such accusations on the part of the Government service, but it would not be satisfactory to that service if they were not inquired into." When the question with reference to the police was alluded to, the Governor in Council said:—"The Government is desirous of ascertaining the extent to which similar practices are carried on in the Presidency." He then proceeded to say that strenuous exertions would be made, and so on. On the margin of that very document there were actually no less than ten circular orders quoted, beginning in 1806 and going on to 1852—their 986 Lordships would observe that he (Lord Harris) was writing in 1854—showing that torture had been long and notoriously practised. Now, what he (the Marquess of Clanricarde) wanted to know was, why the practice, thus shown to be well known, was not put a stop to until the issuing of the Commission? He (the Marquess of Clanricarde) would show their Lordships the facility with which the information on the subject of torture might have been obtained if required, and the manner in which such torture was spoken of by the servants of the East India Company. One of the witnesses most to be relied upon was a Captain Frederick Nelson, a gallant officer on service at a place called Ongole. Their Lordships would observe that the Order in Council, from which he (the Marquess of Clanricarde) had just read a short extract, was dated the 9th of September, and on the 18th of September the officer referred to was in a position to give ample information on the subject, he having been an eye-witness. A Native went to that gallant officer to complain that he had been tortured for rent; but the evidence not being quite to the satisfaction of Captain Nelson, he proceeded to the sort of police court in which the alleged torture was said to have been carried on. Arrived there, he twitted the man who complained by asking him where the instruments were with which he was tortured, who, in reply, pointed out those instruments, and three or four persons being tortured then and there; and Captain Nelson further ascertained that it was for the non-payment of the rent tax that the punishment was inflicted. Could the East India Company deny that they were cognisant of such tortures? and if they were not, what other horrors might not be perpetrated at that or other places of which that House never even heard. In the Report of the circumstances of the case to which he had just referred, the proceeding was spoken of as one of "coercion." It went on to say that, so far as Ongole was concerned, torture was not used by revenue officers, "unless canes, ferules, &c., could be considered instruments of torture"—but that he (Captain Nelson) felt it his duty to reveal the circumstances which had come under his notice. Those facts would never have been revealed if the Order of the 9th of September had not been sent forth, and that Order would never have been made but for the fortunate 987 journey of Mr. Danby Seymour to that part of the world. If all the circumstances now before that House had been brought before the Commissioners in 1853, and if the Committees of both Houses had been carried on, as he (the Marquess of Clanricarde) believed it had been intended to be carried on, by the noble Earl opposite (Earl of Derby), they might

have made a very great difference in the way in which the subject had been dealt with at that period. It afforded matter for the grave consideration of Parliament when such practices were brought accidentally before it, showing, as they did, the conduct of the East India Company's servants, affording an insight into what Mr. Burke called "the inmost recesses and labyrinths" of Indian subjects. The noble Duke (the Duke of Argyll) said, in answer to a part of his noble Friend's (the Earl of Albemarle's) speech, that it was not for purposes of money that those practices had been connived at, but he (the Marquess of Clanricarde) would ask why, if they were not resorted to in the cause of revenue, was there not a better system of government established throughout the country? But clearly torture was resorted to in the collection of land tax, and in connection with the police; and the continuance had resolved itself to a question of money, and nothing but money. If the Indian Government had proper officers for the collection of the revenue, and a proper police, these things could not happen, and it was entirely owing to the system of government in India that they were permitted to go on. Unless there was established a more perfect supervision of the practices of those persons to whom they entrusted the collection of the taxes, there could be no guarantee that such practices would not continue to prevail. Their Lordships had been assured by the noble Duke that steps had been taken, and would be taken in reference to these transactions. So far as the Government of Madras had now moved in the matter, he was bound to admit that they had pursued a satisfactory course; but he could not conceal the fact that their Lordships had not the security that these steps would be followed out to their legitimate consequences. Whenever the subject was properly considered, in connection with it must be taken into consideration the question of Indian finance—the two things necessarily acted and reacted upon each other. The Government of Madras doubtless thought it necessary 988 to impress upon its European collectors the necessity of collecting every shilling that could be obtained from the people, and the Native agents had it impressed upon them that they were to obtain every farthing the Government required. Moreover, by these latter torture was occasionally inflicted for the gratification of their own bad passions. That would, therefore, be a partial and unsatisfactory settlement—amounting, in fact, to little better than no settlement at all—that did not take both questions within its terms. One excuse advanced in defence of torture was, that the Natives were so fond of money that nothing but torture would extract it from them. That, however, was an argument deserving of very little weight. He hoped that the present discussion and inquiry would put an end to practices about which only one opinion could be entertained by that House; but he rejoiced that they were not to go to a division on the question—that was not the time for coming to any decision—and he would warn their Lordships that at some future time the entire problem would require solution at their hands.

THE EARL OF ELLENBOROUGH My Lords, I rejoice that this subject has been brought under your Lordships' attention by the noble Earl, and I rejoice also that there is every prospect that we shall not be called on to divide on this Motion, for I think it would be highly undesirable that there should be even the appearance of the slightest

difference of opinion among us with respect to this enormity, and with respect to the duty of the Government to take every measure in their power for its extirpation. In the course of my public life I have been connected with the government of India—in this country about two and three quarter years and in India two and a quarter years—in all five years, and in the whole of that time I never heard of or had the slightest suspicion that the practice of torture existed in any part of India; and if at any time before I had read that Blue-book which lies on your Lordship's table, I had heard that such a charge had been made against the Indian Government, I should have repudiated it with no little indignation. But I must say, that inasmuch as it is now certain that this practice has constantly existed to a greater or a less degree—delivered to us from our predecessors, the Mahomedan rulers of the country, and continued under our own Government, for half a century—for we have **989** had possession of those provinces for more than fifty years—it is to me a matter of the greatest surprise and regret that there should have been that silence on the part of those persons who must have been cognisant of it, and that it should never have been brought prominently under the notice of any one entrusted with the Government of the country. It must have been known among those who carry on the Government in subordinate positions; but, beyond all question, those who are the heads of the Government have never become acquainted with it. I do not go with the noble Earl to the length of attributing connivance in this practice to any member of the civil service in India; but I must say that I do not think the officers of that service have shown that sensitiveness upon the subject of the existence of so dreadful a crime which might have been expected from the feelings of English gentlemen. I think it most extraordinary too, that, with the exception of a very few cases, the punishment inflicted for this offence should have been so extraordinarily inadequate. And not only that, but also that in so very many instances the magistrate should have held the case not to be proved, and in so very many others that he should have consented to that which seems to me to be totally inconsistent with our ideas of the administration of criminal justice—a compromise between the person tortured and the man who had tortured him. I look upon this circumstance with more than regret, and I do hope that the Government at home and the Government in India will make the gentlemen who exercise authority under them in India thoroughly understand that the administration of British India is hereafter to be conducted in a very different spirit from that in which it appears to have been conducted according to the papers upon your Lordships' table. I rejoice that the noble Duke (the Duke of Argyll) has stated it to be his opinion, and, as I understand, that of Her Majesty's Government, that it was absolutely essential to separate the functions of the police from the collection of the revenue. I have always been of opinion that the police and the revenue should be in different hands; but the noble Duke will find, and the Government here will find, more practical difficulty in carrying that separation into effect than they expect, and unless the greatest resolution is shown by the authorities here, you may depend upon it failure will ensue. I say this with the more confidence because this **990** was the only subject on which I and my Council did not agree. I never could get them to adopt the view which I always

entertained as to the necessity of separating the police from the revenue department. But if you only separate the two departments you will do but little. The proposition which I then made, and to which I did not obtain their assent—a proposition which I think absolutely necessary for the good government of India—was that the police should have a military character. Wherever I had the opportunity, as I had in the North Western Provinces, I did everything in my power to carry that measure into effect. In Scinde, I had a tabula rasa, and I immediately wrote to my gallant friend (Sir C. Napier) with my sanction to establish there a system of police which should serve as the model of the police all over India. In that country the police is altogether military; it is armed, drilled, and paid like soldiers, and it approaches to the military character more nearly, I apprehend, even than the police of Ireland. The country is divided into districts, each under the charge of a lieutenant, who corresponds regularly with his captain, in whom is vested the superintendence of the body throughout the whole province, and, by an admirable regulation of Sir Charles Napier, not only are special reports made of every noteworthy occurrence either in the police or revenue departments, but a weekly report is also sent in of all occurrences which are in any degree important in either department. No wrong, therefore, can be done without a combination of two hostile authorities—of two authorities certainly jealous of each other—constituted in a totally different manner and under different heads. The result has been not only the absence of cruelty, but the most perfect good government, the protection of the inhabitants, and the prevention of crime. In other parts of India, the police are entirely useless for the preservation of order. If there is a disturbance they run away, as was shown in the Santhal insurrection. They are powerful for the persecution of the people, and useless for their protection. I am perfectly confident that there is no other method of securing the due administration of police duties but by separating the police from the revenue service. When that has been effected, it is absolutely necessary that the pay of the European officers should be such as to induce, not only young, but old, respectable, and experienced officers to take commands 991 in this force. It is also necessary that the pay of the police should be increased in order to induce respectable classes of men to enter into it; and, more than this, it is most desirable that there should be in the police so many different grades well paid, so as to make it worth the while of persons expecting soon to rise to non-commissioned situations in the regular forces of the army to transfer their services to the police. In the first instance, at least, it would be most desirable to obtain the aid of military men in the organisation of the police. I say this, because it was impossible for me in passing through different parts of India not to perceive the difference of character between persons belonging to the army and persons having only a private character. There is nothing so humiliating as to observe the servile salaam of the persons who crowd the courts of the civil officers. There is nothing, on the other hand, more graceful and dignified than the appearance of the Native soldier when he salutes his officer. While he evinces respect for his superiors, he shows also that he respects himself. In all cases you will find that the only true mode of really improving the moral character of the people of India is to draw the Native officers exercising authority over

them from the army, by which they were ennobled, and became a different class. There is one point forced on our observation by the papers on the table, which, though strongly noticed by the Commissioners, is not noticed by the Court of Directors, namely, the connection between the persons who direct the police and who compose it, with the persons who are about the court of the collector, and who may be called his head-quarters staff. There is nothing more dangerous or improper in the state of India than the connection between the persons in the police and the persons who were generally understood to have the ear of the collector. It leads to the keeping back of complaints which ought to be made, and to the defeat of justice when complaints are made. I feel this matter most strongly; and from the first time I became acquainted with the affairs of India I have always entertained the greatest apprehensions that many of the evils with which India is afflicted were derived from the circumstance of the European officer being much more than he ought to be in the hands of the Native officers by whom he is surrounded. The more the 992 European officer is young or inexperienced, the more, of course, he falls under the control of these Native officers. One circumstance which is considered most calculated to improve the condition of the people—namely, the extension of education—is, from the manner in which it operates, calculated more than anything else to increase the evil; for it is too commonly found that the persons receiving instruction are the sons and relations of persons already in office, forming, consequently, a low official aristocracy, calculated to hold permanent possession of office, and making themselves useful to the European by the very knowledge of his language. I think it would be desirable to direct the European officer to pass six months in every year under canvas, not to wait until the Natives come to him for justice, but to go about and visit every part of his district, and make himself on every occasion accessible to the people. He would thus become acquainted with their wants and feeling; many grievances, perhaps heretofore unsuspected, would come to his knowledge, and it would be impossible for such things as we are now lamenting to take place and remain unknown. The best thing to improve the Madras territory would be to pass an Act with one short clause, giving the Governor the power of leaving the Presidency, of going into the interior with all the powers of Governor and Council, and of seeing things with his own eyes. There is one point on which I entertain a different opinion from many who have expressed their views upon this subject. It is considered that the great cause of all the evil now under notice is over-assessment, especially in the case of the land revenue in the Madras territory. Now, I have referred anxiously to the papers on the table of the House in connection with the subject, and I confess that the result on my mind is, that the revenue of the Madras territory is, on the whole, not excessive, but ill assessed and ill administered. In the course of twenty-seven years the population of Madras has increased by 8,500,000 persons. At the same time the taxation, on the contrary, has been reduced by £732,000. I am speaking now only of the ancient territory of Madras, But while on the whole the result is thus far favourable to the people of India, the complaints which come from particular districts convince me that great inequalities exist somewhere; and since the increase of population is indicative 993 of the increase of prosperity, and

also of the increase of land under cultivation, I cannot but think that the territory is not generally excessively, but rather ill, assessed, and that the last Revenue requires revision. Some of the details on this subject are remarkable, there being in some districts a great increase in population, and in others scarcely any; and it is deserving notice, that in one district, where there has been a diminution of population, there has been an increase of taxation. I will read to your Lordships an account of the population and taxation of different districts—

	Population.		Revenue	
	1823.	1850.	1823.	1850.
Grajam	332,015	926,930	144,123	142,113
N. Arcot	892,292	1,485,973	234,571	215,021
S. Arcot	455,020	1,006,005	221,727	269,645
Tinnivelley	564,957	1,269,216	255,294	247,311
Masulipatam	529,849	520,866	149,528	152,269
Salem	1,075,985	1,195,377	229,091	185,453

In the Report I find the following statement made by a Native— I have heard from many that thousands of ryots of the Masulipatam districts have left their houses and lands waste, and went over to the Nizam's territories, in consequence of torture and extortion, &c., for which they have not obtained redress from the collector thereof, as the huzzoor and talook servants were combined together against them. This is the Native prince whose dominions have been recommended over and over again for immediate annexation, in order that the people of his country might have what is called the benefits of our rule. The facts which I have stated make it necessary that there should be on the part of the Government the most searching inquiry into the whole of the revenue system of the Madras territory, for somewhere or other there is a great evil. I do not believe that the whole sum collected is extravagant. The diminution of revenue, as well as several of the details of Madras government of which we now complain, is to be attributed in a great degree to the ryotwarry settlement, a settlement sanctioned by the authority of Sir Thomas Munro, the very greatest man, take him for all in all, who ever entered the service of the East India Company. I always apprehended, with respect to the ryotwarry settlement, that which has taken place; I always thought that, established as it was by the genius, industry, knowledge, and benevolence of one great man, it would fail when it fell into 994 the hands of men with less knowledge, industry, and benevolence than he had. The only fallacy of which Sir Thomas Munro is to be accused is, that he vainly supposed other men were as great as himself. His industry, knowledge, and benevolence not having been possessed by others, the whole system has fallen to pieces, and its fundamental revision is absolutely necessary for the welfare of the people. Many of us, my Lords, are apt to look upon the Natives of India as low and degraded, and I cannot refrain

from affording you the satisfaction of hearing the opinion expressed by Sir Thomas Munro in the House of Commons, with regard to that people forty-three years ago. I was then a young Man. I had just entered the House of Commons, and I well recollect the effect produced by the words I am now going to read. Sir Thomas Munro had been asked, probably by one of those persons who are of opinion that trade will effect everything, what would be its effect upon the civilisation of the Hindoos. He said:— With regard to civilisation, I do not exactly understand what is meant by the civilisation of the Hindoos; in the higher branches of science, in the knowledge of the theory and practice of good government, and in an education which, by banishing prejudice and superstition, opens the mind to receive instruction of every kind from every quarter, they are much inferior to Europeans; but if a good system of agriculture, unrivalled manufacturing skill, a capacity to produce whatever can contribute to convenience or luxury, schools established in every village for teaching reading, writing, and arithmetic, the general practice of hospitality and charity among each other, and, above all, a treatment of the female sex full of confidence, respect, and delicacy, are among the signs which denote a civilised people, then the Hindoos are not inferior to the nations of Europe; and if civilisation is to become an article of trade between the two countries, I am convinced that this country will gain by the import cargo. This was the opinion of Sir Thomas Munro, and I hope that the effect of our legislation during the last half-century has been at least to leave the people of whom he spoke in such terms as good as we found them. There is an observation in a very valuable paper written by a Hindoo, contained in the Report on your Lordships' table, to which I also think it right to direct your notice. That Hindoo, referring to the progress of education among the people of India, cautions the Government that, although when in a state of comparative ignorance they were prepared to submit to almost any suffering that could 995 be inflicted upon them on account of their ignorance, it is altogether inconsistent with the knowledge and enlightenment they now possess that they should continue to bear without resistance; in calm, serious, and respectful terms he informs the Government that, having travelled through all parts of the country, he has witnessed a change in the feelings of the people towards them, and he warns them that only by adopting a different system, and by making our rule really beneficial to the people, can we hope to maintain our anomalous Government, and to fulfil that which is, I trust, our destiny—to remain for ever the lords of India.

LORD MONTEAGLE said, that we had heard much of the double government of India, and undoubtedly if the facts proved before the Commissioners had been kept from the knowledge of the noble Earl during the whole period of his connection with the Government of India, such a convenient suppression of information could have been maintained only by means of an unexampled system of organised duplicity. He denied that the Members of their Lordships' Committee were responsible for not having obtained information upon the subject. They never were permitted to enter

into the question of finance—they were deprived of all means of inquiry by the unexampled course pursued by the Government in closing the evidence, and precipitating the course of legislation. He thought that the facts stated by the noble Earl who had just spoken led to conclusions different from those at which the noble Earl had himself arrived. The noble Duke (the Duke of Argyll) had tried to persuade the House that these practices were confined to the Presidency of Madras; but he (Lord Monteaule) took upon himself very respectfully to deny that assertion. If from the year 1806 to the present time such atrocities had taken place at Madras and had been concealed from the knowledge of the Government, it was equally probable that in other parts of India similar mischief was prevalent, and that the Government knew nothing about it. But this was more than an inference, for there was distinct evidence in the Blue-book, that torture prevailed in other parts of India. Mr. Walter Elliot, one of the ablest civil servants of the East India Company, after stating the horrors perpetrated in the Madras Presidency, added— It is not to be supposed that abuse of authority by public officers is confined to Southern 996 India. It is the rule of administration in all Native States, and as these have fallen under British authority the system, though discountenanced, has not been eradicated. I can state, from my own knowledge of the precisely similar revenue and police management in parts of Bombay in which I have served or have visited, that similar practices must and do prevail; and the relation of the atrocities perpetrated by the Tannadari police, and the far more degraded and destitute condition of the peasantry in the permanently settled districts, leave no room to doubt that the same excesses are to be found in an even greater degree in Bengal, He therefore was not satisfied with the position in which it was proposed to leave this question. He was not satisfied with merely leaving it for the law officers of India to be instructed to prepare Bills on the subject. He wished rather to see them instructed to enforce the law, and so put an end to the practice. [The Duke of ARGYLL said, the law was not sufficient for the purpose.] Then why had they not long since made those laws stronger? But he relied much more strongly upon discussions like these than upon any laws that might be made, or any instructions that might be sent out to the Crown lawyers in India. He believed that the law was abundantly strong against these abuses; it was a more vigorous administration that was required; but debates like the present would reach India, and would be read by those who controlled the administration of justice there, and would compel the attention of persons in high station to the subject, and thus, without any change in the constituted Government, the end which all men of humanity had in view would be effected. He relied upon the opinion of Mr. Elliot to remove the supposition, if it had entered their Lordships' minds, that these abuses were confined to the Presidency of Madras. He regretted that it had been put forward as a matter of apology by the noble Duke for these practices—cruel and abominable as they were, as degrading to human nature, to those who inflicted them, and as cruel to their victims—that we had inherited these barbarous practices from barbarous times. They might as well embrace Mahomedanism upon the same ground, or excuse the worship of Juggernaut and other degrading superstitious customs, justifying ourselves on the ground that we had

in like manner inherited these crimes from the original possessors of India. Let the Government possess the territory and the wealth of India, but let them not claim an inheritance of crime, which they would do if they extenuated ⁹⁹⁷ their own misdeeds by pointing out the greater misdeeds of their predecessors. It was our duty to recommend Christianity to the people of India, but it was not by permitting our taxgatherers to apply instruments of torture to the breast of a woman that we should recommend the Gospel of Christ to the Hindoos. He hoped that the Blue-book on this subject would be circulated, read, and understood throughout the length and breadth of the land. A feeling would then be raised that would prove irresistible. He knew that the measures of improvement recommended by the kind heart and courageous energy of Lord William Bentinck would never have been accomplished but for the aid of the public spirit of the people of England; and the public spirit of England should now be evoked to put down these abominable practices and to punish their perpetrators, or the people of Europe would believe that we continued to sanction these atrocities. If we acquiesced in these enormities we should desert our duty, disgrace our ancestors, cast aside the glorious precedents of the Munros and Mountstuart Elphinstones, and would become responsible for the misdeeds of their degenerate and unworthy successors.

THE EARL OF HARROWBY said, he did not think this debate should be allowed to close with the last words of his noble Friend who had just sat down. He could not believe that Europe would ever look upon the Government of this country as favourable to this practice, because Europe would remember that on inheriting a vast territory like India, it was an exceedingly difficult matter to extirpate at once all the evils so deeply rooted in the habits of the people. The only point, indeed, where exception could be taken was in this, namely, that the officials of India had not more generally and more frequently expressed their indignation at this practice; but even here some palliation might be found for them in recollecting the effect of a constant familiarity with the habits and modes of thought of the different classes of society. But these discussions in Parliament would reverberate among the English officials in India, and would re-temper their minds if they had become lowered by what passed around them. Abuses like these were not to be extirpated by Act of Parliament or by philanthropic declamation. It was most difficult to get rid of oppression when you had to do ⁹⁹⁸ with a people who would not complain. In the northern districts and in Scinde, where an independent spirit prevailed, it was possible to protect the people, but in the Madras and Bengal districts, where the spirit of the people was cowed, and where they looked upon acts of oppression as a natural consequence of rule, it was difficult to repress evils of this kind. What was it that prevented the existence of abuses in this country? Because an Englishman resented an evil and brought it to public notice; but the abject submission of a portion of the population was one of the difficulties in the way of good government in India, and they had to deal with a people who would often rather submit to any evil than travel a few miles to obtain redress. The Government had also to act over a vast surface of population, and to operate by

means of inferior agents. He hailed, however, these discussions, as being calculated to produce a wholesome effect—they would serve to convince the people of India and Europe that the minds of Englishmen were not callous to these dreadful abuses; and they were a sufficient answer to a certain foreign writer who had attempted to defend the King of Naples by retorting upon us that far worse cruelties were perpetrated by a Protestant Government on the people of India. He hoped the discussion would have the effect of correcting such a gross misstatement, if it had been for a moment entertained. He had always thought the combination of the police and revenue departments a mistake, but it was supported at the time by Sir Thomas Munro, who was most friendly to the Natives. It was impossible to pledge the Government further, but their Lordships knew Lord Harris was now engaged in a close investigation of the practice of torture, with a view to applying the most efficient remedies.

LORD CONGLETON considered that neither the English nor the Indian mind would be satisfied, except by a complete separation between the revenue and the police departments. The book now before their Lordships' House proved not only that a wholesale system of torture existed in India, but showed that the combined revenue and police officers pillaged the people. He did not believe, after the public exposure which had now taken place of what was going on in India, that that system could be continued. The Native mind had grown too large in the last 999 twenty years for such a system to be perpetuated; and he did trust that the result would be the separation of the police and revenue departments.

THE EARL OF ALBEMARLE, in reply, said, he was glad to see the Government had evinced a disposition to do away with the ryotwarry system, and he rejoiced to find they were becoming converts to the principles he advocated on this question.

§ Motion, as amended, agreed to.

§ House adjourned till To-morrow.